

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

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

This rule modifies current Wisconsin animal health and disease control rules administered by the Department of Agriculture, Trade and Consumer Protection (“DATCP”). Among other things, this rule:

- Establishes new rules related to viral hemorrhagic septicemia (VHS) in fish, and simplifies registration of fish farms. This “permanent” VHS control rule is similar, but not identical, to temporary “emergency” VHS control rules previously adopted by DATCP.

Fish

Fish Farm Registrations

Under current rules, fish farm operators must register fish farms as either a *type 1* or *type 2* fish farm, depending on the activities conducted at the fish farm. Under current rules, a fish farm operator may allow public fishing at a *type 1* or *type 2* fish farm, but may only sell or distribute fish from a *type 2* fish farm (there are limited exceptions).

This rule modifies the scope of a *type 2* fish farm registration, and creates a new *type 3* fish farm registration category. Under this rule:

- An operator may allow public fishing (including public fishing for a fee) at a *type 1*, *type 2* or *type 3* fish farm.
- An operator may not sell or distribute fish from a *type 1* fish farm (there are limited exceptions).
- An operator may sell or distribute fish from a *type 2* or *type 3* fish farm.
- An operator may not sell or distribute fish from a fish farm that receives any fish or fish eggs from wild sources unless that fish farm is registered as a *type 3* fish farm (there are limited exceptions).

This rule clarifies fish farm registrations:

- A fish farm registration is limited to a single fish farm location (a single land parcel or contiguous land parcels). All of the fish farm facilities on contiguous parcels may be registered as a single fish farm.
- Fish farms on non-contiguous land parcels must be registered as separate fish farms.
- A person may register 2 or more fish farms in a single application process.
- An operator may register 2 or more fish farms located on the same land parcel, or on contiguous land parcels, subject to the following conditions:
 - The fish farms must be “medically-separated.” DATCP must inspect the fish farms to confirm that they are “medically separated” (DATCP will charge an inspection fee of \$400 per day of inspection).
 - Each fish farm is considered a separate fish farm for purposes of disease control and movement.
 - Fish or fish eggs moved between the fish farms must be accompanied by a fish health certificate, and the operator must keep a record of the movement.

Registrant Responsibility

This rule clarifies that a person who registers a fish farm is responsible for ensuring that fish farm operations comply with DATCP rules. However, this rule does not relieve other persons of liability for rule violations that they commit.

Viral Hemorrhagic Septicemia; Expanded Testing

VHS is a serious disease of fish. VHS has been found in Lake Michigan and the Lake Winnebago system, but has not yet been reported in any Wisconsin fish farm. The United States Department of Agriculture (USDA) has identified fish species that are known to be susceptible to VHS.

Current DATCP “permanent” rules require health certificates for all of the following:

- Fish and fish eggs (including bait) imported into Wisconsin.
- Fish and fish eggs stocked into Wisconsin public waters.
- Fish and fish eggs moved between Wisconsin fish farms.

Under current DATCP “permanent” rules, *import* health certificates must include VHS testing if the import shipment includes salmonids (salmon, trout, etc.) or originates from a state or province where VHS is known to occur. However, current “permanent” rules do not require VHS testing for any of the following:

- Fish or fish eggs stocked into Wisconsin public waters from *Wisconsin* sources.
- Bait fish or fish eggs originating from *Wisconsin* sources.
- Fish or fish eggs moved between Wisconsin fish farms.
- Non-salmonids imported from states (such as Minnesota) where VHS has not yet been found.

DATCP recently adopted temporary “emergency” rules to expand VHS testing requirements. This rule adopts those VHS testing requirements on a “permanent” basis. This rule is similar, but not identical, to the temporary emergency rules.

Under this rule, a fish health certificate and VHS testing are required for all of the following fish and fish eggs if they are of a *known VHS-susceptible species* and were either (1) collected from a wild source in any state within the preceding 12 months, or (2) kept on a *type 3* fish farm in this state:

- Fish or fish eggs stocked into Wisconsin public waters. There is a limited exemption (see below) for fish or fish eggs reintroduced to the same water body from which they are collected.
- Fish moved between Wisconsin fish farms, or from a Wisconsin fish farm to any other place (there are limited exemptions for fish shipped to food processing or retail food establishments).
- Fish or fish eggs distributed by a bait dealer for use as bait. The bait fish testing requirement will initially apply to emerald shiners (a known VHS-susceptible species), but will *not* initially apply to other major bait species such as fathead minnows, white suckers and golden shiners (which are not yet known to be VHS-susceptible). However, it could eventually apply to other species if USDA finds that those species are also VHS-susceptible. A retail bait dealer is not required to conduct duplicate tests on fish previously tested by a wholesale bait dealer.

