

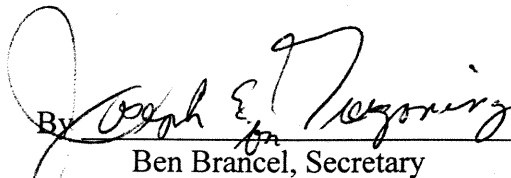
STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

NOTICE OF SUBMISSION OF PROPOSED RULES TO
PRESIDING OFFICERS OF EACH HOUSE OF THE LEGISLATURE

NOTICE IS HEREBY GIVEN, pursuant to s. 227.19 (2), Stats., that the State of Wisconsin Department of Agriculture, Trade and Consumer Protection is submitting a final draft of proposed Clearinghouse Rule Number 98-182 to the presiding officer of each house for standing committee review. The proposed rule amends ss. ATCP 81.50 (2), 81.51 (2) and 81.52 (2), relating to grade standards for colby and monterey (jack) cheese.

Dated this 4th day of March, 1999.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By 
Ben Brancel, Secretary



State of Wisconsin
Tommy G. Thompson, Governor



Department of Agriculture, Trade and Consumer Protection



1917
 DEPARTMENT OF AGRICULTURE
 BUREAU OF PLANT INDUSTRY
 WASHINGTON, D. C.

No. 1000
 1917

THE UNITED STATES OF AMERICA
 DEPARTMENT OF AGRICULTURE
 BUREAU OF PLANT INDUSTRY
 WASHINGTON, D. C.



The Honorable Judy Robson
The Honorable Glenn Grothman
January 27, 1999
Page 2

1999 meeting. Referral of the permanent rule to the Legislature for standing committee review can be expected shortly.

We currently anticipate an April 1, 1999 or May 1, 1999 effective date for the permanent rule. The first 60-day extension of the emergency rule will expire on March 6, 1999. As a result, we are requesting a second 60-day extension of the existing emergency rule in order to avoid a gap in regulatory coverage between the emergency rule and the effective date of the permanent rule.

Attached is a copy of the emergency rule which went into effect on August 8, 1998. Your consideration of this request is greatly appreciated. I will assign appropriate Department staff to be available at the February meeting of the Joint Committee for Review of Administrative Rules to respond to any questions which you or other members may have regarding the emergency rule.

Sincerely,



Ben Brancel
Secretary

Attachment

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

1 The state of Wisconsin department of agriculture, trade and consumer protection hereby adopts
2 the following emergency rule to amend ATCP 81.50 (2), 81.51 (2), and 81.52 (2), relating to
3 grade standards for colby and monterey (jack) cheese.

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

Statutory Authority: ss. 97.09 (1) and 97.177 (1), (2) and (4) , Stats.

Statutes Interpreted: ss. 97.09 and 97.177, Stats.

This emergency rule modifies current rules under ch. ATCP 81, Wis. Adm. Code, related to grade standards for body and texture characteristics of colby and monterey (jack) cheese.

The current standards require the presence of mechanical openings or an “open” body in order for the cheese to be labeled or sold as Wisconsin certified premium grade AA or Wisconsin grade A (Wisconsin state brand).

This emergency rule repeals current grade standards that require mechanical openings in colby and monterey (jack) cheese. Under this emergency rule, the cheese may have either mechanical openings or a closed body, depending on the method of manufacture.

When mechanical openings are present, their size and distribution are two of many factors which determine the specific grade category assigned to the cheese. Wisconsin certified premium grade AA requires that mechanical openings be “evenly distributed” and “small.” Wisconsin grade A (Wisconsin state brand) requires that mechanical openings be “evenly distributed,” without the added emphasis on “small.” Wisconsin grade B has no requirement for mechanical openings to be “evenly distributed.”

