

Fish Farming in Wisconsin

What You Need to Know



Wisconsin Department of Agriculture, Trade & Consumer Protection • Division of Animal Health • January 2011

*This is only a summary of the requirements for fish farms in Wisconsin. You can find the complete statutes and rules online; web addresses are listed at the end of this document. You can also call us at 608-224-4887 to get paper copies. Note that some requirements have changed recently. **Do not use this summary as your only reference in starting up a fish farm.** You need to talk to us in the Division of Animal Health at the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).*

- | | |
|--|--|
| You need to register if | <ul style="list-style-type: none">✓ You hatch fish eggs or hold live fish for:<ul style="list-style-type: none">• Sale or distribution• Stocking into state waters• Fishing• Bait or fertilizer• Use as food for humans or animals• Education, demonstration or research✓ You hold live fish or fish eggs owned by someone else. |
| You are exempt if | <ul style="list-style-type: none">✓ Fish/eggs are ornamentals and are not mixed with non-ornamentals or reared for bait, or food for humans or animals.✓ You hold live bait fish under a DNR bait dealer license and sell only retail.✓ Fish/eggs are in a fully enclosed building, solely for display or research in that building, not commingled with fish/fish eggs for other purposes, and no untreated water used to hold fish or eggs is discharged to state waters.✓ You exhibit live fish publicly for 15 days or less in a calendar year, or longer with our authorization.✓ You hold live fish or eggs for 30 days or less at a food processing plant, retail food store or restaurant pending slaughter or sale to consumers, provided that they are not commingled with fish/fish eggs used for other purposes, and no untreated water used to hold fish or eggs is discharged to state waters.✓ You are transporting live fish or fish eggs to or from a fish farm. |
| If you have a private fish pond | <ul style="list-style-type: none">✓ By registering your private pond, you are entitled to:<ul style="list-style-type: none">• Stock your pond without a DNR permit• Fish from your pond, and allow anyone else to fish, without a DNR fishing license• Fish with no season, size or bag limits✓ If you register, you do have to meet all of our requirements for fish farms.✓ A WI DNR aquatic pesticide or herbicide use permit may still be required.✓ Registration is not intended for ponds that do not contain fish.✓ Whether you register or not, you still must meet DNR requirements if your pond has an inlet or outlet connecting it to public or natural waters. |
| Fish farm types | <ul style="list-style-type: none">✓ Type 1 registration allows:<ul style="list-style-type: none">• Fishing, including public fee fishing• Collecting eggs from your own brood stock• Obtaining live fish or fish eggs from a source other than your own farm• Selling or distributing live fish/fish eggs to a food processing plant, retail store, or restaurant• Raising bait for personal use at your fish farm• Moving live fish between Type 1 fish farms that you operate in Wisconsin |

Fish farm types	<ul style="list-style-type: none"> ✓Type 2 registration allows: <ul style="list-style-type: none"> • All the activities allowed under Type 1 • Raising bait for sale or trade • Raising, buying, trading, or importing live fish/fish eggs for resale, stocking, processing, or exchange. • Distributing fish/fish eggs (not produced on your fish farm) from inside this state to outside this state. ✓Type 3 registration is new, effective in 2009. It allows: <ul style="list-style-type: none"> • All the activities allowed under Types 1 and 2 • Obtaining live fish or fish eggs from a wild source
If you have fish farms at more than one location	<ul style="list-style-type: none"> ✓A "location" is a single parcel of land, or two or more contiguous parcels of land. "Contiguous" means "touching," but a road, river, railroad, or section line does not break the continuity. ✓Each location must be registered as a separate farm, on a separate form. ✓You do not have to register all your locations as the same type. ✓Call us before moving fish or eggs between locations to see if you need a fish health certificate.
If you have more than one fish farm at the same location	<ul style="list-style-type: none"> ✓You can register more than one fish farm on the same parcel or on contiguous parcels if we certify the farms as medically separated. Call 608-224-4887 to request certification. There is a \$400 (per day) fee for inspection. ✓Each farm <i>may</i> be considered separate for purposes of disease control and movement; this means that you might need a fish health certificate to move fish or eggs between the farms. Contact us before moving fish or eggs.
Annual fees	<ul style="list-style-type: none"> ✓Type 1 registration <ul style="list-style-type: none"> • \$37.50 for one location • \$50 for two or more locations ✓Type 2 and Type 3 registration <ul style="list-style-type: none"> • \$125 for 1-5 locations • \$150 for 6-10 locations • \$200 for 11-20 locations • \$300 for more than 20 locations ✓Primary and secondary schools are exempt from fees.
Completing the application for registration	<ul style="list-style-type: none"> ✓Be sure to complete all areas of the form, on both sides of each page. If you don't, it will delay your registration. ✓You also need to register as a livestock premises, if there are fish/fish eggs in the pond or you intend to stock the pond this registration year. Call 1-888-808-1910 or go to www.wiid.org to register your premises. Without this livestock premises code on your fish farm registration, processing will be delayed. ✓A check or money order for the appropriate fee must accompany your application. We will not issue your registration certificate without payment. ✓Send the application and payment to: <ul style="list-style-type: none"> WDATCP PO Box 93479 Milwaukee, WI 53293-0479 ✓Call 608-224-4887 if you have questions about completing the application.
Ownership changes	<ul style="list-style-type: none"> ✓Registration is not transferable. The new owner must register the farm, even if the registration was up-to-date under the previous owner.

Other changes	<p>✓ If there are changes in any of the information you provided on your registration application, you must contact us. Call 608-224-4887 and ask for the aquaculture program associate.</p>
Keeping records	<p>✓ You need to keep these records for five years of all fish/fish egg shipments to or from your farm:</p> <ul style="list-style-type: none"> • Name, address, fish farm registration number (if any), and premises identification number (if any) of the person who shipped the fish/eggs or to whom you delivered fish/eggs • The date that you received or delivered fish/eggs • The location where you received or delivered fish/eggs • The size or class, quantity, and species of fish/eggs received or delivered • Import permits issued by DATCP for movement of fish into Wisconsin from another state • Fish health certificates
Moving fish	<p>✓ Health certificates are required to import live fish or fish eggs into Wisconsin from another state, to move fish or fish eggs within Wisconsin, or from a fish farm to any other location in Wisconsin, except for fish/fish eggs moved between fish farms registered under the same operator [exemption does not apply to medically separated farms or to movement from a type 3 to a type 1 or 2, or fish/fish eggs moved to a food processing plant, retail food establishment, or restaurant (with some restrictions)].</p> <p>✓ Health certificates are issued for:</p> <ul style="list-style-type: none"> • An individual shipment of fish/fish eggs, which expires 30 days after it is issued. • A fish farm inspection, which expires one year after it is issued. <p>✓ Health certificates:</p> <ul style="list-style-type: none"> • Must be completed by a veterinarian or fish health inspector qualified to do fish health inspections • Must include negative results from a qualified laboratory for required disease testing • Must be sent to us within 7 days after completion • Are available by calling 608-224-4887 <p>✓ Fish import permits are required to import live fish or fish eggs into Wisconsin from another state.</p> <p>✓ Import permits:</p> <ul style="list-style-type: none"> • Require a \$90 application fee • Are valid for all fish moved from one source in a different state to Wisconsin • Are valid for one year from date of issuance. • Are available by calling 608-224-4887 or online at http://datcp.wisconsin.gov <p>✓ Importing non-native species of non-ornamental fish, such as tilapia, also requires DNR approval.</p>
Using pesticides	<p>✓ You need to be certified by the Agricultural Resource Management Division of the Wisconsin Department of Agriculture, Trade and Consumer Protection to apply restricted-use pesticides to destroy aquatic plants, microorganisms, or other pests. This is in addition to your fish farm registration. Call 608-224-4500 for information about pesticide applicator certification.</p> <p>✓ There may be other federal, state or local regulations for use of pesticides.</p>
Processing and selling fish for food	<p>✓ To process or sell fish for human food, you will need to work with a food safety inspector and obtain appropriate licenses from the Food Safety Division of Wisconsin Department of Agriculture, Trade and Consumer Protection. Call 608-224-4700.</p>

**For more
information**

- ✓ Rules and statutes
 - Animal Health statute: <http://www.legis.state.wi.us/statutes/Stat0095.pdf> (see 95.60)
 - Animal diseases and movement rule:
<http://www.legis.state.wi.us/rsb/code/atcp/atcp010.pdf> (see subchapter VIII)

- ✓ DATCP aquaculture specialist
Dr. Myron Kebus, 608-224-4876, myron.kebus@wisconsin.gov

- ✓ DATCP aquaculture license/permit program associate
608-224-4887, DATCPfishfarms@wisconsin.gov

- ✓ DATCP online
<http://datcp.wisconsin.gov>, click on “Animals” tab and look for “fish farms”

- ✓ University of Wisconsin aquaculture specialists
 - Northern Region: **Ron Johnson**, 715-779-3189, ron.johnson@uwsp.edu
 - Southern Region: **Jim Held**, 608-648-2902, jaheld@wisc.edu

- ✓ DATCP food safety information
608-224-4700, DATCPfood@wisconsin.gov

- ✓ DATCP pesticide information
608-224-4500, DATCPagriculture@wisconsin.gov

- ✓ DATCP marketing information
Mike Bandli, 608-224-5136, mike.bandli@wisconsin.gov



Wisconsin Department of Agriculture, Trade & Consumer Protection
Division of Animal Health
2811 Agriculture Drive
Madison, WI 53718-6777
datcp.wisconsin.gov



**Wisconsin Department of Agriculture,
Trade and Consumer Protection**
Division of Animal Health
PO Box 93479 Milwaukee, WI 53293-0479

For registration year ending March 31, 2012

NEW FISH FARM REGISTRATION APPLICATION COUPON

s. ATCP 10.61 Wis. Admin. Code, chs. 93 and 95, Wis. Stats.

IMPORTANT:

Return the payment coupon below along with the appropriate fees and completed application materials (enclosed).

Application materials and required payment must be received by the Department before your Registration will be issued.

Personal information you provide may be used for purposes other than that for which it was originally collected. Sec. 15.04(1)(m) Wis. Stats.

Complete the accompanying application and submit for processing to WDATCP.

Complete the amount due below, transfer the amount due from the application, Section II, Total Fees Enclosed.

Retain upper portion for your records. Detach coupon and return with payment and completed application.

WDATCP PAYMENT COUPON

MAKE CHECK PAYABLE TO: WDATCP MAIL TO: Box 93479, Milwaukee, WI 53293-0479

DAH

AQ- Fish Farm Registration

DATE:	CHECK NUMBER:
BUSINESS LOCATION:	
TOTAL AMOUNT PAID:	



**Wisconsin Department of Agriculture,
Trade and Consumer Protection**

Division of Animal Health
PO Box 8911, Madison, WI 53708-8911
Phone - 608-224-4872 Fax - 608-224-4871

For OFFICE USE only

For registration year ending March 31, 2012

NEW FISH FARM REGISTRATION APPLICATION

s. ATCP 10.61 Wis. Admin. Code, chs. 93 and 95, Wis. Stats.