This rule also does the following:

- Prohibits any person from selling bait fish *of any kind* if the seller has reason to know that the bait is affected with VHS or another reportable disease.
- Provides that a fish health certificate covering a fish farm or fish shipment becomes immediately void if fish or fish eggs not covered by a valid fish health certificate are added to the covered fish farm or fish shipment.

Fish Reintroduced to Same Water Body; Testing Exemption

Under this rule, fish or fish eggs reintroduced to the same public water body from which they are collected are exempt from VHS and other disease testing requirements if all of

the following apply (a veterinarian or fish health inspector must still issue a fish health certificate based on a visual examination):

- DATCP issues a permit for the reintroduction.
- DNR approves the collection and reintroduction.
- The fish or fish eggs are not commingled with fish or fish eggs from any other water source.
- The fish or fish eggs are reintroduced into the same lake from which they were collected, or at the same point or a downstream point in the same river system from which they were collected.
- The fish or fish eggs are reintroduced within 30 days after they are collected, or within 30 days after the fish eggs hatch, whichever is later.
- The fish or fish eggs are reintroduced for the purpose of increasing or rehabilitating the population of a desirable sport fishing species.

Operator Moving Fish between the Operator's Own Fish Farms; Testing and Health Certificate Exemption

This rule clarifies that, when an operator (including DNR) moves fish or fish eggs between the operator's own fish farms in this state, the operator is exempt from health certificate requirements, VHS testing requirements, and other disease testing requirements under this rule unless the operator does one of the following:

- Moves fish or fish eggs from a *type 3* fish farm to a *type 1* or *type 2* fish farm.
- Moves fish or fish eggs between fish farms that are required to be medically separated.

A fish farm operator must make a record of each movement of fish or fish eggs between the operator's fish farms, regardless of whether health certificate or testing requirements apply. An operator may not move fish or fish eggs if the operator knows or has reason to know that the fish or fish eggs are affected with a reportable disease such as VHS. DATCP may also issue quarantine and other disease control orders to individual fish farm operators, as necessary.

VHS Test Reports

Under this rule, a veterinarian or fish health inspector who tests fish in this state for viral hemorrhagic septicemia (VHS) must report the test result to DATCP, regardless of whether the test result is positive or negative.

RULE CHANGES:

SECTION 55. ATCP 10.60(1) is renumbered ATCP 10.60(1m) and amended to read:

ATCP 10.60(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.

SECTION 56. ATCP 10.60(1) is created to read:

ATCP 10.60(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.

SECTION 57. ATCP 10.60(4)(note) is repealed.

SECTION 58. ATCP 10.61(1)(intro.) and (note, first paragraph) are amended to read:

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

NOTE (first paragraph): A Wisconsin department of natural resources (DNR) stocking permit is needed to stock fish into the waters of the state. However, a DNR stocking permit is not needed to stock fish into a fish farm registered under sub. ~~(2)~~ (1). See s. 29.736, Stats.

SECTION 59. ATCP 10.61(2)(intro.) is amended to read:

ATCP 10.61(2)(intro.) EXEMPTIONS. A person may do any of the following without a registration certificate under sub. ~~(2)~~ (1):

SECTION 60. ATCP 10.61(3) is repealed and recreated to read:

ATCP 10.61(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).

SECTION 61. ATCP 10.61(3)(note) is repealed.

SECTION 62. ATCP 10.61(5) amended to read:

ATCP 10.61(5) ~~PERSONS OPERATING~~ REGISTERING 2 OR MORE FISH FARMS. A ~~person who operates 2 or more fish farms shall obtain a separate annual registration certificate is required for each fish farm registered under sub. (1) for each fish farm.~~ A person may obtain annual registration certificates for 2 or more fish farms by filing a

single annual application under sub. (6) and paying ~~a single~~ for each registration certificate the applicable annual fee under sub. (7). A registration certificate is not transferable between persons or locations.

SECTION 63. ATCP 10.61(5)(note) is repealed and recreated to read:

NOTE: See ss. 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).

SECTION 64. ATCP 10.61(5m) is created to read:

ATCP 10.61(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 subds. 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.