FINDING OF EMERGENCY

4
5 The state of Wisconsin department of agriculture, trade and consumer protection (DATCP) finds
6 that an emergency exists and that an emergency rule is necessary for economic reasons to protect
7 the public welfare of the citizens of Wisconsin. The facts constituting the emergency are as
8 follows:

1 (1) DATCP has adopted standards for grades of cheese manufactured and sold in
2 Wisconsin under s. 97.177, Stats., and ch. ATCP 81, Wis. Adm. Code. Any cheese which carries
3 a state grade mark must conform to the standards and characteristics of the labeled grade.

4 (2) Under current rules, colby and monterey (jack) cheese must contain numerous
5 mechanical openings in order to be labeled or sold as Wisconsin certified premium grade AA or
6 Wisconsin grade A (Wisconsin state brand).

7 (3) Changes in cheese manufacturing technology, packaging and equipment have made it
8 extremely difficult for many processors and packagers to achieve the numerous mechanical
9 openings or open body character required by these top two grade categories. A majority of
10 today's wholesale buyers and packagers prefer a closed body cheese for a variety of reasons,
11 including ease of shredding and the ability to package "exact-weight" pieces with minimal
12 variation and waste.

13 (4) Currently, a closed body cheese may be labeled or sold as Wisconsin grade B or "not
14 graded." It cannot be labeled or sold as Wisconsin certified premium grade AA or Wisconsin
15 grade A (Wisconsin state brand), nor can it command the premium price associated with these
16 top two grade categories.

17 (5) Wisconsin is the only state with its own grade standards for colby and monterey (jack)
18 cheese. The United States Department of Agriculture modified its grade standards for colby and
19 monterey jack cheese in 1995 and 1996, respectively, in response to industry requests to allow an
20 open or closed body. Buyers who cannot obtain the desired graded product in Wisconsin will
21 likely switch to suppliers from other states. Once customers are lost they are difficult to regain.

22 (6) Wisconsin's dairy industry plays a major role in our state's economy. Approximately
23 \$3 billion or 90% of Wisconsin's milk production goes into the manufacture of cheese. Lost

1 business revenues harm the dairy industry, cause increased unemployment, and have a negative
2 impact on the state's economy.

3 (6) Pending the adoption of rules according to the normal administrative rulemaking
4 procedures, it is necessary to adopt emergency rules under s. 227.24, Stats. to protect the public
5 welfare based on an economic emergency for the state's dairy industry and the subsequent
6 impact on the general economy and citizens of this state.

7 **EMERGENCY RULEMAKING ORDER**

8 **SECTION 1.** ATCP 81.50 (2) is amended to read:

9 ATCP 81.50 (2) BODY AND TEXTURE CHARACTERISTICS. Wisconsin certified
10 premium grade AA colby and monterey (jack) cheese shall be reasonably firm ~~and shall have~~
11 ~~numerous small mechanical openings evenly distributed throughout the cheese.~~ Depending on
12 the method of manufacture, the cheese may have evenly distributed small mechanical openings
13 or a closed body. The cheese may not contain any sweet holes, yeast holes, or other gas holes.
14 The cheese may be definitely curdy or partially broken down if it is more than 3 weeks old.
15 Body and texture standards are shown in the grade AA column of Table 6.

16 **SECTION 2.** ATCP 81.51 (2) is amended to read:

17 ATCP 81.51 (2) BODY AND TEXTURE CHARACTERISTICS. Wisconsin grade A and
18 Wisconsin state brand colby and monterey (jack) cheese shall be reasonably firm. Depending on
19 the method of manufacture, the cheese may have evenly distributed mechanical openings or a
20 closed body. ~~The cheese shall have numerous~~ When present, mechanical openings ~~but they may~~
21 not be large or connected to other openings. The cheese shall be free from sweet holes, yeast
22 holes, or other gas holes. The cheese shall be definitely curdy or partially broken down if it is

1 more than 3 weeks old. Body and texture standards are shown in the grade A column of Table 6
2 under s. ATCP 81.50 (2).