I. APPLICANT INFORMATION

Applicant is (Check one):

- | | |
|---|--|
| <input type="checkbox"/> Individual | <input type="checkbox"/> General Partnership |
| <input type="checkbox"/> Trust/Estate | <input type="checkbox"/> Other (please specify): _____ |
| <input type="checkbox"/> Corporation/Cooperative -] | |
| <input type="checkbox"/> LLC] | ---State business formed in: _____ |
| <input type="checkbox"/> LLP] | |
| <input type="checkbox"/> Limited Partnership -----] | |

Legal name of applicant(s): _____

Primary contact name: _____

Mailing address: _____

City / State / Zip: _____

Contact Phone: Home Business Mobile: () _____

II. FEES (*Fees are nonrefundable and nontransferable.*) **Complete pages 3 and 4 FIRST.**

TOTAL FISH FARM LOCATIONS BEING REGISTERED IN THIS APPLICATION: _____

Primary and secondary schools are exempt from fees [ATCP 10.61(7)(c)].

Type 1: \$37.50 annual fee covers one registration location
\$50.00 annual fee covers two or more registration locations

Type 2 & Type 3: \$125 annual fee covers 1 – 5 registration locations of either or both types
\$150 annual fee covers 6 – 10 registration locations of either or both types
\$200 annual fee covers 11 – 20 registration locations of either or both types
\$300 annual fee covers 20 or more registration locations of either or both types

- Total Type 1 Fees \$** _____
- +** **Total Type 2 & Type 3 Fees \$** _____
- =** **Total Fees Enclosed: \$** _____ (Enclose a check or money order with this application payable to DATCP)

III. APPLICANT SIGNATURE (*Required*)

I certify that all information on this application and any attached sheets are true, accurate and complete. I certify by my signature that I will comply with Wisconsin Administrative Codes and Wisconsin Statutes applicable to farm-raised fish within Wisconsin.

Signature: _____ Printed Name: _____

Applicant's title: _____ Date: _____

The Department of Agriculture, Trade and Consumer Protection is not responsible for lost, stolen, misdirected, illegible, incomplete, not-received or late application requests. Personal information you provide may be used for purposes other than that for which it was originally collected – s.15.04(1)(m), Wis. Stats.

SEE INSTRUCTIONS FOR FISH FARM REGISTRATION APPLICATION ON PAGE 2.

NEW APPLICATION – Page 1

NEW REGISTRATION INSTRUCTIONS

Please read before completing application

- Review the packet materials provided to you before completing this application.
- If you do not possess fish, and have no intention of introducing fish into your pond, do not complete this application; instead contact the regional office of the Wisconsin Department of Natural Resources (WDNR) for information on pond maintenance and pond treatments. In this instance, your pond is considered "waters of the state" administered by WDNR.

LEGAL ENTITY VERIFICATION

- An individual applicant or a married couple can apply and must **submit a social security number form** from each applicant. Parent and children are not considered joint applicants on the same license.
 - Without a legal agreement, such as a trust or partnership, one of the family members applies as the legal entity.
- Partners and Trusts will need to **submit a copy of their partnership or trust agreement**, or the first page of their most recently submitted IRS tax form for that entity. (Please black out all dollar amounts from the submitted IRS tax form copy.)
- All corporations, LLC's, insurance companies, churches, medical facilities, government entities, home owners associations, research facilities, and others, will be verified as legal entities by using the Wisconsin Department of Financial Institutions website.

DBA NAME

- If you sometimes, or generally, conduct your business under a name which you have not formally constituted as a separate legal entity, then you are considered to be "doing business as" or using a trade name. Enter all such designations that you use for this business which is being registered, not other businesses. The individual is then the applicant, not the d/b/a.

REGISTERING FISH FARM LOCATIONS

COMPLETE PAGES 3 AND 4 FOR EACH LOCATION BEFORE COMPLETING SECTIONS I AND II.

- Completion of page 3 and 4 is required for each address where you transact fish farm activities.
- If you operate fish farm(s) at more than one location, you must provide detailed information for each location.
 - Photocopy blank pages 3 and 4, and complete them for each location.
- Fish farm registration is limited to a single land parcel or contiguous land parcels and all of the fish farm activities on contiguous parcels may be registered as a single fish farm location.
 - Fish farms on non-contiguous parcels must be registered as separate fish farm locations.
- You may register two or more fish farms located on the same land parcel or contiguous parcels subject to the following conditions.
 - The fish farms are inspected and determined to be medically separated by the Department of Agriculture, Trade and Consumer Protection, Division of Animal Health.
 - Each fish farm is considered separate for purposes of disease control and movement.
 - Fish or fish eggs moved between fish farms are accompanied by a fish health certificate.
 - If you have questions on medical separation, contact Dr. Myron Kebus, Aquaculture Veterinarian, at 608-224-4876.
 - There will be an inspection and an inspection fee for this process (\$400 per day).
 - Complete information in Section VII - authorized activities to determine Fish Farm Type(s) applicable.

LIVESTOCK PREMISES REGISTRATION CODE

- A Livestock Premises Registration is required, whether the pond currently has fish or not.
- If you have not yet received your livestock premises code, call 888-808-1910 or 608-224-4878 to register.
- For additional information, visit the Wisconsin Livestock Identification Consortium (WLIC) website at www.wiid.org.

REGISTRATION FEE

ONCE PAGES 3 AND 4 ARE COMPLETD, GO BACK TO PAGE 1.

- Collect and count your fish farm locations to complete Section II Fees.
- Make a copy of your application for your files.
- Submit the signed and dated application, along with appropriate fees, and any required verification.
- **Mail to: WDATCP, Division of Animal Health, P O Box 93479, Milwaukee, WI 53293-0479.**

IV. FISH FARM LOCATION (*Required fields)

COMPLETE PAGE 3 AND 4 FOR EACH FISH FARM LOCATION YOU OPERATE.

See Instructions (Page 2) for separately registering multiple farms on one location.

Check if applicable:

I am registering more than one fish farm at this same location or contiguous land parcel.

*DBA OR TRADE NAME (Please complete if this location uses a specific name different than the Legal Name)

*LIVESTOCK PREMISES CODE: _____

*ADDRESS: _____

*CITY / STATE / ZIP: _____

*COUNTY: _____ *TOWN: _____

*FIRE NUMBER: _____

*SECTION: _____ TOWNSHIP: _____ RANGE: _____

You can find the Township, Range and Section information on your tax bill.

V. FISH FARM WATER INFORMATION

ACREAGE: _____

WATER SOURCE (Check all that apply)

- Spring Well Stream
 Surface run-off Municipal water source Other (Specify): _____

Number of ponds: _____

Number of tanks: _____

Number of raceways: _____

VI. CUSTODIAN INFORMATION (Complete if different than primary contact, owner/operator.)

Custodian Name:	Custodian Telephone:
Custodian Address:	City / State / Zip:

VII. FISH FARM ACTIVITIES FOR THIS LOCATION *(To determine Fish Farm Type 1, 2, or 3)*

Check all activities that apply to this Fish Farm Location

Select your Fish Farm Type.

- Collect eggs from own brood-stock
- Obtain eggs from other source
- Obtain live fish from other source
- Private fishing (owner/operator permission given)
- Public fishing (for a fee or no fee)
- Process fish for human consumption (retail sale or wholesale distribution)
- Raising bait for own use (on my fish farm)

Type 1 Fish Farm

Select this type if your farm activities are all in this section. *(No wild source fish or fish eggs are received at, or shipped from, this fish farm.)*

- Raising bait for sale or trade
- Raising, buying, trading, or importing live fish or fish eggs for resale, stocking, processing, or exchange
- Distributing fish/fish eggs (not produced on your fish farm) from inside this state to outside this state

Type 2 Fish Farm

Select this type if you have farm activities in this section (with or without Type 2 activities but without Type 3 activities). *(No wild source fish or fish eggs are received at, or shipped from, this fish farm.)*

- Obtain fish or fish eggs from a wild source and sell/distribute them

Type 3 Fish Farm

Select this type if your farm activities include any wild source fish or fish eggs (with or without Type 1/Type 2 activities). *(Wild source fish or fish eggs are received at, or shipped from, this fish farm.)*

VIII. FISH SPECIES *(Check all species you intend to possess at this location during this registration period.)*

- Arctic char
- Atlantic salmon
- Black crappie
- Bluegill
- Brook trout
- Brown trout
- Channel catfish
- Chubs
- Coho salmon
- Darters
- Emerald shiners
- Fathead minnows

- Golden shiners
- Green sunfish
- Hybrid bluegill
- Largemouth bass
- Muskellunge
- Northern pike
- Pumpkinseed
- Rainbow trout
- River shiners
- Rock bass
- Rosey red minnows
- Round goby

- Sauger
- Saugeye
- Smallmouth bass
- Stickleback
- Tilapia
- Walleye
- White crappie
- White suckers
- Yellow perch
- Other: _____
- Other: _____

WHEN YOU HAVE COMPLETED PAGES 3 AND 4 FOR EACH LOCATION,
RETURN TO PAGE 1 AND COMPLETE SECTIONS II AND III.



SOCIAL SECURITY NUMBER REQUEST FORM

PLEASE READ THIS IMPORTANT NOTICE

Section 93.135, Wis. Stats., requires the department to collect the Social Security Number (SSN) of every individual applying for an original or renewal license registration or certificate. This requirement DOES NOT APPLY to Corporations, Cooperatives, Trusts, Partnerships, or to persons who sign the application on behalf of the corporation, cooperative, trust or partnership. Please do not substitute a Federal Employer Identification Number for the Social Security Number, even if you are an individual that holds both numbers. We only need to collect the SSN once; you will not be required to provide it at each renewal.

The department is required by law to provide the collected Social Security Numbers (SSNs) to the Department of Workforce Development. The collection of SSNs and the provision of SSNs to the Department of Workforce Development will be done in a manner which will protect the confidentiality of SSNs. When a SSN is received in department offices, the SSN will be entered into the department's computer system and the paper document on which the SSN was written will be shredded.

(Please copy and complete an additional form for each individual licensee.)

BY LAW, THE DEPARTMENT MAY NOT ISSUE OR RENEW A LICENSE UNTIL THE SSN OF THE INDIVIDUAL IS PROVIDED.

Licensee Name: _____

Doing Business As (if applicable): _____

Social Security Number: _____

License Type: _____

*Any personally identifiable information, as defined under s. 19.62(5), Stats., requested on this form may be used for purposes other than that for which it is originally being collected (s. 15.04(1)(m), Wis. Stats.) Confidentiality of this information will be maintained to the extent authorized by law. .

*This form can be photocopied or duplicated if more than one individual will be named on the license. Each individual should fill out a separate form.

Please complete and return this form to: WDATCP – DAH

License Coordinator
P.O. Box 8911
Madison, WI 53708-8911

fish health ADVISORY

VIRAL HEMORRHAGIC SEPTICEMIA



NOVEMBER 2007

Wisconsin Department of Agriculture, Trade and Consumer Protection ■ Division of Animal Health

Viral Hemorrhagic Septicemia in Wisconsin

Anyone who raises, transports, and/or fishes in Wisconsin needs to be aware of the following information provided by the Wisconsin Department of Agriculture, Trade and Consumer Protection's (DATCP) Division of Animal Health. For more information, contact Dr. Myron Kebus, 608-224-4876, myron.kebus@datcp.state.wi.us

Where has viral hemorrhagic septicemia been found?

Viral hemorrhagic septicemia was reported for the first time in Wisconsin in May 2007, following the 2005 discovery of the disease in the Great Lakes. The Department of Natural Resources and Wisconsin Veterinary Diagnostic Laboratory have now reported finding the disease in Little Lake Butte des Morts, which is part of the Lake Winnebago system, and in Lake Michigan. Other Great Lakes waters where VHS has been detected are Lake Huron, Lake Ontario, Lake Erie, Lake St. Clair, and the St. Lawrence River. In addition, VHS has been found in inland lakes in Michigan and New York.

What is viral hemorrhagic septicemia?

