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WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-124

AN ORDER to repeal ATPC 80.22 (5) (d) and 80.28 (1) (b) 2. Note; to amend ATPC 80.01 (10), (11) and (34), 80.08 (8) (d) 4., 80.12 (1) (a) Note and (7) (b) (intro.), 80.14 (3) (a) and (c), 80.18 (1) (c) and (3) Note, 80.22 (2) (b) and (8) Note, 80.24 (4) and Note, 80.26 (2) (a), 80.28 (1) (c), 80.32 (1) (b) and (c) Note, (2) (a) and (6), 80.34 (2) (c) 3. and Note, (5) (d) and Note, (6) (c) and Note, (7) (c) and Note, and (8) and Note, 80.36 (3), 80.40 (2) (a), 80.44 (1) and (2) (Table 2), 80.46, 80.48 and Note, 80.52 (2) and Note, (6) (a), (b) 2. and 3. and (6) (c) (intro.), 80.54 (1) (b), (c) and (g) and 80.62 (1) (b); to repeal and recreate ATPC 69.02 (title) and (1), 80.08 (7) and (8) (f), 80.10 (1) (d), 80.20 (1) and (3), 80.22 (2) (d) and (5) (a), 80.24 (3) (a) and (b) and 80.50; and to create ATPC 69.02 (4) (title) and (5), 80.01 (1g), 80.08 (8m), 80.12 (1) (g), 80.20 (1) Note, 80.24 (3) (d), 80.44 (2m) and 80.54 (1) (L) and (m), relating to dairy plants.

Submitted by DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

10-30-01 RECEIVED BY LEGISLATIVE COUNCIL.

11-29-01 REPORT SENT TO AGENCY.

RNS:DLL:jal;tlu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

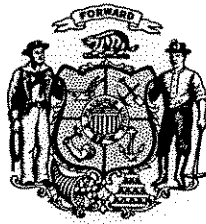
1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]  
Comment Attached      YES       NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]  
Comment Attached      YES       NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]  
Comment Attached      YES       NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]  
Comment Attached      YES       NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]  
Comment Attached      YES       NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]  
Comment Attached      YES       NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]  
Comment Attached      YES       NO

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## CLEARINGHOUSE RULE 01-124

### Comments

**[NOTE:** All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

#### 2. Form, Style and Placement in Administrative Code

- a. In addition to the other statutes cited, the analysis should cite s. 97.17, Stats., as being interpreted by the rule.
- b. In SECTION 5, "ATCP 80.01" should precede the text.
- c. Rules should not restate or duplicate existing requirements. For example, the second sentence of s. ATCP 80.08 (8m) (d) is superfluous. Since the preceding sentence specifies the *only* allowable use for reclaimed water that does not meet the specified requirements, it is not necessary to state that certain other uses are not allowed. What is more, s. ATCP 80.08 (8) (f) already specifies the *only* sources of water that may be used to produce culinary steam. Also, s. ATCP 80.20 (1) (c) is not necessary, since it only reiterates existing requirements. As an alternative, if the department feels that the reader needs to have this information presented here, a statement to this effect can be put in a note.
- d. In s. ATCP 80.24 (3) (a) and (b), either the numeral or the spelled-out number should be used, but not both.
- e. If the notations "HTST" and "HHST" are to be used in s. ATCP 80.48, they should be defined in s. ATCP 80.01 and then used in place of the full terms they represent, not along with them, as is frequently done in the rule. Otherwise, those notations should be omitted. Also, it would appear that the terms "high-temperature short-time pasteurization" and "higher-heat,

shorter-time pasteurization" should be defined. The two terms should also be consistent in whether or not a comma is used.

f. In the treatment clause of SECTION 42, the second and third occurrences of "(6)" should be omitted. In the text of that SECTION, the corresponding notations should be omitted.

g. The treatment clause of SECTION 43 states that that SECTION amends s. ATCP 80.54 (1) (b) and (c), but the text of that SECTION does not do so. Either the missing text should be inserted or the treatment clause should be corrected.

#### 4. Adequacy of References to Related Statutes, Rules and Forms

a. When specific tests are required, the rule should provide specific information regarding the test. If the rule does not fully describe the test itself, it should either incorporate by reference documents that contain the necessary information for performance of the test or cross-reference another provision of the code that does. Provisions of this rule that require specific tests but do not provide this information include ss. ATCP 80.08 (8m) (b) 4. and 5. and 80.52 (6) (b) 3. In addition, s. ATCP 80.24 (3) does not specify how bacterial counts, coliform counts and yeast and mold counts are to be done.

b. Sections ATCP 80.08 (8m) (c) 1. and 3. should be cross-referencing subdivisions of par. (b), not par. (a).

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. ATCP 69.02 (1) (b) 1., the term "short course" appears vague. Is it clear what courses are included in this term and what are not? Could it be made explicit?

b. The term "bulk transport container" is defined in s. ATCP 80.01 (1g). The term is almost indistinguishable from the currently defined term, "bulk milk tanker." It is used only once in ch. ATCP 80 in a context that applies also to bulk milk tankers. Consequently, the term does not seem necessary. (Clearinghouse Rule 01-125 also uses this term, in ch. ATCP 60, this time without definition; again, it is not clear that both terms are necessary.) If there is a real distinction being made with these terms, it should be made more clear.

c. What is meant by the undefined term "culinary steam," used in s. ATCP 80.08 (8) (f) and elsewhere? Perhaps this term should be defined.

d. In s. ATCP 80.08 (8) (f), the words "limited use" are superfluous and should be omitted. Also, the word "under" should be replaced by "in compliance with."

e. In s. ATCP 80.10 (1) (d) (intro.), the word "exposed" should be omitted since, if a person is in compliance with that provision, the lesion will not be exposed.

f. In s. ATCP 80.12 (1) (g), the phrase "to eliminate vibration" is unnecessary.

g. In s. ATCP 80.22 (5) (a) 3., what is meant by "product or temperature abuse"? Can more descriptive language be provided?

h. In both current and proposed s. ATCP 80.24 (3) (a), there appears to be no standard for bacterial count in frozen desserts containing nuts or other bulky flavors. Is that the intent?

i. A note following s. ATCP 80.52 (6) (a) providing the pertinent contact information might be a useful addition to the rule.

**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 repeal, ATCP 80.22(5)(d) and 80.28(1)(b)2.(note); to amend ATCP 80.01(10),  
3 (11) and (34), 80.08(8)(d)4., 80.12(1)(a)(note) and (7)(b)(intro.), 80.14(3)(a) and (c), 80.18(1)(c)  
4 and (3)(note), 80.22(2)(b) and (8)(note), 80.24(4) and (note), 80.26(2)(a), 80.28(1)(c),  
5 80.32(1)(b), (1)(c)(note), (2)(a) and (6), 80.34(2)(c)3. and (note), (5)(d) and (note), (6)(c) and  
6 (note), (7)(c) and (note), and (8) and (note), 80.36(3), 80.40(2)(a), 80.44(1) and (2)(Table 2),  
7 80.46, 80.48 and (note), 80.52(2) and (note), (6)(a), (6)(b)2. and 3., and (6)(c)(intro.),  
8 80.54(1)(b), (c) and (g), and 80.62(1)(b); to repeal and recreate ATCP 69.02(title) and (1),  
9 80.08(7) and (8)(f), 80.10(1)(d), 80.20(1) and (3), 80.22(2)(d) and (5)(a), 80.24(3)(a) and (b),  
10 80.50; and to create ATCP 69.02(4)(title) and (5), 80.01(1g), 80.08(8m), 80.12(1)(g),  
11 80.20(1)(note), 80.24(3)(d), 80.44(2m), and 80.54(1)(L) and (m); relating to dairy plants.