3 **SECTION 3.** ATCP 81.52 (2) is amended to read:

4 **ATCP 81.52 (2) BODY AND TEXTURE CHARACTERISTICS.** Wisconsin grade B
5 colby and monterey (jack) cheese may be loosely knit and open. Depending on the method of
6 manufacture, the cheese may have mechanical openings or a closed body. There may be a
7 limited amount of sweet holes, scattered yeast holes and other scattered gas holes, but pinny gas
8 holes are not permitted. Body and texture standards are shown in the grade B column of Table 6
9 under s. ATCP 81.50 (2).

10 **EFFECTIVE DATE.** The emergency rules contained in this order shall take effect upon
11 publication. It remains in effect for 150 days, as provided in s. 227.24 (1) (c), Stats., unless
12 extended by the legislature's joint committee for review of administrative rules under s. 227.24
13 (2), Stats.

Dated this 5 day of August, 1998.

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

By Ben Brancel
Ben Brancel, Secretary

FISCAL ESTIMATE

DOA-2048 (R 10/94)

ORIGINAL

CORRECTED

UPDATED

SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No.
ATCP 81

Amendment No. (If Applicable)

FISCAL ESTIMATE WORKSHEET

1997 SESSION

Detailed Estimate of Annual Fiscal Effect
 DOA-2047 (R10/94) ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No/Adm.Rule No. Amendment No.
 ATCP 81

Subject Grade Standards for Body and Texture Characteristics of Colby and Monterey (Jack) Cheese		
I. One-time Cost or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): Total one-time cost = \$1600		
II. Annualized Cost:	Annualized Fiscal Impact on State funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues - <small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ _____	\$ _____
NET CHANGE IN REVENUES	\$ _____	\$ _____

Agency Prepared by: (Name & Phone No.) DATCP Terri L. Wenger (608) 224-4714	Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barbara Knapp (608) 224-4746	Date 8/3/98
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State of Wisconsin
Tommy G. Thompson, Governor



Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

DATE: March 3, 1999

TO: The Honorable Fred Risser
President, Wisconsin State Senate
Rm. 220S, State Capitol
PO Box 7882
Madison, WI 53707-7882

The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Rm. 211W, State Capitol
PO Box 8952
Madison, WI 53708-8952

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

SUBJECT: **Proposed Rule Relating to Grade Standards for Colby and Monterey (Jack) Cheese (Clearinghouse Rule No. 98-182)**

In accordance with ss. 227.19 (2) and (3), Stats., the Department of Agriculture, Trade and Consumer Protection hereby transmits the above rule for legislative committee review. We are enclosing 3 copies of the final draft rule, together with the following report. In accordance with s. 227.19 (2), Stats., the department will publish a notice of this referral in the Wisconsin Administrative Register.

1. BACKGROUND AND EXPLANATION OF NEED FOR RULE

This rule would implement on a permanent basis the revised grade standards which the department established by emergency rule on August 8, 1998. Both the emergency rule and the proposed permanent rule eliminate provisions requiring mechanical openings in colby and monterey (jack) cheese.

DATCP has adopted standards for grades of cheese manufactured and sold in Wisconsin. Any cheese which carries a state grade mark must conform to the standards and characteristics of the labeled grade.

Under current DATCP rules, colby and monterey (jack) cheese must have numerous mechanical openings in order to be labeled or sold as Wisconsin certified premium grade AA or Wisconsin grade A (Wisconsin state brand).

The Honorable Fred Risser
The Honorable Scott Jensen
March 3, 1999
Page 2

Changes in cheese manufacturing technology, packaging and equipment have made it extremely difficult for many processors and packagers to achieve the numerous mechanical openings or open body character required by these top two grade categories. In addition, a majority of today's wholesale buyers and packagers prefer a closed body cheese for a variety of reasons, including ease of shredding and the ability to package "exact-weight" pieces with minimal variation and waste.