VHS is a very serious virus-caused disease of world-wide concern. Fish bleed internally and the majority of infected fish die. While many believed for years that it was mainly a concern for trout, the current outbreak is killing other species. This is apparently a new strain of the virus. *There is no evidence of human health risk from eating infected fish.*

What species are susceptible?

The U.S. Department of Agriculture considers these species susceptible to VHS under natural conditions, and therefore subject to regulation:

- Black crappie
- Bluegill
- Bluntnose minnow
- Brown bullhead
- Brown trout
- Burbot
- Channel catfish
- Chinook salmon
- Emerald shiner
- Freshwater drum
- Gizzard shad
- Lake whitefish
- Largemouth bass
- Shorthead redhorse
- Muskellunge
- Northern pike
- Pumpkinseed
- Rainbow trout
- Rock bass
- Round goby
- Silver redhorse
- Smallmouth bass
- Spottail shiner
- Trout-perch
- Walleye
- White bass
- White perch
- Yellow perch

What are the signs of viral hemorrhagic septicemia?

Some fish that die from VHS show no external signs. Others show signs that include bulging eyes, bloated abdomen, inactive or overactive behavior, and hemorrhaging in the eyes, skin, gills, and at the base of the fins. Infected fish may also have lesions that look like those caused by many other fish diseases, so it's necessary to test. Mortality is highest at low water temperatures (37-54 degrees F), but has been reported at temperatures as high as 70 degrees F.

VHSV transmits easily between fish at all ages. The virus is secreted through bodily fluids including urine and blood. It may travel with fish or in water, and may survive for years in fish and days in water. Surviving fish can become lifelong carriers.

VHS requirements for fish farmers

If you import live fish or fish eggs to Wisconsin from any of the other seven Great Lakes states (Michigan, Minnesota, Illinois, Indiana, Ohio, Pennsylvania, New York), they must be accompanied by a veterinary health certificate that includes negative VHS test results within the past year.

If you export susceptible species of live fish or fish eggs, your fish must have tested negative for VHS within the past year. Some states may also require testing for other species; check with the fish health authority in the destination state.

You cannot harvest bait fish from the Lake Winnebago watershed, the Great Lakes, or the Mississippi River or their tributaries up to the first dam or barrier impassible to fish.

Susceptible species of fish that are stocked into public waters or moved between aquaculture facilities must have a negative VHS test within the past 12 months, if they come from a facility that gets fish from the wild.

Species of bait fish that are susceptible to VHS must test negative for VHS prior to distribution to bait dealers.

Any finding of VHS or suspected VHS must be reported to the U.S. Department of Agriculture (608-270-4000) or the Wisconsin Department of Agriculture, Trade and Consumer Protection (608-224-4872).

VHS requirements for anglers and boaters

The Department of Natural Resources sets requirements for boaters and anglers. These requirements are in flux as the situation changes. For the most recent information, visit the DNR's website: http://dnr.wi.gov/fish/pages/vhs_rules.html

Biosecurity recommendations for fish farms

General guidelines	<p>Fish farmers need to develop best management practices (BMP) for their specific farms, consulting with accredited veterinarians and other experts, including Wisconsin's fish health veterinarian at the Wisconsin Department of Agriculture, Trade and Consumer Protection.</p> <p>In general, best management practices to prevent VHS should include using equipment and personnel dedicated to one specific site. The next best alternative may be strict, comprehensive disinfection as a standard operating procedure. Contact with tissues and fluids from sick and dead fish should always be viewed as high risk, so BMPs should include practices to prevent transferring the virus via tissues and fluids.</p>
High-risk activities	<ul style="list-style-type: none">• Introducing new fish• Sharing gear, equipment, nets and vehicles
Low-risk activities	<ul style="list-style-type: none">• Contact with birds and any other animals besides fish
Fish	<ul style="list-style-type: none">• Never move fish between VHS-suspect/positive sites and sites with unknown disease status.• Test for VHS at least once a year.
Hauling vehicles	<ul style="list-style-type: none">• Maintain vehicle-specific gear, equipment and nets.• If that isn't possible, disinfect all gear and equipment. (<i>see guidelines on next page</i>)• All vehicles should be subject to annual third-party biosecurity audits.
Boats	<ul style="list-style-type: none">• Don't move boats between VHS-suspect/positive sites and sites with unknown disease status.• If this isn't possible, thoroughly disinfect boats. (<i>see disinfection guidelines</i>)
Dead fish	<ul style="list-style-type: none">• Remove dead or sick fish as soon as possible.• All surfaces that have had contact with tissues and fluids of dead or sick fish should be subject to strict disinfection. (<i>see disinfection guidelines</i>)
Eggs	<ul style="list-style-type: none">• Don't use gametes from individual broodstock that test confirmed positive for VHS.
Personnel	<ul style="list-style-type: none">• Require all your workers to perform complete disinfection procedures when arriving at and leaving a site. (<i>see disinfection guidelines</i>)
Equipment	<ul style="list-style-type: none">• Properly clean and disinfect all equipment after each use. (<i>see guidelines</i>)• Do not share equipment between sites.• Do not use cracked or leaky equipment.• Retire wooden equipment.• All surfaces that have had contact with tissues and fluids of dead or sick fish should be subject to strict disinfection. (<i>see disinfection guidelines</i>)
Audits	<ul style="list-style-type: none">• You should conduct a biosecurity audit at least once a year, consulting with accredited veterinarians and other experts.
For more information	<ul style="list-style-type: none">• For more complete information, see chapter 4 of Best Management Practices for Aquaculture in Wisconsin and the Great Lakes Region, a University of Wisconsin Sea Grant Institute publication, available at: http://aqua.wisc.edu/publications/PDFs/AquacultureBMP.pdf

Disinfection guidelines for fish farms

- General guidelines** All farms should develop site-specific disinfection programs that address all three phases of disinfection: cleaning, disinfection and isolation. Disinfection programs should:
- Address all current transmission and infection risks.
 - Include quality control and assure proper implementation by including components to ensure all employees recognize the importance of proper disinfection procedures.
 - Include adequate documentation to verify consistent implementation and identify employees responsible for implementation.
 - Use cleaning agents and disinfectants only if they're approved for use by the EPA and USDA.
 - Not include any off-label use of cleaning agents and disinfectants.
 - Be consistent with product manufacturer recommendations for worker health and safety.
 - Comply with EPA regulations pertaining to the discharge of cleaning agents and disinfectants.
 - Be consistent with the guidelines established by the Wisconsin Department of Agriculture, Trade and Consumer Protection's Aquaculture Program, listed below.

- Effective disinfectants** These disinfectants are effective against VHS:
- Virkon® Aquatic
 - Sodium hypochlorite (household bleach) (100-1,000 ppm water for minimum of 10 minutes)
 - Iodophor (100-250 ppm for 10 minutes)
 - Formaldehyde (1.0% for 16 hours)
 - Formic acid (pH less than 4 for 24 hours);
 - Sodium hydroxide (pH greater than 12 for 7 hours)
 - Heat (55C or hotter for 5 minutes or longer)
 - Ozone (8 ppm/min for 3 minutes, corresponding to Redox potential of 600-750mV)
 - UV radiation (120mJ/cm²)
 - Sodium thiosulfate can be used to neutralize chlorine or iodine disinfectants.
- Choose disinfectants based on their effectiveness in a particular situation, EPA and USDA approval for that application, and environmental or worker safety risks.***

- Egg disinfection**
- Avoid contaminating gametes with urine, feces, blood or other organic matter during spawning.
 - Rinse fertilized eggs thoroughly with fresh water.
 - Disinfect pre-hardened eggs as soon as possible after fertilization, using a buffered iodophor at a concentration of 100 ppm for 10 minutes.
 - Take great care to separate pre-disinfection activities (dirty area) from fertilized disinfected eggs (clean area). Don't let any equipment or personnel cross these areas.
 - Disinfect eyed eggs using iodophor solution to give 100ppm prior to hatch or movement to another location.

- Equipment**
- Thoroughly clean all equipment, removing all residue, before disinfecting.
 - Remove debris and organic fouling with a brush and/or high pressure hose.
 - Clean equipment using a detergent prior to disinfecting;
 - Clean and disinfect all other equipment used in the cages before using it in another cage.
 - Use separate equipment for separate sites.

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Chapter ATCP 10

ANIMAL DISEASES AND MOVEMENT

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Note: Chapter Ag 10 as it existed on December 31, 1990 was repealed and a new ch. Ag 10 was created effective January 1, 1991; Chapter Ag 10 was renumbered ch. ATCP 10 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448. Chapter ATCP 10 as it existed on September 30, 2006 was repealed and a new chapter ATCP 10 was created Register September 2006 No. 609, effective 10-1-06.

Note: The Wisconsin department of agriculture, trade and consumer protection has adopted this chapter to interpret portions of ch. 95, Stats. Violations of this chapter may, among other things, subject the violator to penalties and remedies provided in s. 95.99, Stats. Nothing in this chapter constitutes a warranty, by the state of Wisconsin or the department, related to the health status of any animal.

Forms requests and communications related to this chapter may be directed to any of the following addresses, except where this chapter specifies a different address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
Fax: (608) 224-4871
<http://www.datcp.state.wi.us/index.html>

Subchapter I — Definitions and General Provisions

ATCP 10.01 Definitions. In this chapter:

(1) "Accredited tuberculosis-free herd" means a herd of bovine animals, farm-raised deer or goats that is certified as tuberculosis-free by one of the following:

(a) The department under s. ATCP 10.14, 10.49 or 10.74.

(b) The authorized animal health agency in the state where the herd is located, under standards equivalent to those in s. ATCP 10.14, 10.49 or 10.74.

(2) "Accredited veterinarian" means a veterinarian who is both of the following:

(a) Licensed to practice veterinary medicine.

(b) Specifically authorized by the federal bureau and responsible state agency, pursuant to 9 CFR 160 to 162, to perform animal disease eradication and control functions under state and federal animal health laws.

Note: Under s. ATCP 10.05, a veterinarian who performs animal disease control and eradication functions in Wisconsin must be accredited by the federal bureau and certified by the department.

(3) "Animal dealer" means a person who is required to be licensed under s. ATCP 12.03 (1).

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(4) “Animal dealer premises” means any real property, owned or controlled by an animal dealer, at which the animal dealer keeps, exhibits or receives livestock or wild animals, or from which the animal dealer ships livestock or wild animals.

(5) “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.

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

(7) “Approved equine quarantine station” means an equine quarantine station for which the department has issued a current annual permit under s. ATCP 10.37 (3).

(8) “Approved import feedlot” means a feedlot for which the department has issued a permit under s. ATCP 10.22 (9).

(9) “Axillary tuberculosis test” means a test that is used to detect tuberculosis in South American camelids.

(10) “Bison” means American bison of any age or sex, commonly known as buffalo.

(11) “Boar” means an uncastrated male swine that is sexually mature.

(12) “Bovine animal” means domestic cattle (*Bos sp.*) and American bison of any age or sex.

(13) “Breeder swine” means all the following:

(a) Sexually intact swine 4 months of age or older.

(b) Swine intended for breeding, regardless of the age of the swine.

(14) “Brucellosis” means the contagious, infectious and communicable disease caused by bacteria of the genus *Brucella*.

Note: Brucellosis is also known as Bang’s disease, undulant fever, and contagious abortion. Brucellosis is transmissible to a variety of species including bovine animals, swine, cervids and humans.

(15) “Brucellosis monitored herd” means a herd of farm-raised deer that is certified as a brucellosis monitored herd by one of the following:

(a) The department under s. ATCP 10.51.