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

Statutory authority: ss. 93.07(1), 97.09(4), 97.20(4), 97.22(8), 97.24(3) and 97.52,  
Stats. 227.11 (2)

Statutes interpreted: ss. 93.06(7) and (8), 97.02, 97.03, 97.12, 97.20, 97.22 to 97.24,  
97.50 and 97.52, Stats. 97.17

**Overview**

The Wisconsin Department of Agriculture, Trade and Consumer Protection ("DATCP") regulates dairy plants to protect consumers and facilitate interstate shipment of Wisconsin dairy products. This rule updates current dairy plant rules under chs. ATCP 69 and 80, Wis. Adm. Code. Among other things, this rule:

- Establishes alternative training options for persons who wish to be licensed as cheesemakers.

- Updates current standards for dairy plant facilities.
- Authorizes a dairy plant operator to use reclaimed water for dairy plant operations, subject to specified conditions.
- Clarifies a dairy plant operator's responsibilities related to the receipt of raw milk from dairy farms.
- Modifies current dairy product temperature standards.
- Modifies current standards for bacteria and coliform in pasteurized dairy products.
- Modifies current restrictions related to the reprocessing of packaged dairy products returned to a dairy plant.
- Updates current pasteurization standards, and establishes standards for higher-heat shorter-time (HHST) pasteurizers.
- Updates current pasteurization record keeping requirements. Among other things, this rule clarifies record keeping requirements related to high-temperature short-time (HTST) and higher-heat shorter-time (HHST) pasteurization.
- Updates current standards related to dairy product fortification, dairy product test methods, and grade A audit surveys.
- Makes other drafting and organizational changes to update and clarify current rules.

### Background

DATCP currently licenses and inspects dairy plants under s. 97.20, Stats., and ch. ATCP 80, Wis. Adm. Code. DATCP licenses individual cheesemakers under s. 97.17, Stats., and ch. ATCP 69, Wis. Adm. Code. Dairy plants processing grade A fluid milk products must hold a grade A permit from DATCP. Dairy plants also have important responsibilities related to dairy farm milk procurement under ch. ATCP 60, Wis. Adm. Code.

All dairy products must be produced under sanitary conditions. Dairy plants producing grade A fluid milk products must also comply with the interstate Pasteurized Milk Ordinance (PMO). Failure to comply with PMO requirements may jeopardize the interstate shipment of Wisconsin dairy products. Current DATCP rules establish standards for all dairy plants, including grade A dairy plants. DATCP rules incorporate PMO standards.

Current DATCP rules spell out requirements related to:

- Dairy plant licensing and fees.
- Dairy plant facilities and operations.
- Dairy product quality standards and testing.

- Pasteurization of dairy products.
- Dairy plant records and reports.
- Inspection and enforcement.
- Cheesemaker license qualifications.

## Rule Contents

### **Cheesemaker License Qualifications**

Under current rules, individuals must meet certain training and experience requirements in order to be licensed as cheesemakers. Under current rules, an individual may be licensed if the individual does any of the following:

- Completes an 18-month apprenticeship under a licensed cheesemaker.
- Completes a 12-month apprenticeship, and either completes a university short course in cheesemaking or obtains a dairy-related associate degree at a vocational school.
- Completes a 6-month apprenticeship and obtains a 4-year dairy-related college degree.

This rule creates another option for license applicants. Under this rule, an individual may be licensed as a cheesemaker if the individual completes a 240-hour apprenticeship, and completes DATCP-approved courses in all the following:

- Cheesemaking.
- Production of safe dairy foods
- Hazard analysis critical control point (HAACP) process control.
- Milk pasteurization.
- Dairy sanitation.

DATCP may license the individual on a conditional basis, and may summarily suspend the license if the license holder fails to meet continuing education and performance standards.

### **Fluid Milk Products**

Fluid milk products must be produced by grade A dairy plants, according to grade A standards. This rule updates the current "fluid milk product" definitions to conform to the interstate Pasteurized Milk Ordinance (PMO).

### **Dairy Plant Rooms**

This rule clarifies, but does not substantially alter, current rules related to room separation in dairy plants. Certain activities must be separated from other activities to prevent contamination of dairy products.



## Re-circulated Water; Testing

Under current rules, re-circulated water used in a dairy plant cooler or heat exchanger must be tested semi-annually by the department. This rule requires the dairy plant operator, not the department, to test semi-annually.

## Reclaimed Water

This rule clarifies spells out standards for a dairy plant's use of water reclaimed from the condensation of milk or dairy products. The standards are designed to prevent dairy product contamination that may result from the improper use of reclaimed water. Under this rule:

- A dairy plant operator may use water reclaimed by means of evaporation, reverse osmosis or ultrafiltration. The water must meet different standards, depending on how it is used.
- Reclaimed water may not be used for any purpose requiring *potable* water unless all the following apply:
  - DATCP pre-inspects and pre-approves the reclamation system.
  - The reclaimed water is free of coliform bacteria.
  - The standard plate count of the reclaimed water does not exceed 500 per ml. and meets DNR bacteriological standards.
  - The organic content of the reclaimed water is less than 12 mg. per liter.
  - The reclaimed water has no off-odors, off-flavors or slime formations. The dairy plant operator must check these things weekly.
  - DATCP pre-approves any chemicals used to suppress bacterial growth, tastes or odors in the reclaimed water. Automatic proportioning devices must be used to add chemicals to the water. The dairy plant operator must test at least daily for chemical content. Chemicals may not contain substances that may contaminate dairy products.
  - The reclaimed water is stored in properly constructed tanks.
  - The dairy plant operator tests the reclaimed water for bacteriological and organic content at least semi-annually, and more often after the reclamation system is initially installed or repaired.
  - There are no cross-connections between reclaimed water lines and any public or private water system.
- Reclaimed water may be used for the limited purposes of producing culinary steam, pre-rinsing food contact surfaces of equipment or utensils, or preparing cleaning solutions if all the following apply:
  - The reclaimed water meets all potable water standards, other than bacteriological standards.
  - The reclaimed water is used only on the day that it is reclaimed.

- The reclaimed water is automatically maintained at a temperature of not less than 145° F., or is chemically treated to suppress bacterial propagation. Chemical treatments must comply with standards for potable water.
  - Distribution lines and hose stations used to distribute the reclaimed water are clearly identified as “**limited-use reclaimed water.**”
  - The dairy plant operator posts clear instructions for the use of the reclaimed water. The instructions must limit the purposes for which the reclaimed water may be used.
  - Water lines distributing the reclaimed water are not permanently connected to dairy product vessels. Temporary connections must be protected to avoid product contamination.
- Reclaimed water that does not qualify for any of the above uses may only be used as boiler feed water.

### **Dairy Plant Personnel; Sanitation**

Under current rules, persons with discharging or infected lesions on their hands or arms may not handle unpackaged dairy products. This rule prohibits them from handling unpackaged dairy products unless they have appropriate sanitary protection (including bandages and gloves) specified in this rule.