Wisconsin is the only state with its own grade standards for colby and monterey (jack) cheese. The United States Department of Agriculture modified its grade standards for colby and monterey jack cheese in 1995 and 1996, respectively, in response to industry requests to allow an open or closed body.

Under current DATCP rules, a closed body cheese cannot be labeled or sold as Wisconsin certified premium grade AA or Wisconsin grade A (Wisconsin state brand), nor command the premium price associated with these top two grade categories. Buyers who cannot obtain the desired graded product in Wisconsin are likely to switch to suppliers from other states.

Wisconsin's dairy industry plays a major role in our state's economy. Approximately \$3 billion or 90% of Wisconsin's milk production goes into the manufacture of cheese. Lost business revenues harm the dairy industry, cause increased unemployment, and have a negative impact on the state's economy.

2. SUMMARY OF RULE PROVISIONS; CHANGES TO THE GRADE STANDARDS FOR BODY AND TEXTURE CHARACTERISTICS

This rule eliminates current provisions that require mechanical openings in colby and monterey (jack) cheese. Under this rule, colby and monterey (jack) cheese may have either mechanical openings or a closed body.

When mechanical openings are present, their size and distribution are two of many factors which determine the specific grade category assigned to the cheese. Under this rule, Wisconsin certified premium grade AA requires that mechanical openings be "evenly distributed" and "small." Wisconsin grade A (Wisconsin state brand) requires that mechanical openings be "evenly distributed," without the added emphasis on "small." Wisconsin grade B has no requirement for mechanical openings to be "evenly distributed."

3. SUMMARY OF PUBLIC HEARING TESTIMONY

On November 10, 1998, the DATCP Board authorized public hearings on this rule. Public hearings were held on December 11, 1998 in Appleton and December 16, 1998 in Dodgeville. The hearing record remained open until December 18, 1998 for additional written comments.

The Wisconsin Dairy Products Association, Wisconsin Cheese Makers Association, Wisconsin Federation of Cooperatives, Alto Dairy Cooperative, Great Lakes Cheese of Wisconsin, and Marathon Cheese Corporation commented in support. Their testimony indicated the following:

- Many processors find it difficult to achieve the desired number of mechanical openings with modern processing equipment to meet current Wisconsin grade standards.
- A majority of wholesale buyers and packagers prefer a closed body style of cheese for slicing, shredding, and cutting exact weight pieces with minimal breakage and waste.
- The rule change will align Wisconsin grade standards with USDA's grade standards.
- The rule change will allow Wisconsin manufacturers the flexibility to produce top-graded cheese with either an open or closed body to meet the demands of their particular customers.
- The rule change will allow the Wisconsin cheese industry to remain competitive with other states, maintain its market share, and preserve a healthy dairy/state economy.

A summary of the hearing testimony with a list of persons attending, testifying or submitting written comments for the hearing record is attached as **APPENDIX A**.

4. RULE MODIFICATIONS AFTER PUBLIC HEARING

No changes were made in the final draft rule in response to the hearing comments. The DATCP Board approved the final draft rule on January 21, 1999.

5. RESPONSE TO RULES CLEARINGHOUSE COMMENTS

The department made minor editorial changes in response to comments from the Legislative Council Rules Clearinghouse.

The hearing draft rule permitted colby and monterey (jack) cheeses graded AA, A, or B to have either mechanical openings or a closed body, "depending on the method of manufacture." In response to a question from the Rules Clearinghouse, the phrase "depending on the method of manufacture" was determined to be unnecessary for the application of these grade standards and this phrase was subsequently removed from the final draft rule.

The Rules Clearinghouse also suggested that the agency define or describe the term "closed body" if the meaning of this term was not generally understood by the industry. The department confirmed that this term is indeed well understood by the cheese industry and chose not to further define it.

The Honorable Fred Risser
The Honorable Scott Jensen
March 3, 1999
Page 4

A minor technical change suggested by the Rules Clearinghouse related to placement in the administrative code was also incorporated in the final draft rule.