(b) The authorized animal health agency in the state where the herd is located, under standards equivalent to s. ATCP 10.51.

(16) “Brucellosis test” means a test, approved by the federal bureau and the department, which is used to determine whether an animal is infected with brucellosis.

(17) “Brucellosis uniform methods and rules” means:

(a) Except as provided in par. (b) or (c), the uniform methods and rules for the national brucellosis eradication program, as published in federal bureau publication 91-45-013 (October 1, 2003).

(b) In the case of swine, the uniform methods and rules for the national swine brucellosis control and eradication program, as published in federal bureau publication 91-55-042 (April, 1998).

(c) In the case of farm-raised deer, the uniform methods and rules for the national brucellosis in cervids program, as published in federal bureau publication 91-45-16 (September 30, 2003).

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state, and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. Copies may also be obtained by writing to the following address:

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

(18) “Bull” means an uncastrated sexually mature male bovine animal.

(19) “Calf” means a sexually immature bovine animal of either sex.

(20) “Cattle” means any of the various animals of the domesticated genus *Bos*.

(21) “Certificate of veterinary inspection” means a written certificate that complies with s. ATCP 10.06.

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

(a) The department under s. ATCP 10.68.

(b) The authorized animal health agency in the state where the flock is located, under standards equivalent to those in s. ATCP 10.68.

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

(a) The department under s. ATCP 10.12, 10.51 or 10.73.

(b) The authorized animal health agency in the state where the herd is located, under standards equivalent to those in s. ATCP 10.12, 10.51 or 10.73.

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

(25) “Chronic wasting disease” means the transmissible, contagious, infectious and communicable disease in cervids caused by infectious proteins known as abnormal prions.

(26) “Chronic wasting disease test” means the immunohistochemistry (IHC) test, or another chronic wasting disease diagnostic test approved by the federal bureau and the department, used to determine whether an animal is infected with chronic wasting disease, and performed at a laboratory approved by the department or the federal bureau.

(27) “Chronic wasting disease registration tag” means an ear-tag, used to identify a farm-raised deer, which includes all the following:

(a) A premises identification number assigned by the department.

(b) A number that uniquely identifies the farm-raised deer.

(28) “Commingle” means to cause or permit any of the following:

(a) Direct contact with other animals.

(b) Unprotected contact with the same facilities, equipment, individuals or environment contacted by other animals, under circumstances where that unprotected contact may spread disease.

(c) In the case of fish or fish eggs, contact with other fish or fish eggs or with the same water in which those other fish or fish eggs have been kept.

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

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

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

(31m) “DHIA Technician” means a person approved by a service affiliate of the dairy herd improvement association to certify dairy farm production information.

(32) “Department” means the state of Wisconsin department of agriculture, trade and consumer protection. “Department” may include an authorized agent of the department.

(32m) “Direct supervision of a veterinarian” means supervision in which the veterinarian is immediately available to continually coordinate, direct and personally inspect the practice of the person being supervised.

(33) “Equine animal” means a horse, mule, zebra, donkey or ass.

(34) “Equine infectious anemia” means the contagious and infectious disease of equine animals caused by a non-oncogenic retrovirus.

Note: Equine infectious anemia is also known as EIA or swamp fever.

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

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(36) “Equine market” means an animal market that is open to the public solely for the purpose of trading in equine animals.

(37) “Exhibition” means an organized fair, swap meet, rodeo, trail ride, show or other organized event at which animals owned by different persons are brought together from different premises and exhibited on the same premises. “Exhibition” does not include any of the following:

(a) An animal market.

(b) An exhibition operated by an institution accredited by the American association of zoological parks and aquariums.

(c) A wild animal exhibition operated pursuant to a permit from the Wisconsin department of natural resources.

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

(39) “Exotic ruminant” means a ruminant not indigenous to Wisconsin. “Exotic ruminant” does not include domestic bovine animals, bison, cervids, alpacas or llamas.

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

(41) “Fair” means a state, county or district fair.

(42) “Farm-raised deer” means a captive cervid, but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. “Farm-raised deer” does not include a cervid kept by an institution accredited by the American association of zoological parks and aquariums.

(43) “Farm-raised game bird” means a captive bird of a wild nature that is not native. “Farm-raised game bird” does not include poultry or ratites, or birds kept pursuant to a license issued under s. 169.15, 169.19, 169.20 or 169.21, Stats.

Note: The Wisconsin department of natural resources issues licenses under s. 169.15 (captive wild animal farm), 169.19 (bird hunting preserve), 169.20 (dog training licenses) and 169.21 (dog trial licenses).

(44) “Federal bureau” means the animal and plant health inspection service of USDA, or any other unit of USDA that is vested with authority to administer federal laws and regulations relating to animal disease control.

(45) “Federally approved livestock import market” means an animal market that complies with s. ATCP 10.07 (4).

(46) “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.

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

(48) “Feeder swine pseudorabies monitored herd” means a herd of swine that is certified as a feeder swine pseudorabies monitored herd by one of the following:

(a) The department under s. ATCP 10.27 (3).

(b) The authorized animal health agency in the state where the herd is located, under standards equivalent to s. ATCP 10.27 (3).

(49) “Flock” as applied to poultry means any of the following:

(a) All poultry on a farm.

(b) A subset of poultry, on a farm, which has not commingled with other poultry on that farm for at least 21 days and which is designated as a separate flock by the department.

(50) “Flock” as applied to sheep means one of the following:

(a) A commonly owned or controlled group of sheep that are maintained on common ground.

(b) Two or more commonly owned or controlled groups of sheep that are maintained at geographically separate locations, if

animals or people move between the locations without taking effective bio-security measures to prevent the spread of disease.

(51) “Fomite” means an inanimate object or substance that transfers infectious organisms from one animal to another.

(52) “Foreign animal disease” means any communicable, contagious or infectious disease not known to exist in animals in the United States.

(53) “Hatchery” means premises used to hatch poultry or ratites. “Hatchery” includes incubators and setters.

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

(55) “Herd” means any of the following:

(a) A commonly owned or controlled group of animals that are maintained on common ground.

(b) Two or more commonly owned or controlled groups of animals that are maintained at geographically separate locations, if people, animals or equipment move between the locations without taking effective bio-security measures to prevent the spread of disease.

(56) “Individual” means a human being.

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

(58) “Johne’s disease” means paratuberculosis, the infectious and communicable disease of domestic ruminants that is caused by *Mycobacterium avium*, subsp. *paratuberculosis*.

(59) “Johne’s disease national program standards” means the program standards for the national voluntary Johne’s disease control program, as published in federal bureau publication 91-45-016 (June 2006).

Note: The Johne’s disease national program standards are on file with the department, the secretary of state, and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. Copies may be obtained by writing to the following address:

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

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

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

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

Note: This definition of “livestock” applies only for purposes of this chapter. This definition is consistent with the definition in ch. ATCP 17 (livestock premises registration). More limited definitions apply for purposes of ch. ATCP 12 (animal markets, dealers and truckers), ch. ATCP 51 (livestock facility siting), and disease indemnity programs. Disease indemnities for condemned “livestock,” under s. 95.31, Stats., apply to animals of species raised primarily to produce food for human consumption (including farm-raised deer).

(63) “Livestock premises code” means the code assigned under s. ATCP 17.02 (7) or, for livestock premises located in another state, an equivalent code assigned by that other state.

(63m) “M-branded” means branded with the letter “M” to signify imported from Mexico.

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

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

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

(67) “National poultry improvement plan” means the national poultry improvement plan and auxiliary provisions dated February, 2004, 9 CFR 145 and 147, printed in USDA-APHIS publication 91-55-063.

Note: The national poultry improvement plan is on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. The department will provide free copies to Wisconsin flock owners upon request. A flock owner may request

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a copy by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

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

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

(69) “Official backtag” means an identification backtag issued or approved by the federal bureau or the department.

Note: Examples of official backtags include the official Wisconsin bovine backtag and the official Wisconsin swine backtag.

(70) “Official eartag” means an identification eartag issued or approved by the federal bureau or the department.

Note: An official eartag, inserted in the right ear of the animal, 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.

(71) “Official individual identification” means a set of identifying characters that is uniquely associated with an individual animal, and that 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 that uniquely identifies the animal.
- (e) The official breed registration lip tattoo number of an equine animal that uniquely identifies the 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) A microchip number if all the following apply:
 1. The microchip number uniquely identifies the animal.
 2. The microchip is implanted in the animal.
- (h) The leg band number of a ratite which uniquely identifies that ratite.
- (i) A poultry leg band or wing band bearing a number that uniquely identifies a bird.
- (j) For a swine weighing 80 pounds or less, the premises identification of the premises of origin.
- (k) A chronic wasting disease status program registration tag, provided that the farm-raised deer also has a unique individual identification number.
- (L) A premises tattoo for a farm-raised deer, provided the farm-raised deer also has a unique individual identification number.
- (m) A tattoo number issued by the department.
- (n) A unique premises identification issued by the department, provided that the animal also bears a unique individual identification number.
- (o) Other identification approved by the department.

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

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

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

(75) “Originates from a herd” or “originating from a herd” means coming from a herd, other than a group of animals temporarily assembled for sale or shipment, in which the animal was

born or kept since birth, or in which the animal was kept for at least 120 days.

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

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

(77) “Person” means an individual, corporation, partnership, cooperative, limited liability company, trust, governmental entity, academic institution or other legal entity.

(78) “Pet bird” means a psittacine or soft bill that is not native, is not identified on the federal list of endangered and threatened species, and is not a migratory bird.

(79) “Poultry” means domesticated fowl, including chickens, turkeys and waterfowl, which are bred for the primary purpose of exhibition or producing eggs or meat. “Poultry” does not include ratites.

(80) “Pseudorabies” means the contagious, infectious, and communicable disease of livestock and other animals that is caused by the pseudorabies herpes virus.

Note: Pseudorabies is also known as Aujeszky’s disease, mad itch, and infectious bulbo-paralysis.

(81) “Pseudorabies national eradication standards” means the program standards for the national joint program on pseudorabies eradication, as published in federal publication 91-55-071 (November 1, 2003).

Note: The pseudorabies national eradication standards are on file with the department, the secretary of state, and the legislative reference bureau. Copies may be obtained from the USDA website: www.aphis.usda.gov/vs/index.html. Copies may be obtained from:

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

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

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

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

- (a) The department under s. ATCP 10.27 (2).
- (b) The authorized animal health agency in the state where the herd is located, under standards equivalent to those in s. ATCP 10.27 (2).

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

- (a) The department under s. ATCP 10.27 (1).
- (b) The authorized animal health agency in the state where the herd is located, under standards equivalent to those in s. ATCP 10.27 (1).

(86) “Racing animal” means an equine animal, or a greyhound or other racing canine, that participates or is raised to participate in races, including races at county, district, or state fairs, for money or other prizes.

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

(88) “Reactor” means an animal that tests positive, in a conclusive diagnostic test, for an infectious, contagious or communicable disease.

(89) “Shipped directly to a slaughtering establishment” means delivered to a slaughtering establishment without being unloaded at any other location in this state.

(90) “Slaughtering establishment” means a slaughtering establishment that is licensed by the department, or that is subject

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to inspection by USDA. "Slaughtering establishment" includes all premises used in connection with the slaughter operation.

(91) "South American camelid" means a llama, alpaca, vicuna or guanaco.

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

(93) "Stallion" means a male equine animal over 731 days of age, but does not include a gelding.

(94) "State veterinarian" means the administrator of the animal health division of the department, or a veterinarian whom the administrator specifically authorizes to act on the administrator's behalf.