### **Equipment and Utensils**

Current rules spell out sanitary design and construction requirements for dairy plant equipment and utensils. The current rules incorporate, by reference, “3-A” technical standards published by FDA and the International Association for Food Protection.

Under current rules, persons installing C-I-P (cleaned in place) systems must submit plans for DATCP approval. This rule requires the dairy plant operator, not the installer, to submit the plans. DATCP must act on the plans within 20 business days (currently 30 calendar days).

This rule regulates the use of flexible pipelines in dairy plants, to prevent sanitation hazards. Dairy plant operators may use flexible pipelines, subject to conditions specified in this rule, if rigid pipelines are impractical. This rule also modifies current standards for chlorine sanitizers used to sanitize equipment and utensils.

### **Milk from Dairy Farms**

This rule clarifies a dairy plant operator’s responsibilities related to the receipt of raw milk from dairy farms. A dairy plant operator may not collect or receive milk from a dairy farm unless all the following apply:

- The dairy farm is properly licensed.
- A licensed milk weigher and sampler collects a sample of the producer’s milk (for milk quality testing), and measures and records the temperature and quantity of the producer’s milk.

- The operator complies with applicable milk testing and follow-up requirements under ch. ATCP 60 (dairy farms).

### **Bulk Milk Tanker Deliveries**

Current rules prohibit a dairy plant operator from receiving a grade A bulk milk tanker delivery unless the bulk milk tanker operator holds a grade A permit for that tanker. This rule also prohibits a dairy plant operator from receiving any bulk milk tanker delivery unless the tanker operator holds a bulk milk tanker license under s. 97.21(2)(a), Stats., and ch. ATCP 82.

### **Product Temperature**

Current rules require dairy plant operators to keep dairy products above or below specified temperatures, to prevent hazardous bacterial growth. This rule modifies some of these current temperature requirements.

- Under current rules, an operator who receives raw grade B milk or grade B dairy products for processing must keep those dairy products at 50° F. or less until they are pasteurized. Under this rule, the operator must keep those grade B dairy products at 45° or less until they are pasteurized (the same temperature currently required for grade A products). There is an exemption for milk received within 2 hours of milking, provided the milk is pasteurized or cooled to 45° within 4 hours.
- Under current rules, a dairy plant operator may not hold milk or dairy products for more than 4 hours at a temperature that is between 45° F. and 140° F. Certain dairy products are currently exempt. This rule adds some limited exemptions.
- Under current rules, dairy plant operators must keep certain non-dairy foods (including certain dairy product ingredients) at “safe temperatures” to prevent hazardous bacterial growth. This rule establishes new “safe temperature” requirements for these non-dairy foods, as follows:
  - For refrigerated foods: 41° F. (currently 40° F.)
  - For heated foods: 140° F. (currently 150° F.)
  - For frozen foods: 0° F. (same as now)

### **Reprocessing Returned Products**

Current rules prohibit a dairy plant operator from reprocessing *grade A* packaged dairy products returned to a dairy plant. There are certain exemptions. This rule prohibits a dairy plant operator from reprocessing *any* packaged dairy products (not just grade A products) returned to the dairy plant, except that it does not prohibit any of the following:

- The use, as ingredients, of packaged dairy products that are specifically manufactured and packaged for use as ingredients in other dairy products.

- Reprocessing packaged dry milk and dry milk products, if the inner package is intact.
- Reprocessing packaged cheese or butter returned for failure to meet grade or color standards, if the inner package is intact and there is no evidence of product or temperature abuse.
- Reprocessing dairy products collected from a packaging defoamer system, or drained from processing equipment at the end of a run, if the products are handled in a sanitary manner and repasteurized.
- Reprocessing specifically authorized by DATCP in writing, under terms and conditions specified by DATCP.

### **Bacteria, Coliform, Yeast and Mold**

This rule establishes more comprehensive bacteria and coliform standards for pasteurized dairy products. Under this rule, bacteria counts may not exceed 20,000 per ml. for most pasteurized dairy products. This standard does not apply to cultured dairy products (such as yogurt).

Bacteria counts for the following products may not exceed the following levels:

- 30,000 per ml. for condensed milk, whey, dried whey and nonfat dry milk.
- 50,000 per gram for frozen desserts, except that the bacteria count for frozen dessert mixes may not exceed 20,000 per gram.

Under this rule, coliform counts in pasteurized dairy products may not exceed 10 per ml., except that coliform counts for pasteurized cheese, cheese products, butter and butter products may not exceed 100 per gram. If pasteurized cheese is manufactured from unpasteurized dairy products, its coliform count may not exceed 1,000 per gram.

Under this rule, the yeast and mold count in pasteurized cottage cheese may not exceed 10 per gram.

### **Fortified Dairy Products**

This rule updates current standards for fortified dairy products. This rule incorporates the latest PMO standards (1999). DATCP will ask the Attorney General and the Revisor of Statutes for permission to incorporate these standards by reference in this rule.

### **Milk Quality and Milk Component Test Methods**

This rule updates current milk quality and milk component test methods. Milk test methods must be those prescribed in "Standard Methods for the Examination of Dairy Products," 16<sup>th</sup> edition (1992), or in the "Official Methods of Analysis of the Association of Analytical Chemists (AOAC) International, 17<sup>th</sup> edition (2000). DATCP will ask the Attorney General and the Revisor of Statutes for permission to incorporate the updated AOAC standards by reference in this rule. DATCP may approve other test methods.

### **Pasteurization Standards**

This rule establishes standards for higher-heat shorter-time (HHST) pasteurizers, including minimum temperature and hold times. This rule also updates standards for conventional batch pasteurizers and high-temperature short-time (HTST) pasteurizers. HTST and HHST pasteurizers must meet technical standards published jointly by FDA, the International Association of Food Industry Suppliers and the International Association of Food Protection. DATCP will ask the Attorney General and the Revisor of Statutes for permission to incorporate the updated standards by reference in this rule.

DATCP periodically tests pasteurizers according to procedures specified in the PMO. This rule updates current procedures to meet current PMO standards. DATCP will ask the Attorney General and the Revisor of Statutes for permission to incorporate the updated PMO standards by reference in this rule.

When DATCP determines that a pasteurizer is operating correctly, it seals the pasteurizer to prevent alterations that might allow unpasteurized product to flow through the system. A dairy plant operator must immediately notify DATCP whenever a pasteurizer malfunctions or the operator breaks the seal (to repair a malfunctioning pasteurizer, for example). The dairy plant operator may not resume pasteurizer operations until certain safety requirements are met. This rule expands and clarifies those safety requirements. This rule extends, by 5 days, the current 5-day deadline for resealing the pasteurizer.

### **Pasteurization Records**

This rule expands and updates current pasteurization record keeping requirements. Among other things it expands current record keeping requirements related to HTST and HHST pasteurization. Records must document that pasteurization met minimum standards designed to ensure dairy product safety.

### **Dairy Plant Records**

Under current rules, a dairy plant operator must keep certain records and make those records available for inspection and copying by DATCP. This rule expands and clarifies current record keeping requirements. This rule:

- Authorizes a dairy plant operator to keep cleaning and sanitizing records for C-I-P ("cleaned in place") systems in electronic form, with or without a hard copy. Electronic records must be accessible by a DATCP inspector.
- Requires a dairy plant operator to keep records related to vitamin fortification of fluid milk products, including inventory records and vitamin assay records.