6. FISCAL ESTIMATE

The department will incur a one-time cost of approximately \$3120 for permanent rule development. This rule will have no long-range fiscal impact on the department, nor will there be any cost to local governments. A complete fiscal estimate on the proposed rule is attached as **APPENDIX B**.

7. REGULATORY FLEXIBILITY ANALYSIS

No comments were received during the public comment period on the draft regulatory flexibility analysis. This rule will not impose any direct costs on small businesses. It will not require any

APPENDIX A

SUMMARY OF HEARING TESTIMONY

AMENDMENTS TO CHAPTER ATCP 81 GRADE STANDARDS FOR COLBY AND MONTEREY (JACK) CHEESE

Public hearings were held on December 11, 1998 in Appleton and December 16, 1998 in Dodgeville. The hearing record remained open until December 18, 1998 for additional written comments. A total of six people attended the hearings. Two people who did not attend the hearings submitted written comments.

Testified and Submitted Written Comments in Support of the Proposal:

John T. Umhoefer, Executive Director, Wisconsin Cheese makers Association: Update of Wisconsin standards and regulations needed to reflect current market demand and consumer demand. A closed body style of cheese is desirable for modern vacuum packaging technology and ability to slice, cube, and shred with minimal breakage and waste. Rule change will align Wisconsin grade standards with USDA's grade standards. Wisconsin cannot be an island. Needless barriers between manufacturers and consumer should be removed.

Eric Pinch, Alto Dairy Cooperative: Rule modification will have positive effect on Wisconsin's cheese manufacturing industry. Difficult to achieve desired number of mechanical openings in this cheese with modern processing equipment. Customers who cut, slice or shred prefer and specify a closed body. Change is necessary to remain competitive in the national cheese market for cheese sales and to service customer needs.

Testified in Support of the Proposal:

Brad Legreid, Executive Director, Wisconsin Dairy Products Association: Rule change will align Wisconsin grade standards with USDA's grade standards. Many processors find it difficult to achieve the desired number of mechanical openings with modern processing equipment. A majority of wholesale buyers and packagers prefer a closed body style of cheese for slicing, shredding, and cutting exact weight pieces with minimal breakage and waste. The rule change will allow Wisconsin manufacturers the flexibility to produce top-graded cheese with either an open or closed body to meet the demands of their particular customers. Essential that Wisconsin remain competitive with other states, maintain market share, and preserve a healthy dairy/state economy.

APPENDIX A (continued)

Registered and Submitted Written Comments in Support of the Proposal:

Dick Metzler, Great Lakes Cheese: More and more of the cheese business is going toward exact weights. The more open the piece of cheese, the more difficult to cut exact weights. More cheese is given away as heavier pieces of cheese are cut to avoid generating excessive underweights. More open cheese tends to crumble, resulting in less attractive and sometimes moldy packages of cheese. An open body requirement is a handicap for all Wisconsin packagers. There is a place for both types of colby within our state.

Submitted Written Comments in Support of the Proposal:

Scott J. Stieber, Quality Control & Assurance Director, Marathon Cheese: Fully supports adoption of the proposed regulation changes. Adoption would provide consistent standards for these cheeses.

John Manske, Director of Government Relations, Wisconsin Federation of Cooperatives: Supports the permanent rule proposal. Wisconsin manufacturers need to be able to meet the demands of the marketplace and have the flexibility that the rule proposal provides. USDA previously modified its grade standards to allow an open or closed body.