SECTION 65. ATCP 10.61(6) and (7) are repealed and recreated to read:

ATCP 10.61(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.
 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.

(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.

SECTION 66. ATCP 10.61(12) and (note) are created to read:

ATCP 10.61(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).

SECTION 67. ATCP 10.62(2)(b)3. and (c)3. are created to read:

ATCP 10.62(2)(b)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)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.

SECTION 68. ATCP 10.62(3)(c) is amended to read:

ATCP 10.62(3)(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, ~~the quantity of each species,~~ and the size of fish of each species.

SECTION 69. ATCP 10.63(2) is amended to read:

ATCP 10.63(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.

SECTION 70. ATCP 10.64(1) and (2) are amended to read:

ATCP 10.64(1) VALID HEALTH CERTIFICATE REQUIRED. ~~No~~ 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 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 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.

SECTION 71. ATCP 10.64(3) is created to read:

ATCP 10.64(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.

SECTION 72. ATCP 10.645 and (note) are created to read:

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.

SECTION 73. ATCP 10.65(1) is amended to read:

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

SECTION 74. ATCP 10.65(4) and (4m) are repealed and recreated to read:

ATCP 10.65(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.

SECTION 75. ATCP 10.65(4m)(note) is created to read:

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.

SECTION 76. ATCP 10.65(5)(b)4. is repealed and recreated to read:

ATCP 10.65(5)(b)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.

SECTION 77. ATCP 10.655 is created to read:

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).

SECTION 78. ATCP 10.66(1)(b) is repealed and recreated to read:

ATCP 10.66(1)(b) Any fish disease identified in *Appendix B*.

SECTION 79. ATCP 10.66(1)(c) to (L) are repealed.

Chapter ATCP 10

APPENDIX B

Diseases Reported Within 10 Days

Multiple species diseases

Anthrax
Echinococcosis/hydatidosis
Heartwater
Leptospirosis
New world screwworm (*Cochliomyia hominivorax*)
Old world screwworm (*Chrysomya bezziana*)
Paratuberculosis also known as Johne's Disease
Q Fever

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

Sheep and goat diseases

Caprine and ovine brucellosis (excluding *B. ovis*)
Caprine arthritis/encephalitis
Contagious agalactia
Contagious caprine pleuropneumonia
Enzootic abortion of ewes (ovine chlamydiosis)
Maedi-visna
Nairobi sheep disease

Ovine epididymitis (*Brucella ovis*)
Ovine pulmonary adenomatosis
Salmonellosis (*S. abortusovis*)
Scrapie

Swine diseases

Atrophic rhinitis of swine
Enterovirus encephalomyelitis
Porcine cysticercosis
Porcine reproductive and respiratory syndrome
Transmissible gastroenteritis
Trichinellosis

Bee diseases

Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees
Varroosis

Lagomorph diseases

Myxomatosis
Rabbit hemorrhagic disease

Cattle diseases

Bovine anaplasmosis
Bovine babesiosis
Bovine spongiform encephalopathy
Bovine cysticercosis
Bovine genital campylobacteriosis
Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
Dermatophilosis
Enzootic bovine leukosis
Haemorrhagic septicaemia
Malignant catarrhal fever
Theileriosis
Trichomonosis
Trypanosomosis (tsetse-borne)

Equine diseases

Contagious equine metritis
Dourine
Epizootic lymphangitis
Equine infectious anemia
Equine influenza
Equine piroplasmiasis
Equine rhinopneumonitis
Equine viral arteritis
Glanders
Horse mange
Horse pox
Japanese encephalitis
Surra (*Trypanosoma evansi*)
Venezuelan equine encephalomyelitis

Avian diseases

Avian chlamydiosis
Avian infectious bronchitis
Avian infectious encephalomyelitis
Avian infectious laryngotracheitis
Avian mycoplasmosis (*M. gallisepticum*)
Avian tuberculosis
Duck virus enteritis
Duck virus hepatitis
Fowl cholera
Orinthosis (psittacosis)
Mycoplasma gallisepticum infection
Paramyxovirus infections of poultry other than Newcastle disease
Salmonellosis
Infectious laryngotracheitis
Fowl pox
Fowl typhoid
Marek's disease
Infectious bursal disease (Gumboro disease)

Mollusc diseases

Haplosporidiosis (*H. nelsoni* or *H. costale*)
Bonamiosis
Marteliosis
Mikrocytosis (*Mikrocytos mackini*)
Perkinsosis

Diseases of other animal species

Leishmaniosis