## Grade A Audit Surveys

Under the PMO, current state statutes and current DATCP rules, the Department of Health and Family Services (DHFS) must audit grade A dairy plants and dairy farms for compliance with PMO requirements. DHFS also audits DATCP's compliance program for compliance with the PMO. This rule updates current audit standards to meet current PMO requirements. DATCP will ask the Attorney General and the Revisor of Statutes for permission to incorporate the updated PMO standards by reference in this rule.

## Drafting and Organizational Changes

This rule makes a number of drafting and organizational changes to clarify and update current rules.

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1           **SECTION 1. ATCP 69.02(title) and (1) are repealed and recreated to read:**

2           **ATCP 69.02(title) Cheesemaker license; qualifications. (1) EXPERIENCE. An**

3 applicant for a cheesemaker's license under s. 97.17., Stats., shall submit proof that the applicant  
4 has done at least one of the following:

5           (a) Completed an 18-month cheesemaking apprenticeship under a licensed cheesemaker,  
6 including at least one month's experience in the complete process of cheesemaking.

7           (b) Completed a 12-month cheesemaking apprenticeship under a licensed cheesemaker,  
8 including at least one month's experience in the complete process of cheesemaking, and  
9 completed at least one of the following:

10           1. A cheesemaking short course at the university of Wisconsin or an equivalent course  
11 from another accredited college or university.

12           2. A dairy-related associate degree at an accredited school of vocational, technical and  
13 adult education.

vague (5)

1 (c) Completed a 6-month cheesemaking apprenticeship under a licensed cheesemaker,  
2 including at least one month's experience in the complete process of cheesemaking, and  
3 completed a 4-year dairy-related degree program at an accredited college or university.

4 (d) Completed an apprenticeship under a licensed cheesemaker, including at least 240  
5 hours experience in the complete process of cheesemaking, and completed department-approved  
6 courses in all the following subjects:

- 7 1. Cheesemaking.
- 8 2. Production of safe dairy foods. *no*
- 9 3. Hazard analysis critical control point (HACCP) process control.
- 10 4. Principles of milk pasteurization.
- 11 5. Dairy sanitation.

12 **SECTION 2.** ATCP 69.02(4)(title) is created to read:

13 ATCP 69.02(4)(title) ACTION ON LICENSE APPLICATION.

14 **SECTION 3.** ATCP 69.02(5) is created to read:

15 ATCP 69.02(5) **CONDITIONAL LICENSE.** The department may issue a license under s.  
16 97.17, Stats., on a conditional basis. If the department issues a license to an applicant who  
17 qualifies under sub. (1)(d), the license shall be a conditional license for at least 2 years. The  
18 department may summarily suspend the license at any time during the conditional license term if  
19 the license holder fails to do any of the following:

20 (a) Successfully complete a performance evaluation conducted by qualified department  
21 staff. The department may conduct an evaluation at any time, at its discretion.

22 (b) Complete 40 hours of department-approved continuing education related to  
23 cheesemaking. Continuing education programs may include any of the following:

*total of 40 hrs. in  
2 yr period, or  
ongoing annual  
29 +*

5

1 1. Seminars on cheese safety, quality and grading, provided by a trade association or  
2 other continuing education provider.

3 2. Short courses on cheesemaking and grading provided by an accredited university or  
4 university-extension service.

5 3. Other programs approved by the department

6 SECTION 4. ATCP 80.01(1g) is created to read:

7 ATCP 80.01(1g) "Bulk transport container" means a vehicle or container that a milk  
8 producer uses to ship bulk milk from a dairy farm to a dairy plant.

9 SECTION 5. ATCP 80.01(10), (11) and (34) are amended to read:

10 *ATCP 80.01*  
11 *^*

10 (10) "Fluid milk product" means cream, sour cream, acidified sour cream, half- and-  
11 half, sour half-and-half, whipped cream, concentrated milk, concentrated milk products, reduced  
12 fat milk, low fat milk, ~~skim milk~~ nonfat milk, flavored milk, buttermilk, cultured buttermilk,  
13 cultured milk, yogurt, low fat yogurt, nonfat yogurt, eggnog, holiday nog, nog-flavored milk,  
14 vitamin and mineral fortified milk or milk products, and any other fluid milk product made by  
15 adding any substance to milk or any of these products.

16 (11) "Frozen dessert" means ice cream, French ice cream, artificially sweetened ice  
17 cream, frozen custard, frozen yogurt, frozen concentrates, ice milk, sherbet, water ice,  
18 quiescently frozen confection, quiescently frozen dairy confection, manufactured frozen dessert  
19 mix and frozen whipped cream confections. "Frozen dessert" includes frozen dessert mix.

20 (34) "Safe temperatures" as applied to potentially hazardous refrigerated foods means  
21 temperatures of ~~40°~~ 41° F. (5° C.) or below. As applied to potentially hazardous heated foods,  
22 "safe temperatures" means temperatures of ~~150°~~ 140° F. (~~65°~~ 60° C.) or above. As applied to  
23 frozen foods, "safe temperatures" means temperatures of 0° F. (-17° C.) or below.



1           **SECTION 6.** ATCP 80.08(7) is repealed and recreated to read:

2           ATCP 80.08(7) ROOMS. (a) Dairy plant rooms shall be large enough so that activities  
3 conducted in those rooms can be conducted in a safe and sanitary manner.

4           (b) Within a dairy plant, the following areas shall be located in separate rooms:

5           1. Raw milk unloading areas.

6           2. Areas used to clean and sanitize bulk milk tankers or bulk transport containers. Bulk  
7 milk tankers and bulk transport containers may be cleaned and sanitized in the same room where  
8 they are unloaded.

9           3. Processing areas.

10          4. Areas used to clean or sanitize dairy product packages or containers.

11          5. Areas used to store or fabricate dairy product packages. Packaging materials required  
12 for each day's processing operations may be kept in a processing area on that day.

13          6. Areas used to store dairy product ingredients, other than raw milk. Ingredients  
14 required for each day's processing operations may be kept in the processing area on that day.

15          7. Areas used to receive, handle or store returned packaged dairy products.

16          8. Areas used for boiler, heating plant, utility or maintenance equipment.

17          9. Employee toilet areas.

18          10. Employee locker areas, dressing areas, break areas and lunch areas.

19          11. Areas, if any, used as living quarters.

20          (c) In dairy plants constructed after December 1, 1994, raw milk shall be unloaded in a  
21 fully enclosed intake room.

1 (d) Notwithstanding par. (b), a dairy plant operator may store, cool, separate and clarify  
2 raw milk in an area that the operator uses to unload bulk milk shipments if all the following  
3 apply:

- 4 1. The area is within a fully enclosed room.
- 5 2. Containers used to store, cool, separate and clarify the raw milk are filtered or vented  
6 to a separate room to protect the milk from airborne contamination in the unloading area. If  
7 containers are vented to a separate room, that room shall comply with processing area sanitation  
8 standards under this chapter.

9 (e) Notwithstanding par. (d), a dairy plant operator may not store, cool, separate or  
10 clarify raw milk in a room used to unload bulk milk shipments if any of the following apply:

- 11 1. The dairy plant was constructed after December 1, 1994.
- 12 2. The dairy plant is a grade A dairy plant constructed after July 1, 1980.
- 13 3. The storage, cooling, separating or clarifying operations were initiated after December  
14 1, 1994.