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

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

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

(98) "Swine growth performance test station" means premises where swine are assembled for purposes of determining feeding efficiency.

(99) "Test mare" means a mare that is used to determine the disease status of stallions with respect to contagious equine metritis.

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

Note: Tuberculosis caused by *Mycobacterium bovis* is also known as bovine tuberculosis. It is transmissible not only to cattle and other bovine animals, such as bison, but also to certain non-bovine species including cervids and humans.

(101) "Tuberculosis modified accredited state" means a state that USDA has classified as a tuberculosis modified accredited state, or a state with a tuberculosis prevalence in bovine herds greater than 0.1%.

(102) "Tuberculosis monitored herd" means, in the case of farm-raised deer, a herd that is certified as a tuberculosis monitored herd by one of the following:

(a) The department under s. ATCP 10.49.

(b) The authorized animal health agency of the state in which the herd is located, using standards equivalent to those in s. ATCP 10.49.

(103) "Tuberculosis non-modified accredited state" means a state that the federal bureau has classified as a tuberculosis non-modified accredited state, or a state with a tuberculosis prevalence in bovine herds of at least 0.01% but not more than 0.1%.

(104) "Tuberculosis qualified herd" means, in the case of farm-raised deer, a herd that is certified as a tuberculosis qualified herd by one of the following:

(a) The department under s. ATCP 10.49.

(b) The authorized animal health agency of the state in which the herd is located, under standards equivalent to s. ATCP 10.49.

(105) "Tuberculosis test" means a test, approved by the department, which may be used to detect tuberculosis in animals for purposes of ch. 95, Stats., this chapter or ch. ATCP 12. "Tuberculosis test" includes any of the following tests, as applicable:

(a) A caudal fold tuberculin test or a comparative cervical tuberculin test for bovine animals.

(b) A single cervical tuberculin test or a comparative cervical tuberculin test for farm-raised deer. A blood tuberculosis test (BTB test) is not a tuberculosis test for purposes of ch. 95, Stats., this chapter or ch. ATCP 12.

(c) A post axillary tuberculosis test for exotic ruminants or South American camelids.

Note: Under s. ATCP 10.83(3), the department must approve tuberculosis tests used for different species of exotic ruminants.

(106) "Tuberculosis uniform methods and rules" means:

(a) Except as provided in par. (b), the uniform methods and rules for the national bovine tuberculosis eradication program, federal bureau publication 91-45-011 (January 1, 2005).

(b) In the case of farm-raised deer, the uniform methods and rules for the national cervid tuberculosis eradication program dated January 22, 1999, as published in federal bureau publication 91-45-011 (January 22, 1999), as amended by federal register Volume 71, No. 81, effective April 21, 2006.

Note: Par. (b) is shown as amended eff. 7-1-09. Prior to 7-1-09 it reads:

(b) In the case of farm-raised deer, the uniform methods and rules for the national cervid tuberculosis eradication program dated January 22, 1999, as published in federal bureau publication 91-45-011 (January 22, 1999).

Note: The tuberculosis uniform methods and rules are on file with the department, the secretary of state, and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. Copies may also be obtained by writing to the following address:

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

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

(108) "USDA" means the United States department of agriculture.

(109) "Validated brucellosis-free herd" means a herd of swine that is certified as brucellosis-free by one of the following:

(a) The department under s. ATCP 10.29.

(b) The authorized animal health agency of the state where the herd is located, under standards equivalent to those in s. ATCP 10.29.

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

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

(112) "Wild animal" has the meaning given in s. 95.68 (1) (g), Stats. "Wild animal" does not include a domestic animal identified in s. ATCP 10.02.

(113) "Wisconsin certified veterinarian" means a veterinarian certified under s. ATCP 10.05.

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

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (106) (b) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: cr. (31m) and (63m), am. (39) and (59), r. (71) (g) 3. Register November 2008 No. 635, eff. 12-1-08.

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Subchapter VIII — Fish

ATCP 10.60 Definitions. In this subchapter:

(1) “Contiguous parcels” means land parcels that are adjacent or that share a common boundary. “Contiguous parcels” includes parcels that are separated only by a river, stream, section line, public road, private road, or railroad or utility right of way.

(1m) “Fish farm” means a facility or group of facilities, all located on a single parcel of land or on 2 or more contiguous parcels, at which a person hatches fish eggs or holds live fish. “Fish farm” does not include a wild source.

(2) “Food processing plant” means a facility that is required to be licensed under s. 97.29, Stats.

(3) “Operator” means a person who owns or controls a fish farm. “Operator” includes the operator’s employees and agents.

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

(5) “Qualified fish health inspector” means an individual who qualifies under s. ATCP 10.67 (1).

(6) “Qualified laboratory” means a laboratory that qualifies under s. ATCP 10.67 (2).

(7) “Retail food establishment” means a facility that is required to be licensed under s. 97.30, Stats.

(8) “Restaurant” means a facility that is required to be licensed under s. 254.64, Stats.

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

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

(11) “Wild source” means waters of the state that are not registered as fish farms, or waters outside this state that are not fish farms.

Note: The Wisconsin department of natural resources is considered a “person” for purposes of this subchapter. *See* s. ATCP 10.01 (77).

History: CR 06–009: cr. Register September 2006 No. 609, eff. 10–1–06; CR 07–107: renum. (1) to be (1m) and am., cr. (1) Register November 2008 No. 635, eff. 12–1–08.

ATCP 10.61 Fish farms. (1) REGISTRATION CERTIFICATE REQUIRED. Except as provided in sub. (2), no person may operate a fish farm for any of the following purposes without a current annual registration certificate from the department that identifies that fish farm:

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

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

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

Note: A Wisconsin department of natural resources (DNR) fish stocking permit is needed to stock fish into the waters of the state. However, a DNR fish stocking permit is not needed to stock fish into a fish farm registered under sub. (1). *See* s. 29.736, Stats.

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

Toxicants required for fish farming operations may be used in self-contained fish rearing facilities (as defined in s. 29.001(76), Stats.) if there is no discharge from the facility, or if the discharge of the chemical is allowed under a Wisconsin pollutant discharge elimination system (WPDES) permit. A DNR aquatic pesticide use permit is required in other cases. *See* ss. 29.088(2)(g), 29.601(5)(b) and 283.31, Stats.

Pesticide applications must comply with ch. ATCP 29, administered by the department of agriculture, trade and consumer protection. Pesticide applications may also be subject to other federal, state and local regulations.

(2) EXEMPTIONS. A person may do any of the following without a registration certificate under sub. (1):

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(a) Hold, rear, sell or distribute live ornamental fish, or hatch the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non-ornamental fish or fish eggs or are reared for bait, human food or animal feed.

(b) Hold or rear live fish, or hatch fish eggs, in a fully enclosed building solely for purposes of display or research within that building, provided that they are not commingled with fish or fish eggs that will be used for any other purposes and the facility does not discharge to waters of the state any untreated water used to hold those fish or fish eggs.

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

(d) Hold live fish or fish eggs for not more than 30 days at a food processing plant, retail food establishment or restaurant pending slaughter or sale to consumers at that facility, provided that they are not commingled with fish or fish eggs that will be used for other purposes and the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.

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

(f) Operate as a bait dealer licensed under s. 29.509, Stats., provided that the person does not hatch fish eggs or rear fish for any purpose other than for retail sale as bait.

(3) REGISTRATION TYPE. (a) A fish farm registration certificate under sub. (1) shall specify whether the fish farm is registered as a type 1, type 2 or type 3 fish farm. Except as provided in par. (g), the registration type may vary from year to year.

(b) Except as provided in par. (d), a fish farm operator may not sell or distribute live fish or fish eggs from that fish farm unless the fish farm is registered as a type 2 or type 3 fish farm.

(c) Except as provided in par. (d), the operator of a fish farm that receives any fish or fish eggs obtained from a wild source may not sell or distribute any live fish or fish eggs from that fish farm unless the fish farm is registered as a type 3 fish farm.

(d) The operator of a registered fish farm may do any of the following, regardless of whether that fish farm is registered as a type 1, type 2 or type 3 fish farm:

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

2. Ship live fish or fish eggs from the fish farm to a food processing plant, retail food establishment or restaurant, for processing or direct sale to consumers, provided that the receiving entity does not do any of the following:

a. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale to consumers.

b. Comingle the fish or fish eggs with fish or fish eggs that may be used for any other purpose.

c. Sell or distribute unprocessed fish or fish eggs to consumers at any place other than the food processing plant, retail food establishment or restaurant at which the entity first receives them.

d. Discharge to waters of the state any untreated water used to hold or process any of the fish or fish eggs.

e. Dispose of any dead fish, dead fish eggs or fish offal except by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(e) A fish farm operator may, by paying the type 2 registration fee under sub. (7), re-register a fish farm as a type 2 fish farm during a registration year for which it was originally registered as a type 1 fish farm. The previous type 1 registration fee payment does not count toward payment of the type 2 fish farm registration fee.

(f) A person may, by paying the type 3 registration fee under sub. (7), re-register a fish farm as a type 3 fish farm during a registration year for which it was originally registered as a type 1 or type 2 fish farm. The previous type 2 registration fee payment

does not count toward payment of the type 3 fish farm registration fee.

(g) A fish farm operator may not register, as a type 1 or type 2 fish farm, a fish farm that was previously registered as a type 3 fish farm unless one of the following conditions is met:

1. The fish farm operator first removes all fish and fish eggs from the fish farm and disinfects the fish farm.

2. A qualified fish health inspector issues a fish health certificate under s. ATCP 10.65 that covers all of the fish and fish eggs on the fish farm. The fish health certificate shall further certify that all fish or fish eggs received onto the fish farm from a wild source in the immediately preceding 12 months were accompanied by a fish health certificate that included all of the certifications required under s. ATCP 10.65 (4) (b).

(4) ANNUAL EXPIRATION DATE. An annual fish farm registration certificate under sub. (1) expires on March 31 of each year.

(5) REGISTERING 2 OR MORE FISH FARMS. A separate annual registration certificate is required for each fish farm registered under sub. (1). A person may obtain annual registration certificates for 2 or more fish farms by filing a single annual application under sub. (6) and paying for each registration certificate the applicable annual fee under sub. (7). A registration certificate is not transferable between persons or locations.

Note: See s. ATCP 10.60 (1) and (1m). A fish farm operator may register, as a single fish farm, all fish farm facilities that are located on the same land parcel or on contiguous land parcels. Fish farm facilities located on non-contiguous land parcels must be registered as separate fish farms. A fish farm operator may choose to register fish farm facilities as separate fish farms, even though the facilities are located on the same land parcel or contiguous land parcels, if the facilities comply with sub. (5m).

(5m) REGISTERING 2 OR MORE FISH FARMS AT A SINGLE LOCATION. (a) A person may obtain separate registration certificates for 2 or more fish farms located on the same or contiguous land parcels if the fish farms are medically separated. Fish farms are medically separated if all of the following apply:

1. Fish and fish eggs in each fish farm are effectively separated from fish and fish eggs in every other fish farm.

2. Bio-security procedures, including procedures to prevent the commingling of fish, fish eggs, or water that may bear disease organisms, effectively prevent disease transmission between the fish farms.

3. The department finds that the fish farms comply with subs. 1. and 2., based on an inspection under par. (c).

(b) Each registered fish farm under par. (a) is considered a separate fish farm for purposes of disease control and movement. Fish and fish eggs moved between any of the registered fish farms shall be accompanied by a valid health certificate under s. ATCP 10.65 (4) (c). The fish farm operator shall keep a record, under sub. (10) (a), related to each movement of fish or fish eggs between any of the registered fish farms.