Registered in Support of the Proposal:

Wes Huibregtse, Great Lakes Cheese

Registered Neither For Nor Against:

Kevin Thome, The Cheese Reporter

APPENDIX B

1997 Session

FISCAL ESTIMATE

DOA-2048 (R 10/94)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No. ATCP 81
Amendment No. (if Applicable)

FISCAL ESTIMATE WORKSHEET

1997 SESSION

Denoted Estimate of Annual
Fiscal Effect
DOA-2067 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.
ATCP 81

Subject

Grade Standards for Body and Texture Characteristics of Colby and Monterey (Jack) Cheese

I. One-time Cost or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Total one-time cost = \$3120

II. Annualized Cost:

Annualized Fiscal Impact on State funds from:

APPENDIX C

Final Regulatory Flexibility Analysis

Proposed ATCP 81, Wis. Adm. Code

GRADE STANDARDS FOR COLBY AND MONTEREY (JACK) CHEESE

The proposed rule modifies current rules under ch. ATCP 81, Wis. Adm. Code, related to grade standards for body and texture characteristics of colby and monterey (jack) cheese. This rule would implement, on a "permanent" basis, the revised grade standards which the department established by emergency rule on August 8, 1998.

Under current DATCP rules, colby and monterey (jack) cheese must have numerous mechanical openings in order to be labeled or sold as Wisconsin certified premium grade AA or Wisconsin grade A (Wisconsin state brand).

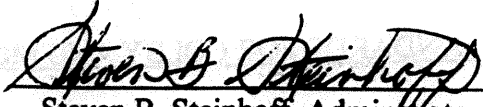
The recently adopted emergency rule temporarily eliminated rule provisions requiring mechanical openings in colby and monterey (jack) cheese. Under the emergency rule, colby and monterey (jack) cheese may have either mechanical openings or a closed body. When mechanical openings are present, their size and distribution are two of many factors which determine the specific grade category assigned to the cheese. The proposed rule would make these same rule changes on a permanent basis.

The proposed rule will not impose any direct costs on small businesses. These amendments do not require any additional reporting or recordkeeping. In addition, no other new procedures are proposed. No additional knowledge or professional skills are needed to meet the requirements of these proposed amendments.

High volume manufacturers (typically larger businesses) using newer technology, equipment and packaging have experienced difficulties in manufacturing cheese to meet the current grade requirements for mechanical openings. Small cheese factories and packaging operations using more traditional technology, equipment and packaging could more easily achieve the open body characteristics currently required for Wisconsin certified premium grade AA and Wisconsin grade A (Wisconsin state brand). As a consequence of the rule change and the elimination of the requirement for mechanical openings, these small businesses may now experience increased competition in the marketplace in the sale of Wisconsin graded cheese which may now have an open or closed body. However, an apparent majority of the cheese industry believes that small cheese processors will be able to maintain or grow a niche market for open-bodied colby and monterey (jack) cheese in the retail deli case.

Dated this 4th day of January, 1999.

State of Wisconsin
Department of Agriculture,
Trade and Consumer Protection

By 
Steven B. Steinhoff, Administrator
Division of Food Safety

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

- 1 The state of Wisconsin department of agriculture, trade and consumer protection proposes the
- 2 following order to amend ATCP 81.50 (2), 81.51 (2), and 81.52 (2), relating to grade standards
- 3 for colby and monterey (jack) cheese.

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

Statutory Authority: ss. 97.09 (1) and 97.177 (1), (2) and (4) , Stats.

Statutes Interpreted: ss. 97.09 and 97.177, Stats.

This proposed rule modifies current rules under ch. ATCP 81, Wis. Adm. Code, related to grade standards for body and texture characteristics of colby and monterey (jack) cheese.

The current standards require the presence of mechanical openings or an "open" body in order for the cheese to be labeled or sold as Wisconsin certified premium grade AA or Wisconsin grade A (Wisconsin state brand).

This proposed rule repeals current grade standards that require mechanical openings in colby and monterey (jack) cheese. Under the proposed rule, the cheese may have either mechanical openings or a closed body.