15 (f) Rooms are considered separate, for purposes of this subsection, if they are fully  
16 separated by permanent floor-to-ceiling partitions and if doorways between the rooms are  
17 equipped with solid, tight-fitting, self-closing doors.

18 **SECTION 7.** ATCP 80.08(8)(d)4. is amended to read:

19 ATCP 80.08(7)(d)4. Tested by the ~~department~~ dairy plant operator at least semiannually.

20 **SECTION 8.** ATCP 80.08(8)(f) is repealed and recreated to read:

21 ATCP 80.08(8)(f) A dairy plant operator may use only potable water, or ~~limited use~~  
22 reclaimed water <sup>in compliance with</sup> sub. (8m)(c), to produce culinary steam. In boilers used to produce  
23 culinary steam, boiler water additives shall comply with 21 C.F.R. 173.310.

*what is relation between subs (8) + (8m)? why x ref.  
only (8m)(c) and mention only culinary steam?*

1 SECTION 9. ATCP 80.08(8m) is created to read:

2 ATCP 80.08(8m) RECLAIMED WATER. (a) A dairy plant operator may use water  
3 reclaimed from the condensation of milk or dairy products if all the following apply:

- 4 1. The water is reclaimed by means of evaporation, reverse osmosis or ultrafiltration.
- 5 2. The water meets applicable use conditions under this section.

6 (b) Reclaimed water may not be used for any purpose requiring potable water unless all  
7 the following apply:

- 8 1. The department pre-inspects and pre-approves the reclamation system.
- 9 2. The reclaimed water is free of coliform bacteria.
- 10 3. The standard plate count of the reclaimed water does not exceed 500 per ml. and  
11 meets the bacteriological standards under s. NR 809.30.
- 12 4. The organic content of the reclaimed water is less than 12 mg. per liter as measured by  
13 the chemical oxygen demand or permanganate-consumed test, or has a standard turbidity of less  
14 than 5 units. The dairy plant operator shall use an automatic fail-safe monitoring device to  
15 identify, and automatically divert to a waste water system, any reclaimed water that fails to meet  
16 this standard.

17 5. The reclaimed water is of satisfactory organoleptic quality and has no off-odors, off-  
18 flavors or slime formations. The dairy plant operator shall sample and organoleptically test  
19 reclaimed water at weekly intervals.

20 6. The department pre-approves any chemicals used to suppress bacterial growth, tastes  
21 or odors in the reclaimed water. An automatic proportioning device shall add the chemicals to  
22 the water before the water enters the storage tank. The dairy plant operator shall test reclaimed

5  
ret.  
tests  
5

esthetic? sensory?

how?

odors?

1 water at least daily for each added chemical. An added chemical may not contain any substance  
2 that may contaminate dairy products or limit the use of reclaimed water.

3 7. The reclaimed water is stored in a properly constructed tank. The tank shall be  
4 constructed of a material that will not contaminate the water and can be easily cleaned.

5 8. The dairy plant operator tests the reclaimed water for bacteriological and organic  
6 content at least semi-annually. The operator shall test the reclaimed water daily for at least 2  
7 weeks after the department approves the reclamation system under subd. 1., and daily for at least  
8 one week after any repairs or alterations to the system.

9 9. There are no cross-connections between reclaimed water lines and any public or  
10 private water system.

11 (c) Reclaimed water may be used for the limited purposes of producing culinary steam,  
12 pre-rinsing food contact surfaces of equipment or utensils, or preparing cleaning solutions if all  
13 the following apply:

14 1. The reclaimed water meets all conditions under pars. <sup>(b)</sup>~~(a)~~1., 2., 4. to 7. and 9.

15 2. The reclaimed water is used only on the day that it is reclaimed.

16 3. The reclaimed water is automatically maintained at a temperature of not less than 145°

17 F. (63° C.), or is chemically treated to suppress bacterial propagation. Chemical treatments shall

18 comply with par. <sup>(b)</sup>~~(a)~~6.

19 4. Distribution lines and hose stations used to distribute the reclaimed water are clearly  
20 identified as "**limited-use reclaimed water.**"

21 5. The dairy plant operator posts clear instructions for the use of the reclaimed water.

22 The operator shall post the instructions so that they will be seen and understood by persons using

1 the reclaimed water. The instructions shall disclose the limited purposes for which the reclaimed  
2 water may be used.

3 6. Water lines distributing the reclaimed water are not permanently connected to dairy  
4 product vessels. If a water line is temporarily connected to a dairy product vessel, there shall be  
5 an atmospheric break and automatic controls to prevent the reclaimed water from contacting  
6 dairy products.

7 (d) Reclaimed water that does not qualify for use under par. (b) or (c) may only be used  
8 as boiler feedwater. The reclaimed water may not be used in a heat exchanger, or to generate  
9 culinary steam. (3) ✓

10 SECTION 10. ATCP 80.10(1)(d) is repealed and recreated to read:

11 ATCP 80.10(1)(d) A person with a discharging or infected lesion on a hand or exposed  
12 arm may not handle or process unpackaged dairy products without appropriate sanitary  
13 protection. Appropriate sanitary protection shall include all the following: (5) ✓

- 14 1. An impermeable bandage on the lesion.
- 15 2. Single-use sanitary gloves or, if the lesion is on the arm, a full sleeved garment with  
16 tight fitting cuffs.

17 SECTION 11. ATCP 80.12(1)(a)(note) is amended to read:

18 **NOTE:** The "3-A Sanitary Standards" and "3-A Accepted Practices" listed in  
19 APPENDIX A are published jointly by the International Association of Milk,  
20 ~~Food and Environmental Sanitarians~~ for Food Protection, Inc., and the Food and  
21 Drug Administration, Public Health Service, United States Department of Health  
22 and Human Services. Copies are on file with the department, the secretary of  
23 state and the reviser of statutes. Copies may be purchased from the International  
24 Association of Milk, ~~Food and Environmental Sanitarians~~ for Food Protection,  
25 Inc., 6200 Aurora Avenue, Suite 200 W., Des Moines, Ia 50322, Telephone 1-  
26 800-369-2863.

27 SECTION 12. ATCP 80.12(1)(g) is created to read:

1 ATCP 80.12(1)(g) A dairy plant operator may use sanitary flexible pipelines to transfer  
2 partially processed products in the intermediate stages of cheese production, or to load and  
3 unload bulk loads of milk from transport vehicles, if all the following apply:

- 4 1. The use of rigid pipelines for that purpose is impractical.
- 5 2. The flexible pipelines are not more than 25 feet long.
- 6 3. The operator uses no more than 48 inches of flexible pipeline between different pieces  
7 of equipment to eliminate vibration.

8 **SECTION 13.** ATCP 80.12(7)(b)(intro.) is amended to read:

9 ATCP 80.12(7)(b) (intro.) The department may authorize alternative cleaning, sanitizing  
10 and processing procedures, including ~~extended run~~ procedures for continuous production runs of  
11 more than 24 hours, if all of the following apply:

12 **SECTION 14.** ATCP 80.14(3)(a) and (c) are amended to read:

13 ATCP 80.14(3) CONSTRUCTION PLANS (a) Before installing or modifying any C-I-P  
14 system, the ~~person responsible for installing or modifying the system~~ dairy plant operator shall  
15 submit to the department a plan for the installation or modification. The plan shall clearly  
16 describe each C-I-P circuit in the installed or modified system, including the size and length of  
17 piping, fittings, pitch, drain points, access points, relative elevations, locations and specifications  
18 of circulating units, and other features of the system.