(c) Before the department issues separate registration certificates under par. (a) for fish farms located on the same land parcel or contiguous land parcels, the department shall inspect the fish farms for compliance with par. (b). The fish farm operator shall pay a nonrefundable fee of \$400 for each day, or portion of a day, needed to complete the inspection. A single fee covers all of the inspected fish farms. No inspection is required for the renewal of an existing fish farm registration if the department has previously inspected the fish farm under this paragraph.

(6) APPLYING FOR A REGISTRATION CERTIFICATE. To obtain an annual fish farm registration certificate under sub. (1), a fish farm operator shall submit an application to the department on a form provided by the department. The application shall include all of the following:

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

(b) The following information for each fish farm that the operator wishes to register:

1. The fish farm location, including county, town, section, fire number, and geographic coordinates if known.

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2. The livestock premises code assigned to the fish farm under s. ATCP 17.02 (7).

3. A statement indicating whether the operator wishes to register the fish farm as a type 1, type 2 or type 3 fish farm.

4. Applicable fees required under sub. (7).

5. The name, address and telephone number of the individual responsible for administering the fish farm.

6. The species of fish or fish eggs hatched or kept at the fish farm.

7. A description of the fish farm facilities.

8. A description of the fish farming activities conducted at the fish farm.

9. A statement indicating whether wild source fish or fish eggs are received at or shipped from the fish farm facility.

10. A statement indicating whether the operator is registering any other fish farms located on the same land parcel or a contiguous land parcel.

(c) A statement indicating whether the fish farm operator engages in any of the following activities:

1. Buying, trading or importing fish or fish eggs for resale, processing or exchange within this state, other than solely for breeding, bait or human consumption.

2. Distributing fish or fish eggs, other than fish or fish eggs produced on the operator's fish farm, from any place in this state to any place outside this state.

(d) Other relevant information required by the department.

Note: A person may obtain an application form under sub. (6) by calling (608) 224-4872, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53718

(7) REGISTRATION FEES. (a) Except as provided in par. (c), a fish farm operator shall pay the following annual fish farm registration fees, as applicable:

1. A nonrefundable fee of \$37.50 for a type 1 fish farm, or a total nonrefundable fee of \$50 for 2 or more type 1 fish farms.

2. A total nonrefundable fee of \$125 for up to 5 type 2 or type 3 fish farms, \$150 for more than 5 but not more than 10 type 2 or type 3 fish farms, \$200 for more than 10 but not more than 20 type 2 or type 3 fish farms, and \$300 for more than 20 type 2 or type 3 fish farms.

(b) A fish farm operator who proposes to register 2 or more fish farms located on the same land parcel or contiguous land parcels shall pay the inspection fee required under sub. (5m) (c) after the department conducts the inspection and bills the fee to the operator.

(c) Primary and secondary school districts are exempt from registration fees under par. (a).

(d) A fish farm operator shall pay the full annual registration fee under par. (a) for a fish farm that is registered for any portion of a registration year.

(e) A fish farm operator shall pay, in addition to the annual registration fee under par. (a), a surcharge equal to the amount of that fee if the department determines that, within 365 days prior to submitting a registration application under sub. (6), the operator operated the fish farm without a registration certificate required under sub. (1) or (3). Payment of the surcharge does not relieve the operator of any other penalty or liability that may result from the violation, nor does it constitute evidence of a violation.

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

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

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

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

(c) Violating the terms of the registration certificate.

Note: A fish farm operator adversely affected by the denial, suspension or revocation of a fish farm registration certificate may request a hearing under s. 227.42, Stats., and ch. ATCP 1. The department will not deny registration to a new owner of a fish farm merely because ownership has changed.

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

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

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

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

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

5. Any import permit or health certificate required under s. ATCP 10.62.

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

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

(b) A person transporting fish or fish eggs from a fish farm shall have documentary evidence showing that the person obtained those fish from that fish farm. Evidence may include a bill of sale, bill of lading, import permit, health certificate, certificate of veterinary inspection or other document which identifies the fish farm.

(12) REGISTRANT RESPONSIBILITY. A person who registers a fish farm under sub. (1) shall ensure that fish farm operations comply with relevant provisions of this chapter. This subsection does not relieve other persons of liability for violations of this chapter.

Note: If the Wisconsin Department of Natural Resources (DNR) registers as the operator of a privately-owned "cooperator" fish farm under sub. (1), DNR is responsible for ensuring that all operations of that fish farm comply with this chapter (the private operator may also be held responsible if that operator violates this chapter).

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am.(4), (5), (6) (c) and (7) (a), r. and recr. (7) (b) Register June 2008 No. 630, eff. 7-1-08; **EmR0822: emerg. cr. (12), eff. 7-9-08; CR 07-107: am. (1) (intro.), (2) (intro.) and (5), r. and recr. (3), (6) and (7), cr. (5m) and (12) Register November 2008 No. 635, eff. 12-1-08.**

ATCP 10.62 Fish imports. (1) IMPORT PERMIT REQUIRED.

(a) Except as provided in sub. (2), no person may import live fish or fish eggs into this state for any of the following purposes without a written import permit from the department that covers all of the imported fish or fish eggs:

1. Introducing the fish or fish eggs into waters of the state.

2. Using the fish or fish eggs as bait.

3. Holding the fish or hatching the fish eggs at a fish farm for which a registration certificate is required under s. ATCP 10.61 (1).

4. Selling or distributing the fish or fish eggs for any of the purposes listed under subds. 1. to 3.

(b) An import permit under par. (a) expires one year from the date on which it is issued, unless the department specifies an earlier expiration date in the permit. A permit is not transferable

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between importers. A permit does not authorize any of the following:

1. An import shipment that violates the terms of the permit.
2. An import shipment that is not covered by a valid health certificate under sub. (3) (f).

(c) An import permit under par. (a) shall include all of the information required under sub. (3). A complete copy of the import permit shall accompany every import shipment under par. (a).

Note: If a single import permit covers 2 or more import shipments, a copy of the permit must accompany each shipment. A person importing any of the following must also obtain an import permit from the Wisconsin department of natural resources (DNR):

- Live fish or fish eggs of species not native to Wisconsin. See s. 29.735 (1), Stats.
- Live rough fish or rough fish eggs, except goldfish, dace and suckers. See s. 29.407(4), Stats.

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

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

(2) EXEMPTIONS. No permit is required under sub. (1) to import any of the following:

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

(b) Live fish or fish eggs that will be held for the remainder of their lives in fully enclosed buildings solely for purposes of display or research, provided that all of the following apply:

1. The fish or fish eggs are not commingled with fish or fish eggs that are held or used for other purposes.
2. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.
3. All of the dead fish and offal from the buildings are disposed of by means of rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c) Live fish or fish eggs imported directly to a food processing plant, retail food establishment or restaurant where they will be held for not more than 30 days pending slaughter or sale to consumers at that facility, provided that all of the following apply:

1. The fish or fish eggs are not commingled with fish or fish eggs that are held or used for other purposes.
2. The receiving facility does not discharge to waters of the state any untreated water used to hold or process the fish or fish eggs.
3. All of the dead fish and offal from the receiving facility are disposed of by means of rendering, composting, municipal solid waste disposal, or other means approved by the department.

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

(3) IMPORT PERMIT; CONTENTS. An import permit under sub. (1) shall include all of the following:

(a) The name, address and telephone number of the importer to whom the permit is issued.

Note: The importer may or may not be the import recipient, or the operator of the import source. The importer is the person who owns the imported fish or fish eggs when the import shipment enters this state.

(b) Identification of the fish farm or wild source from which the importer may import live fish or fish eggs under the permit. Identification of a fish farm source shall include all of the following:

1. The name and address of the fish farm operator.
2. The address, and the livestock premises code if any, of the fish farm.

(c) A description of the fish or fish eggs that the permit holder may import from the source identified under par. (b). The description shall include the species of fish or fish eggs, and the size of fish of each species.

(d) Identification of each person authorized to receive import shipments under the permit, including all of the following identification:

1. The recipient's name and address.
2. The address, and livestock premises code if any, of the premises in this state at which the recipient will take delivery of the imported fish or fish eggs.

3. The category in which the recipient qualifies under sub. (6). If a recipient qualifies under sub. (6) by holding a fish farm registration certificate under s. ATCP 10.61, a stocking permit under s. 29.736, Stats., or a bait dealer license under s. 29.509, Stats., the import permit shall include the recipient's fish farm registration number, stocking permit number or bait dealer license number.

(e) The name and address of the fish hauler, if different from the importer.

(f) One or more valid health certificates under s. ATCP 10.65 that, together, cover all of the fish or fish eggs imported under the permit. A health certificate does not cover an import shipment that occurs after the health certificate expires.

(4) APPLYING FOR A PERMIT. A person shall apply for an import permit under sub. (1) on a form provided by the department. The application shall include all of the following:

- (a) Permit information required under sub. (3), other than permit information added by the department.
- (b) Original copies of health certificates required under sub. (3) (f), or duplicate copies if the applicant has previously filed original copies of the same certificates.
- (c) A nonrefundable fee of \$90.

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

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

(5) ACTION ON PERMIT APPLICATION. The department shall grant or deny an application under sub. (4) within 30 days after the department receives a complete application. If the department denies the application, the department shall issue the denial notice in writing and shall state the reasons for the denial.

Note: A permit applicant may request a hearing on a denial notice, pursuant to s. 227.42, Stats., and ch. ATCP 1.

(6) IMPORT RECIPIENTS. A person may import live fish or fish eggs to the following persons, and no others, pursuant to an import permit under sub. (1):

- (a) A person holding a current fish farm registration certificate, under s. ATCP 10.61, which authorizes that person to hold live fish or fish eggs of the type imported.
- (b) The state of Wisconsin department of natural resources.
- (c) A person holding a current fish stocking permit, under s. 29.736, Stats., which authorizes that person to stock live fish or fish eggs of the type imported.

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

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

(7) IMPORT RECORDS REQUIRED. If a person is required to hold an import permit under sub. (1) for an import shipment of fish or fish eggs, that person shall keep all of the following records related to that import shipment:

- (a) The import permit under sub. (1).
- (b) The date of the import shipment.
- (c) Identification of the fish farm or wild source from which the person imported the fish or fish eggs. Fish farm identification shall include all of the following:
 1. The name and address of the fish farm operator.
 2. The address, and the livestock premises code if any, of the fish farm.

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

(e) The following information related to the person who received the import shipment in this state:

1. The recipient's name and address.

2. The address, and livestock premises code if any, of the premises in this state at which the recipient took delivery of the import shipment.

3. The recipient's fish farm registration number under s. ATCP 10.61, stocking permit number under s. 29.736, Stats., or a bait dealer license number under s. 29.509, Stats., if relevant to the recipient's qualification under sub. (6).

(f) The name and address of the fish hauler, if different from the importer.

Note: An importer must keep records under sub. (7), regardless of whether the importer is located in this state or another state. The department may deny, suspend or revoke an import permit under sub. (1) if the importer fails to keep records, or fails to make them available to the department for inspection and copying upon request.

(8) IMPORT RECORDS; RETENTION AND AVAILABILITY. A person who is required to keep import records under sub. (7) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(9) IMPORTING DISEASED FISH. No person may import any live fish or fish eggs into this state if that person knows, or has reason to know, that those fish or fish eggs are infected or show clinical signs of any reportable disease under s. ATCP 10.66.