When mechanical openings are present, their size and distribution are two of many factors which determine the specific grade category assigned to the cheese. Wisconsin certified premium grade

1 ~~numerous small mechanical openings evenly distributed throughout the cheese.~~ The cheese may
2 have evenly distributed small mechanical openings or a closed body. The cheese may not
3 contain any sweet holes, yeast holes, or other gas holes. The cheese may be definitely curdy or
4 partially broken down if it is more than 3 weeks old. Body and texture standards are shown in
5 the grade AA column of Table 6.

6 **SECTION 2.** ATCP 81.51 (2) is amended to read:

7 ATCP 81.51 (2) BODY AND TEXTURE CHARACTERISTICS. Wisconsin grade A and
8 Wisconsin state brand colby and monterey (jack) cheese shall be reasonably firm. ~~The cheese~~
9 ~~shall have numerous~~ The cheese may have evenly distributed mechanical openings or a closed

10 body. When present, mechanical openings ~~but they~~ may not be large or connected to other
11 openings. The cheese shall be free from sweet holes, yeast holes, or other gas holes. The cheese
12 shall be definitely curdy or partially broken down if it is more than 3 weeks old. Body and

13 texture standards are shown in the grade A column of Table 6 under s. ATCP 81.50 (2).

14 **SECTION 3.** ATCP 81.52 (2) is amended to read:

15 ATCP 81.52 (2) BODY AND TEXTURE CHARACTERISTICS. Wisconsin grade B colby and
16 monterey (jack) cheese may be loosely knit and open. The cheese may have mechanical
17 openings or a closed body. There may be a limited amount of sweet holes, scattered yeast holes
18 and other scattered gas holes, but pinny gas holes are not permitted. Body and texture standards
19 are shown in the grade B column of Table 6 under s. ATCP 81.50 (2).

20 **SECTION 4. EFFECTIVE DATE.** The rules contained in this order shall take effect

Dated this _____ day of _____, 1999.

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

By _____
Ben Brancel, Secretary

Date of _____ 1994

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
OFFICE OF THE ATTORNEY GENERAL

By _____
John Hancock

SENATOR JUDITH B. ROBSON
CO-CHAIR



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-2253

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

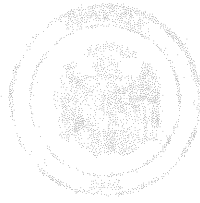
Last Modified January 1999

February 25, 1999
411 South, State Capitol

Moved by _____, Seconded by _____

THAT, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule ATCAP 81.50(2), 81.51 (2), 81.52 (2) and 81.52(2) by 60 days, at the request of the Department of Agriculture, Trade and Consumer Protection.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		



OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20540

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20540
PHONE 205-455-2000

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Emergency Rule Extension Motion Form

Last Modified: 10/15/2013

Form: 10/15/2013

11/15/2013 (Current)

11/15/2013

11/15/2013

THE JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR) is a permanent committee of the House of Representatives and the Senate. It was established by the Administrative Rule Extension Act (ARE) (Public Law 111-118, 81 Stat. 815) and the Administrative Rule Extension Act of 2009 (ARE) (Public Law 111-118, 81 Stat. 815). The JCAR is authorized to extend the expiration date of any administrative rule that is subject to the provisions of the Administrative Rule Extension Act of 2009 and the Administrative Rule Extension Act of 2009.

Item	Emergency Rule Extension Act of 2009	Administrative Rule Extension Act of 2009
1. Administrative Rule Extension Act of 2009	✓	
2. Administrative Rule Extension Act of 2009	✓	
3. Administrative Rule Extension Act of 2009		✓
4. Administrative Rule Extension Act of 2009		✓
5. Administrative Rule Extension Act of 2009		✓
6. Administrative Rule Extension Act of 2009		✓
7. Administrative Rule Extension Act of 2009		✓
8. Administrative Rule Extension Act of 2009		✓
9. Administrative Rule Extension Act of 2009		✓
10. Administrative Rule Extension Act of 2009		✓
11. Administrative Rule Extension Act of 2009		✓
12. Administrative Rule Extension Act of 2009		✓

Director General