19 (c) Within ~~30~~ 20 business days after any person files plans with the department under  
20 this subsection, the department shall return its comments or objections, if any, in writing.

21 **SECTION 15.** ATCP 80.18(1)(c) is amended to read:

1 ATCP 80.18(1)(c) Complete and continuous exposure for at least 2 minutes to a  
2 sanitizing solution containing at least ~~100~~ 50 ppm of available chlorine, and having a pH not  
3 higher than 8.3, at a temperature not less than 75° F. (24° C.) nor more than 110° F. (44° C.)

4 SECTION 16. ATCP 80.18(3)(note) is amended to read:

5 **NOTE:** Sanitizers approved by the ~~Wisconsin department of health and family services~~  
6 ~~under subchapter VII of chapter 254, Stats. s. 4-501.114, ch. ATCP 75 Appendix~~  
7 (Wisconsin Food Code), are approved by the department.

8 SECTION 17. ATCP 80.20(1) is repealed and recreated to read:

9 ATCP 80.20(1) MILK FROM DAIRY FARMS. (a) No dairy plant operator may collect or  
10 receive milk from a dairy farm located in this state unless the milk producer holds a current  
11 license for that dairy farm under s. 97.22(2), Stats., and s. ATCP 60.03.

12 (b) No dairy plant operator may collect or receive a milk shipment from a dairy farm in  
13 this state unless a person licensed under s. 97.17 or 98.146, Stats., does all the following before  
14 that milk shipment is commingled with milk from any other dairy farm:

15 1. Collects a sample of milk from the shipment, according to s. ATCP 60.17.

16 2. Accurately measures and records the temperature and quantity of milk in the  
17 shipment. The person shall give the producer a duplicate copy of the recorded information.

18 (c) A dairy plant operator shall comply with applicable requirements under subch. IV of  
19 ch. ATCP 60.

*not needed - these apply w/out  
restatement here -  
just use the note*

20 SECTION 18. ATCP 80.20(1)(note) is created to read:

21 **NOTE:** Subchapter IV of ch. ATCP 60 requires dairy plant operators to sample and test  
22 producer milk and report test results. Operators must reject milk shipments and  
23 take follow-up action in some cases.

24 SECTION 19. ATCP 80.20(3) is repealed and recreated to read:

25 ATCP 80.20(3) BULK MILK TANKER DELIVERIES. (a) No dairy plant operator may  
26 receive any fluid milk or dairy products transported in a bulk milk tanker unless the bulk milk  
27

1 tanker operator holds a current license for that bulk milk tanker under s. 97.21(2)(a), Stats., and  
2 s. ATCP 82.02(1).

3 (b) No dairy plant operator may receive any grade A milk or grade A fluid milk products  
4 transported in a bulk milk tanker unless the bulk milk tanker operator holds, in addition to the  
5 license under par. (a), a current grade A permit for that bulk milk tanker under s. 97.21(2)(b),  
6 Stats., and s. ATCP 82.02(7).

7 **SECTION 20.** ATCP 80.22(2)(b) is amended to read:

8 ATCP 80.22(2)(b) Except as provided under par. (a), raw milk and other dairy products  
9 received for processing at a dairy plant shall be kept at a temperature of ~~50°~~ 45° F. (~~10°~~ 7° C.) or  
10 less until pasteurized or, if pasteurization is not required, until processed. This paragraph does  
11 not apply to raw milk received at a dairy plant within 2 hours after milking, provided that the raw  
12 milk is held in compliance with par. (d).

13 **SECTION 21.** ATCP 80.22(2)(d) is repealed and recreated to read:

14 ATCP 80.22(2)(d) No milk or dairy product may be held at a dairy plant for more than 4  
15 hours at a temperature that is between 45° F. (7° C.) and 140° F. (60° C.). This paragraph does  
16 not apply to any of the following:

- 17 1. Grade A cultured dairy products while being cultured.
- 18 2. Dried dairy products.
- 19 3. Butter micro-fixing.
- 20 4. Cheese while being cured or ripened.
- 21 5. Pasteurized cream while being ripened for churning into butter.
- 22 6. Whey while being crystalized.
- 23 7. Dairy products that are sterilized and packaged in hermetically sealed packages.



1 8. Other dairy products for which the department authorizes different holding  
2 temperatures in writing.

3 **SECTION 22.** ATCP 80.22(5)(a) is repealed and recreated to read:

4 ATCP 80.22(5)(a) A dairy plant operator may not reprocess, for use in any dairy  
5 product, packaged dairy products that have left the custody of the dairy plant or that have  
6 originated from another dairy plant. This does not prohibit any of the following:

7 1. The use, as ingredients, of packaged dairy products that are specifically manufactured  
8 and packaged for use as ingredients in other dairy products.

9 2. Reprocessing dry milk and dry milk products returned to the dairy plant, provided that  
10 the products' inner packaging is intact.

11 3. Reprocessing cheese and butter products returned to the dairy plant for failure to meet  
12 grade or color standards, provided that the products' inner packaging is intact and there is no  
13 evidence of product or temperature abuse.

14 4. Reprocessing dairy products collected from a packaging defoamer system or drained  
15 from processing equipment at the end of a run, if those dairy products are collected and handled  
16 in a sanitary manner, held at a temperature of 45° F. (7° C.) or less, and re-pasteurized.

17 5. Reprocessing specifically authorized in writing by the department, under conditions  
18 specified by the department.

19 *back*  
**SECTION 23.** ATCP 80.22(5)(d) is repealed.

20 **SECTION 24.** ATCP 80.22(8)(note) is amended to read:

21 **NOTE:** The "3-A Sanitary Standards" and "3-A Accepted Practices" listed in  
22 APPENDIX A are published jointly by the International Association of Milk,  
23 Food and Environmental Sanitarians for Food Protection, Inc., and the Food and  
24 Drug Administration, Public Health Service, United States Department of Health  
25 and Human Services. Copies are on file with the department, the secretary of  
26 state and the revisor of statutes. Copies may be purchased from the International

*require* (5)

1 Association of Milk, Food and Environmental Sanitarians for Food Protection,  
2 Inc., 6200 Aurora Avenue, Suite 200 W., Des Moines, Ia 50322, telephone 1-800-  
3 369-2863.

4 SECTION 25. ATCP 80.24(3)(a) and (b) are repealed and recreated to read:

5 ATCP 80.24(3)(a) Bacterial counts in pasteurized dairy products, other than cultured  
6 dairy products or frozen desserts containing nuts or other bulky flavors, may not exceed the  
7 following levels:

- 8 1. Twenty thousand (20,000) per ml., except as provided in subd. 2. or 3.  
9 2. Thirty thousand (30,000) per ml. for condensed milk, whey, dried whey and nonfat  
10 dry milk.  
11 3. Fifty thousand (50,000) per gram for frozen desserts, except that the bacterial count  
12 for frozen dessert mixes may not exceed 20,000 per gram.

13 (b) Coliform counts in pasteurized dairy products may not exceed the following levels:

- 14 1. Ten (10) per ml. or per gram, except as provided in subd. 2. or 3.  
15 2. One hundred (100) per gram for pasteurized cheese, cheese products, butter and butter  
16 products.  
17 3. One thousand (1,000) per gram for cheese manufactured from unpasteurized dairy  
18 products.