(10) SUSPENDING OR REVOKING AN IMPORT PERMIT. (a) The department may by written notice, without prior notice or hearing, suspend or revoke an import permit under sub. (1) for cause, including any of the following:

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

2. Violating applicable provisions of ch. 95, Stats., or this chapter.

3. Violating the terms of the import permit, or exceeding the import authorization granted by the permit.

(b) The state veterinarian may issue a notice under par. (a) on behalf of the department. A notice under par. (a) shall state the reasons for the suspension or revocation.

Note: A permit holder may request a hearing on the suspension or revocation of an import permit, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary suspension or revocation under par. (a).

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (4) (c) Register June 2008 No. 630, eff. 7-1-08; CR 07-107: cr. (2) (b) 3. and (c) 3., am. (3) (c) Register November 2008 No. 635, eff. 12-1-08.

ATCP 10.63 Fish introduced into waters of the state.

(1) VALID HEALTH CERTIFICATE REQUIRED. No person may introduce any fish or fish eggs into waters of the state unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover an introduction that occurs after the health certificate expires.

Note: See also fish stocking regulations under s. 29.736, Stats.

(2) DISEASED FISH. No person may introduce live fish or fish eggs into waters of the state or distribute live fish or fish eggs for sale as bait if that person knows, or has reason to know, that those fish or fish eggs are infected with or show clinical signs of any reportable disease under s. ATCP 10.66.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; EmR0822: emerg. am. (2), eff. 7-9-08; CR 07-107: am. (2) Register November 2008 No. 635, eff. 12-1-08.

ATCP 10.64 Fish moved within this state. (1) VALID HEALTH CERTIFICATE REQUIRED. Except as provided in sub. (3), no person may move any live fish or fish eggs between fish farms in this state or from a fish farm to any other location in this state, unless those fish or fish eggs are covered by a valid health certifi-

cate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover a movement that occurs after the health certificate expires.

(2) DISEASED FISH. No person may move any live fish or fish eggs between fish farms in this state, or from a fish farm to any other location in this state, if that person knows, or has reason to know, that those fish or fish eggs are infected with or show clinical signs of any reportable disease under s. ATCP 10.66.

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

(a) Fish or fish eggs moved between fish farms registered under s. ATCP 10.61 by the same fish farm operator, if the operator keeps a complete record of the movement under s. ATCP 10.61 (10). This exemption does not apply to any of the following:

1. The movement of fish or fish eggs from a type 3 fish farm to a type 1 or type 2 fish farm.

2. The movement of fish or fish eggs between fish farms that are required under s. ATCP 10.61 (5m) to be medically separated.

(b) Fish or fish eggs moved to a food processing plant, retail food establishment or restaurant for processing or direct sale consumers, provided that the receiving entity does not do any of the following:

1. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale to consumers.

2. Commingle the fish or fish eggs with fish or fish eggs that may be used for any other purpose.

3. Sell or distribute unprocessed fish or fish eggs to consumers at any place other than the food processing plant, retail food establishment or restaurant at which the entity first receives them.

4. Discharge to waters of the state any untreated water used to hold or process any of the fish or fish eggs.

5. Dispose of any dead fish, dead fish eggs or fish offal except by rendering, composting, municipal solid waste disposal, or other means approved by the department.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; EmR0822: emerg. am. (1) and (2), cr. (3), eff. 7-9-08; CR 07-107: am. (1) and (2), cr. (3) Register November 2008 No. 635, eff. 12-1-08.

ATCP 10.645 Bait fish from wild sources. No bait dealer who is required to hold a license under s. 29.509, Stats., may distribute for use as bait any of the following fish or fish eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS) unless the fish or fish eggs are covered by a valid fish health certificate that complies with s. ATCP 10.65:

(1) Fish or fish eggs collected from a wild source within the 12 month period immediately preceding the distribution date.

(2) Fish or fish eggs from a type 3 fish farm.

Note: A "wild source" under s. ATCP 10.645 includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at www.aphis.usda.gov/vs/aqua/. Section ATCP 10.645 applies to additional species if and when the federal bureau finds that those species are susceptible. DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.

History: EmR0822: emerg. cr. eff. 7-9-08; CR 07-107: cr. Register November 2008 No. 635, eff. 12-1-08.

ATCP 10.65 Fish health certificates. (1) GENERAL. A fish health certificate under s. ATCP 10.61 (3) (g) 2., 10.62 (3) (f), 10.63 (1), 10.64 (1) or 10.645 shall comply with this section.

(2) ISSUING A HEALTH CERTIFICATE. A qualified fish health inspector shall issue a fish health certificate on a form provided by the department, and shall file a copy of the health certificate with the department within 7 days after issuing the health certificate.

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

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

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

(3) INSPECTION REQUIRED. A qualified fish health inspector shall issue a fish health certificate based on his or her personal inspection of one of the following, using appropriate inspection, sampling and diagnostic methods specified in the certificate form:

(a) An individual shipment of fish or fish eggs. The health certificate shall clearly identify the source and contents of the individual shipment. The description shall include the species of fish or fish eggs, the quantity of fish or fish eggs of each species, and the size of fish of each species.

(b) A fish farm. The fish health certificate shall include the name and address of the fish farm operator, the name and address of the fish farm, and the fish farm's livestock premises code if any.

Note: A certificate form that specifies inspection, sampling and diagnostic requirements under sub. (3) constitutes an order under s. 93.07(10), Stats., which is subject to review in a contested case hearing under ch. 227, Stats., and ch. ATCP 1 unless the department adopts those requirements by rule. If a fish health certificate does not comply with instructions on the certificate form, the health certificate is invalid.

(4) CERTIFICATE CONTENTS. (a) A fish health certificate under s. ATCP 10.62 (3) (f) shall certify that the fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.
2. Infectious hematopoietic necrosis, viral hemorrhagic septicemia (VHS) and whirling disease (*Myxobolus cerebralis*) if an import shipment covered by the health certificate includes salmonids.

3. White sturgeon iridovirus if an import shipment covered by the health certificate includes sturgeon.

4. Viral hemorrhagic septicemia (VHS) if an import shipment covered by the health certificate includes fish or fish eggs from a state or province where that disease is known to occur.

5. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease-free certification is required.

(b) Except as provided in s. ATCP 10.655, a fish health certificate issued under s. ATCP 10.61 (3) (g) 2. or 10.63 (1) shall certify that the fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.
2. Whirling disease (*Myxobolus cerebralis*) if a fish farm or shipment covered by the health certificate includes salmonids.

3. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS), and the fish or fish eggs are from a wild source or a type 3 fish farm.

Note: A "wild source" under subd. 3. includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at www.aphis.usda.gov/vs/aqua/. Subdivision 3. applies to additional species if and when the federal bureau finds that those species are susceptible. DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.

4. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease-free certification is required.

(c) A fish health certificate issued under s. ATCP 10.64 (1) shall certify that the fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.
2. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS), and the fish or fish eggs are from a wild source or type 3 fish farm.

Note: A "wild source" under subd. 2. includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at www.aphis.usda.gov/vs/aqua/. Subdivision 2. applies to additional species if and when the federal bureau finds that those species are susceptible. DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.

3. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease-free certification is required.

(d) A fish health certificate issued under s. ATCP 10.645 shall certify that the fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.

2. Viral hemorrhagic septicemia (VHS).

3. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease-free certification is required.

Note: A fish health certificate is required under s. ATCP 10.645 whenever a bait dealer distributes as bait any of the following fish or fish eggs of a species that the federal bureau has found to be susceptible to VHS:

- Fish or fish eggs collected from a wild source (in Wisconsin or elsewhere) within the 12 month period immediately preceding the distribution date.

- Fish or fish eggs from a type 3 fish farm.

(e) A fish health certificate shall include test results from a qualified laboratory to confirm the statements under pars. (a) to (d) if those test results are required by the certificate form.

(f) Fish egg inspection under this subsection may be based on brood stock inspection and, if testing is required by the certificate form, testing of the brood stock.

Note: A certificate form that includes requirements under par. (a) 5., (b) 4., (c) 3., (d) 3., (e) or (f) constitutes an order under s. 93.07 (10), Stats., which is subject to review in a contested case hearing under ch. 227, Stats., and ch. ATCP 1 unless the department adopts those requirements by rule. If a health certificate does not comply with instructions on the certificate form, the health certificate is invalid.

(4m) EXPIRATION DATE. (a) Except as provided in par. (b):

1. A health certificate based on an inspection under sub. (3) (a) expires 30 days after it is issued unless the department by written notice specifies a different expiration date.

2. A health certificate based on an inspection under sub. (3) (b) expires one year after it is issued unless the department by written notice specifies a different expiration date.

(b) A health certificate covering a fish farm, or covering a shipment of fish or fish eggs, is automatically voided if any fish or fish eggs not covered by a valid health certificate are added to that fish farm or shipment.

Note: A shipment of fish or fish eggs that is covered by more than one fish health certificate must be delivered prior to the expiration of ANY of the fish health certificates covering fish or fish eggs in that shipment.

(5) DEPARTMENT ACTION. (a) The department may, for cause, do any of the following by issuing written notice to the person who issued a fish health certificate:

1. Invalidate the health certificate.

2. Change the expiration date of the health certificate.

3. Impose conditions or limitations on the health certificate.

Note: In addition to giving the required notice under par. (a), the department will also attempt to notify other persons identified on the health certificate.

(b) Cause under par. (a) may include any of the following:

1. An apparent violation of this section.

2. Reasonable grounds to suspect that the health certificate may be inaccurate or unreliable.

3. New disease concerns that are not adequately addressed by the health certificate.

4. Special disease concerns that are not adequately addressed by the health certificate. These may include special disease concerns related to the species of fish or fish eggs, or the source from which the fish or fish eggs originate.

History: CR 06-009; cr. Register September 2006 No. 609, eff. 10-1-06; EmR0822: emerg. am. (1), r. and recr. (4), (4m) and (5) (b) 4., eff. 7-9-08; CR 07-107: am. (1), r. and recr. (4), (4m) and (5) (b) 4. Register November 2008 No. 635, eff. 12-1-08.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

ATCP 10.655 Fish reintroduced into their original wild source. (1) HEALTH CERTIFICATE CONTENTS; EXEMPTION. Sections ATCP 10.65 (4) (b) 2. and 3. do not apply to the reintroduction of fish or fish eggs to the same lake from which they or the eggs from which they were hatched were collected, or to the same point or a downstream point in the same river system from which they or the eggs from which they were hatched were collected, if all of the following apply:

(a) The state veterinarian or designee issues a permit under sub. (2) authorizing the reintroduction.

(b) The collection and reintroduction are approved, in writing, by the Wisconsin department of natural resources.

(c) The reintroduction is designed to increase or rehabilitate a population of desirable sport fish species.

(d) The fish or fish eggs are reintroduced within 30 days after they are collected, or within 30 days after the fish are hatched, whichever is later.

(e) The fish or fish eggs are not commingled with fish or fish eggs from any other source.

(2) PERMIT. A permit under sub. (1) (a) may authorize one or more reintroductions under sub. (1), subject to conditions specified in the permit. A permit shall be based on a complete application under sub. (3). The state veterinarian, or the state veterinarian's designee, shall grant or deny an application under sub. (3) within 30 days after the department receives a complete application.

(3) PERMIT APPLICATION. A person applying for a permit under sub. (2) shall submit the application in writing. The application shall include all of the following:

(a) The correct legal name and address of the applicant.

(b) The location from which the fish or fish eggs will be collected.

(c) The location at which the fish or fish eggs will be reintroduced.

(d) The purpose for the reintroduction.