19 SECTION 26. ATCP 80.24(3)(d) is created to read:

20 ATCP 80.24(3)(d) The yeast and mold count of pasteurized cottage cheese may not  
21 exceed 10 per gram.

22 SECTION 27. ATCP 80.24(4) and (note) are amended to read:

23 ATCP 80.24(4) FORTIFIED DAIRY PRODUCTS. Whenever milk or a fluid milk product is  
24 fortified with vitamin A or D, the fortification shall comply with Appendix O to the "Grade A

1 Pasteurized Milk Ordinance – ~~1993~~ 1999 Recommendations of the United States Public Health  
2 Service/Food and Drug Administration.”

3 **NOTE:** Copies of Appendix O to the “Grade A Pasteurized Milk Ordinance – ~~1993~~ 1999  
4 Recommendations of the United States Public Health Service/Food and Drug  
5 Administration” are on file with the department, the secretary of state and the  
6 revisor of statutes. Copies may be obtained from the department at cost.

7 **SECTION 28.** ATCP 80.26(2)(a) is amended to read:

8 ATCP 80.26(2)(a) Bases the price adjustment on the ~~arithmetic~~ arithmetic weighted average of test  
9 results obtained for that producer during the pay period to which the price adjustment applies.

10 **SECTION 29.** ATCP 80.28(1)(b)2.(note) is repealed.

11 **SECTION 30.** ATCP 80.28(1)(c) is amended to read:

12 ATCP 80.28(1)(c) The department may withdraw its approval under par. (a) or (b) for  
13 ~~cause, regardless of whether the department of health and family services withdraws its~~  
14 ~~certification.~~ Cause may include false or inaccurate test results or reports, or failure to conduct  
15 tests according to required procedures.

16 **SECTION 31.** ATCP 80.32(1)(b) is amended to read:

17 ATCP 80.32(1)(b) A method described in the “Official Methods of Analysis of the  
18 Association of Analytical Chemists (AOAC) International,” ~~15th~~ 17th Edition (2000).

19 **SECTION 32.** ATCP 80.32(1)(c)(note) is amended to read:

20  
21 **NOTE:** A laboratory performing milk quality tests must be certified under ch. ATCP 77.

22  
23 The American Public Health Association, Inc., “Standard Methods for the  
24 Examination of Dairy Products,” 16th edition, is on file in the offices of the  
25 department, the secretary of state, and the revisor of statutes, and may be obtained  
26 from the American Public Health Association, Inc., 1015 Eighteenth Street, N.W.,  
27 Washington, D.C. 20036.

28  
29 The “Official Methods of Analysis of the Association of Analytical Chemists  
30 (AOAC) International,” ~~15th~~ 17th Edition (2000), is on file in the offices of the  
31 department, the secretary of state and the revisor of statutes, and may be obtained

1 from the Association of Official Analytical Chemists, International, 1970 Chain  
2 Bridge Road, Dept. 0742, McLean, VA 22109-0742.  
3

4 **SECTION 33.** ATPC 80.32(2)(a) and (6) are amended to read:

5 ATPC 80.32(2)(a) Milkfat tests shall be performed using the Babcock method, the ether  
6 extraction method, or another test method approved by the department. Babcock and ether  
7 extraction tests shall be conducted according to the "Official Methods of Analysis of the  
8 Association of Analytical Chemists (AOAC) International," ~~15th~~ 17th edition (2000), except as  
9 provided under par. (b).

10 (6) TESTING DEADLINES. A milk quality test shall be ~~completed~~ conducted within the  
11 time period specified by the test method.

12 **SECTION 34.** ATPC 80.34(2)(c)3. and (note), (5)(d) and (note), (6)(c) and (note), (7)(c)  
13 and (note), ~~and~~ <sup>(8)</sup> (8) and <sup>(note)</sup> (note) are amended to read:

14 ATPC 80.34(2)(c)3. The standard deviation of test results, calculated for the set of  
15 calibration samples according to the formula set forth in the "Official Methods of Analysis of the  
16 Association of Analytical Chemists (AOAC) International," ~~15th~~ 17th edition (2000), section  
17 969.16, shall not exceed 0.044 percent for milkfat or protein, or 0.084 percent for total solids or  
18 solids-not-fat.

19 **NOTE:** The "Official Methods of Analysis of the Association of Analytical Chemists  
20 (AOAC) International," ~~15th~~ 17th edition (2000), is on file with the department,  
21 the secretary of state, and the revisor of statutes, and may be obtained from the  
22 Association of Official Analytical Chemists International, 1970 Chain Bridge  
23 Road, Dept. 0742, McLean, VA 22109-0742.

24 (5)(d) To determine the milkfat content of a calibration sample or daily performance  
25 check sample, the sample provider shall use either a manual or robotic version of the Modified  
26 Majonnier method as described in the "Official Methods of Analysis of the Association of  
27 Analytical Chemists (AOAC) International," ~~15th~~ 17th edition (2000), section 989.05.

1       **NOTE:** The “Official Methods of Analysis of the Association of Analytical Chemists  
2           (AOAC) International,” 15th 17th edition (2000), is on file with the department,  
3           the secretary of state and the revisor of statutes, and may be obtained from the  
4           Association of Official Analytical Chemists International, 1970 Chain Bridge  
5           Road, Dept. 0742, McLean, VA 22109-0742.

6           (6)(c) To determine the protein content of a calibration sample or daily performance  
7           check sample, the sample provider shall use the traditional or block digester/steam distillation  
8           Kjeldahl method as described in the “Official Methods of Analysis of the Association of  
9           Analytical Chemists (AOAC) International,” 15th 17th edition (2000), section 991.20.

10       **NOTE:** The “Official Methods of Analysis of the Association of Analytical Chemists  
11           (AOAC) International,” 15th 17th edition (2000), is on file with the department,  
12           the secretary of state and the revisor of statutes, and may be obtained from the  
13           Association of Official Analytical Chemists International, 1970 Chain Bridge  
14           Road, Dept. 0742, McLean, Va 22109-0742.

15           (7)(c) To determine the total solids content of a calibration sample or daily performance  
16           check sample, the sample provider shall use the direct forced air oven drying method as  
17           described in the “Official Methods of Analysis of the Association of Analytical Chemists  
18           (AOAC) International,” 15th 17th edition (2000), ~~1st supplement~~, section 990.20.

19       **NOTE:** The “Official Methods of Analysis of the Association of Analytical Chemists  
20           (AOAC) International,” 15th 17th edition (2000), is on file with the department,  
21           the secretary of state and the revisor of statutes, and may be obtained from the  
22           Association of Official Analytical Chemists International, 1970 Chain Bridge  
23           Road, Dept. 0742, McLean, VA 22109-0742.

24           (8) CALIBRATION AND DAILY PERFORMANCE CHECK SAMPLES; SOLIDS-NOT-FAT. The  
25           provider of a calibration sample under sub. (2) or a daily performance check sample under sub.  
26           (3) shall calculate the known percentage content of solids-not-fat in that sample by subtracting  
27           the percent fat as determined under sub. (5) from the total solids for that sample as determined  
28           under sub. (7). The calculation method shall be that described in the “Official Methods of  
29           Analysis of the Association of Analytical Chemists (AOAC) International,” 15th 17th edition  
30           (2000), ~~1st supplement~~, section 990.21.