(e) Documentation showing that the Wisconsin department of natural resources has approved the collection and reintroduction under sub. (1) (b).

(f) Documentation indicating that the reintroduction will comply with other requirements under sub. (1) (c) to (e).

(g) Other relevant information required by the department.

(4) PERMIT RECORD. The department shall keep, for at least 5 years, a record of each permit issued under sub. (2).

History: EmR0822: emerg. cr. eff. 7-9-08; CR 07-107: cr. Register November 2008 No. 635, eff. 12-1-08.

ATCP 10.66 Fish diseases; reporting. (1) REPORT REQUIRED. Except as provided in sub. (2), a person who tests for or obtains credible diagnostic evidence of any of the following diseases in this state shall report that diagnosis or evidence to the department in writing, by mail, e-mail or fax, within 10 days after making the diagnosis or obtaining the evidence:

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

(b) Any fish disease identified in *Appendix B*.

(2) EXEMPTIONS. (a) Subsection (1) does not require a person to report a diagnosis made by, or a diagnostic evidence received from, the department, the Wisconsin veterinary diagnostic laboratory, or the Wisconsin department of health services.

(b) A person is not required to make a report under sub. (1) if another person reports the same information under sub. (1) or (2).

Note: For example, if a qualified fish health inspector submits a test sample to a laboratory and receives a positive test result for a disease identified under sub. (1), the inspector is not required to report the test result to the department if the laboratory does so.

(3) NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES. If the department determines that a disease reported under sub. (1) may present a threat to fish or other aquatic animals in waters of the

state, the department shall notify the department of natural resources of the report contents.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-107: r. and recr. (1) (b), r. (1) (c) to (L) Register November 2008 No. 635, eff. 12-1-08; correction in (2) (a) made under s. 13.92 (4) (b) 6., Stats.

ATCP 10.67 Fish health inspectors and laboratories. (1) QUALIFIED FISH HEALTH INSPECTORS. (a) The following individuals are qualified fish health inspectors, for purposes of this subchapter, unless disqualified under par. (b):

1. A Wisconsin certified veterinarian who has completed a fish health inspection training program approved by the department.

2. For purposes of an action taken under this chapter outside this state, any accredited veterinarian.

3. An individual who is currently certified by the American fisheries society as a fish health inspector or fish pathologist, and who has completed fish health inspection training approved by the department.

4. An individual who is currently authorized by a state to conduct official fish health inspections in that state, and who has completed a fish health inspection training program approved by the department.

(b) The department may for cause, by written notice and without prior notice or hearing, disqualify an individual from acting as a qualified fish health inspector under this subchapter. Cause may include a violation of this subchapter, or the issuance of unreliable health certificates under this subchapter. The state veterinarian may issue a disqualification notice on behalf of the department. The notice shall specify the cause for which it is issued.

Note: An individual disqualified under sub. (1)(b) may request a hearing on the disqualification, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary disqualification.

(2) QUALIFIED LABORATORIES. (a) The following laboratories are qualified laboratories, for purposes of this subchapter, unless disqualified under par. (c):

1. A laboratory approved by the federal bureau for purposes of disease testing related to interstate movement of fish or fish eggs.

2. A laboratory approved by the department for purposes of disease testing related to compliance with this subchapter, including imports of fish or fish eggs.

3. A federal or state veterinary diagnostic laboratory.

Note: You may obtain information related to qualified laboratories by contacting the department at the following address:

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

(b) A laboratory operator may request department approval under par. (a) 2. The department may require documentation to show that the laboratory is qualified to test fish and fish eggs for relevant diseases. The department shall approve or disapprove a laboratory within 30 days after the department receives the approval request or, if the department requests documentation under this paragraph, within 30 days after the department receives all of the requested documentation.

(c) The department may for cause, by written notice and without prior notice or hearing, disqualify a laboratory from acting as a qualified laboratory under this subchapter. Cause may include a violation of this subchapter, a record of incorrect test results under this subchapter, or other material evidence that the laboratory is not qualified. The state veterinarian may issue a disqualification notice on behalf of the department. The notice shall specify the cause for disqualification.

Note: The operator of a laboratory disqualified under sub. (1)(b) may request a hearing on the disqualification, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary disqualification.

(3) MISREPRESENTATION. No person may misrepresent any of the following, directly or by implication:

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- (a) That an individual is a qualified fish health inspector.
- (b) That a laboratory is a qualified laboratory.
- (c) Any relevant matters related to a fish health inspection or laboratory test under this subchapter.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06.

Subchapter XIII — Enforcement

ATCP 10.89 Quarantines. (1) QUARANTINE ORDER. (a) The department may, without prior notice or hearing, issue an order quarantining domestic animals or captive wild animals in this state for any of the following purposes:

1. To prevent, suppress, control or eradicate contagious, infectious or communicable diseases that may affect animals, or that may be transmitted from animals to humans.

2. To prevent the movement or commingling of animals pending further testing, diagnosis, traceback or investigation related to known or suspected disease.

(b) A quarantine order under par. (a) may prohibit the commingling of animals, the movement of quarantined animals, the movement of animals from quarantined premises, or the movement of animals onto quarantined premises without department approval.

(c) No person may move any animal in violation of a quarantine order under par. (a), or fail to comply with the terms and conditions of a quarantine order.

(2) SERVICE OF QUARANTINE ORDER. A quarantine order under sub. (1) shall be served upon a person having custody or control of the quarantined animals, or shall be posted on the premises affected by the quarantine order. A quarantine order may be served by any of the following methods:

(a) Personal service.

(b) Certified mail.

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

(3) PROOF OF SERVICE. Service under sub. (2) may be proved by affidavit or by certified mail return receipt.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

(4) CONTENTS OF QUARANTINE ORDER. A quarantine order under sub. (1) shall contain the following information:

- (a) The name and address of a person having custody or control of the quarantined animals, if known.
- (b) A description of the animals affected by the quarantine.
- (c) A description of the premises affected by the quarantine.
- (d) The reason or justification for the quarantine.
- (e) All terms and conditions applicable to the quarantine.
- (f) Notice that persons adversely affected by the quarantine may request a hearing to review the quarantine order.

(5) DURATION OF QUARANTINE ORDER. A quarantine order under sub. (1) remains in effect until the department releases or modifies the order in writing.

(6) REVIEW OF QUARANTINE. A person adversely affected by a quarantine order under sub. (1) may, within 30 days after the quarantine order is served, request a hearing before the department to review the quarantine. The department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving a request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing under ch. 227, Stats., and ch. ATCP 1. A request for hearing does not stay a quarantine order.

History: CR 06-009; cr. Register September 2006 No. 609, eff. 10-1-06.

ATCP 10.90 Temporary animal hold order.

(1) DEPARTMENT MAY ISSUE ORDER. The department may issue a temporary animal hold order whenever the department has reason to believe that animals may have been illegally moved, or may have been exposed to an infectious, contagious or communicable disease. A temporary animal hold order may prohibit the movement of animals for up to 90 days while the department investigates the suspected illegal movement or disease exposure. The department may issue the order without prior notice or hearing. The department may, for good cause, extend the order for up to 90 days.

(2) CONTENTS OF ORDER. A temporary animal hold order under sub. (1) shall contain the following information:

- (a) The name and address of the person having custody or control of the animals covered by the order, if known.
- (b) A description of the animals covered by the order.
- (c) A description of the premises where the animals are to be held.
- (d) The reason or justification for the order.
- (e) The duration of the order, and all terms and conditions applicable to the order.
- (f) Notice that a person adversely affected by the order may request a hearing under sub. (5).

(3) SERVICE OF ORDER. The department shall serve a temporary animal hold order under sub. (1) in one of the following ways:

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

(4) PROOF OF SERVICE. The department may prove service under sub. (3) by means of an affidavit or certified mail return receipt.

(5) REVIEW OF ORDER. A person adversely affected by a temporary animal hold order under sub. (1) may request a hearing before the department to review the order. The department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving a request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing under ch. 227, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a temporary animal hold order.

History: CR 06-009; cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-107; am. (1) Register November 2008 No. 635, eff. 12-1-08.

ATCP 10.91 Destruction or removal of animals illegally moved. (1) SUMMARY ORDER. The department may, without prior notice or hearing, order the destruction or removal from this state of animals moved into or within this state if any of the following apply:

(a) The owner or custodian of the animals fails to produce a valid certificate of veterinary inspection, if a certificate is required under this chapter or ch. ATCP 12.

(b) The animals are imported in violation of this chapter or ch. ATCP 12, or in violation of any condition specified in an import permit under this chapter.

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

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

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

(4) REVIEW OF ORDER. A person adversely affected by an order under sub. (1) may, within 30 days after receiving the order, request a hearing before the department to review the order. If a hearing is requested, the department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving the request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing before the department under ch. 227, Stats. A request for hearing under this subsection does not postpone the deadline for compliance with the order unless the deadline is postponed by further order of the department.

History: CR 06-009; cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-107; am. (title) and (1) (intro.) Register November 2008 No. 635, eff. 12-1-08.

ATCP 10.92 Prohibited conduct. No person may do any of the following:

(1) Violate this chapter or ch. ATCP 12, or any order issued under this chapter or ch. ATCP 12.

(2) Falsify any information filed with the department under this chapter, including any information contained in an application for a license, permit or registration.

(3) Misrepresent to any person the identity, origin or disease status of any animal, or of the herd from which an animal originates.

(4) Falsify, remove, alter, or tamper with any official identification or official back tag required under this chapter or ch. ATCP 12.

(5) Fail or refuse to permit reasonable department inspection of any of the following:

(a) Animals, including animals in transit.

(b) Relevant records related to the health and movement of animals, including health or shipping documents related to animals in transit.

(6) Obstruct, interfere with, or assault a department employee or agent engaged in the performance of his or her official duties.

(7) Knowingly make any false or misleading statements to the department related to the ownership, identification, age, vaccination, disease testing, origin, health status, sale or movement of animals, or related to other matters relevant to the administration of this chapter or ch. ATCP 12.

(8) Misrepresent the identity or interest of any person engaged in the purchase, sale, lease, exchange or transportation of animals.

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(9) Misrepresent the origin, destination or contents of any shipment of animals.

(10) 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.

(11) Cause or permit the commingling of different livestock species, other than different species of fish, poultry, camelids or ratites, during transit.

(12) Misrepresent that a person holds a license, permit or registration certificate from the department, or has met applicable requirements under this chapter or ch. ATCP 12.

(13) Falsify, or fail to submit to the department upon request, any record required under this chapter or ch. ATCP 12.

(14) Falsify or misappropriate any brand or tattoo, or misappropriate any branding or tattooing device.

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

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

(17) Import manure from any slaughter plant or stock yard without a permit from the department, unless the manure has been fully composted or treated to destroy pathogens. The department shall grant or deny a permit request within 5 days after the department receives a complete permit application.

(18) Sell, move or dispose of any live animal that has been tested for a disease identified in *Appendix A or B* before the result of that test is known.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-107: cr. (18) Register November 2008 No. 635, eff. 12-1-08; renumbering made under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Chapter ATCP 10

APPENDIX B

Diseases Reported Within 10 Days

Fish diseases

Channel catfish virus

Enteric septicemia of catfish

Epizootic haematopoietic necrosis

Infectious haematopoietic necrosis

Largemouth bass virus

Mycobacteriosis infection

Oncorhynchus masou virus disease

Proliferative kidney disease

Spring viraemia of carp

Streptococcus iniae

Viral haemorrhagic septicaemia

Whirling disease (*Myxobolus cerebralis*)

White sturgeon iridovirus