1 **NOTE:** The "Official Methods of Analysis of the Association of Analytical Chemists  
2 (AOAC) International, ~~15th~~ 17th edition (2000), is on file with the department,  
3 the secretary of state and the revisor of statutes, and may be obtained from the  
4 Association of Official Analytical Chemists International, 1970 Chain Bridge  
5 Road, Dept. 0742, McLean, VA 22109-0742.

6 **SECTION 35.** ATCP 80.36(3) is amended to read:

7 ATCP 80.36(3) **RECORDS RETAINED BY DAIRY PLANT OPERATOR.** A dairy plant operator  
8 shall retain records required under this section ~~for at least one year~~ for the time period specified  
9 under s. ATCP 80.54(1), and shall make the records available for inspection and copying by the  
10 department upon request.

11 **SECTION 36.** ATCP 80.40(2)(a) is amended to read:

12 ATCP 80.40(2)(a) ~~Raw milk~~ A dairy product shipped in bulk to another dairy plant for  
13 use in manufacturing dairy products, provided that the ~~raw milk~~ shipment is accompanied by a  
14 bill of lading that identifies the ~~milk~~ dairy product as unpasteurized ~~raw milk~~.

15 **SECTION 37.** ATCP 80.44(1) and (2) (TABLE 2) are amended to read:

16 ATCP 80.44(1) If a dairy product is required to be pasteurized under s. ATCP 80.40, the  
17 dairy product shall be pasteurized according to this section unless the department authorizes a  
18 different but equally effective pasteurization method in writing. Every particle of the dairy  
19 product shall be heated to the required temperature and continuously ~~hold the product held~~ held at or  
20 above the required temperature for the required period of time. Pasteurization equipment shall  
21 be equipped with accurate measuring, recording and control devices, as required by ss. ATCP  
22 80.46 and 80.48, to ensure that the time and temperature requirements under this section are met.

*why aren't all provisions  
records in subch - VI?  
2*

1 (2) (TABLE 2)

2 TABLE 2.

3 PASTEURIZATION REQUIREMENTS FOR  
4 SELECTED DAIRY PRODUCTS

Product Group	Batch Pasteurization	HTST Pasteurization
(a) Milk, <u>skim milk, or buttermilk or cheese starter media</u>	145°F. (63°C.) for 30 minutes	161°F. (66°C.) for 15 seconds
(b) Cream and fluid dairy products having more than <del>9%</del> <u>10%</u> milkfat	150°F. (66°C.) for 30 minutes	166°F. (74°C.) for 15 seconds
(c) Cream for butter	166°F. (74°C.) for 30 minutes	185°F. (80°C.) for 15 seconds
(d) Condensed dairy products including condensed products in group (a) and blends of those products	155°F. (69°C.) for 30 minutes	166°F. (74°C.) for 15 seconds
(e) High total solids products (>16%)	155°F. (69°C.) for 30 minutes	166°F. (74°C.) for 15 seconds
(f) Frozen dessert mixes	155°F. (69°C.) for 30 minutes	175°F. (80°C.) for 25 seconds or 180°F. (83°C.) for 15 seconds
(g) Egg nog	155°F. (69°C.) for 30 minutes	175°F. (80°C.) for 25 seconds or 180°F. (83°C.) for 15 seconds
(h) Process cheese	150°F. (66°C.) for 30 minutes	—

*Define HHST and HTST  
also define the underlying  
terms? (5)*

1 SECTION 38. ATCP 80.44(2m) is created to read:

2 ATCP 80.44(2m) A dairy plant operator may use a higher heat, shorter time (HHST)  
3 pasteurizing system as an alternative to a HTST pasteurizer. An HHST pasteurizer shall operate  
4 at temperatures of 191° F. (89° C.) and above with holding times of 1 second or less. An HHST  
5 pasteurizer shall heat and hold a dairy product at one of the following temperatures for the  
6 corresponding length of time:

7 (a) 191° F. (89° C.) for 1.0 sec.

8 (b) 194° F. (90° C.) for 0.5 sec.

9 (c) 201° F. (94° C.) for 0.1 sec.

10 (d) 204° F. (96° C.) for 0.05 sec.

11 (e) 212° F. (100° C.) for 0.01 sec.

12 SECTION 39. ATCP 80.46 is amended to read:

13 **ATCP 80.46 Batch pasteurization.** Batch pasteurization equipment shall be of the non-  
14 coil type. Batch pasteurization equipment shall be constructed and operated so that  
15 pasteurization complies with s. ATCP 80.44. Batch pasteurization equipment shall be equipped  
16 with leak detector valves, recording thermometers, mercury column product thermometers, and a  
17 thermometer to record the temperature of the air space above the product in the pasteurizer. The  
18 temperature of the air space above the pasteurized product shall be at least 5° F. (3° C.). higher  
19 than the minimum pasteurization temperature of the pasteurized product.

20 SECTION 40. ATCP 80.48 and (note) are amended to read:


21 ATCP 80.48(title) ~~High-temperature short-time (HTST)~~ **HTST and HHST**  
22 **pasteurization.** Pasteurization by means of high-temperature short-time (HTST) or higher heat,  
23 shorter time (HHST) pasteurization shall comply with the standards set forth in "3-A Accepted



1 Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature  
2 Short-Time and Higher Heat Shorter Time Pasteurizer Systems," standard 603-06 (December,  
3 ~~1992~~) 603-07 (November, 2000), published jointly by the International Association of Food  
4 Industry Suppliers (IAFIS), International Association of Milk, Food and Environmental  
5 Sanitarians for Food Protection, Inc., (IAFP), and the Food and Drug Administration, Public  
6 Health Service, United States Department of Health and Human Services (USPHS), and the  
7 Dairy Industry Committee (DIC).

8 **NOTE:** Copies of the "3-A Accepted Practices for the Sanitary Construction,  
9 Installation, Testing, and Operation of High-Temperature Short-Time and Higher  
10 Heat Shorter Time Pasteurizer Systems," standard ~~603-06 (December 1992)~~ 603-  
11 07 (November, 2000) may be obtained from the International Association of  
12 Milk, Food and Environmental Sanitarians for Food Protection, Inc., 6200 Aurora  
13 Ave., Suite 200 W., Des Moines, IA 50010. Copies are on file with the  
14 department, the secretary of state and the revisor of statutes.

15 **SECTION 41.** ATCP 80.50 is repealed and recreated to read:

16 **ATCP 80.50 Pasteurization records.** (1) GENERAL. A dairy plant operator shall keep  
17 pasteurization records for all dairy products processed by the operator. Records shall cover all  
18 pasteurization operations, including conventional batch operations, high-temperature short-time  
19 (HTST) operations, and higher-heat shorter-time (HHST) operations. ~~Records shall comply with~~  
20 ~~this section.~~ *use one or the other* 

21 (2) BATCH PASTEURIZATION RECORDS. Except as provided in sub. (3), pasteurization  
22 records shall include all the following:

- 23 (a) Each date on which dairy products are pasteurized.
- 24 (b) The identification number or location of each pasteurization time and temperature  
25 recorder, if more than one is used.
- 26 (c) A continuous recorder chart temperature record for each batch of pasteurized product.

1 (d) The pasteurization holding time, as shown on the recorder chart, for each batch of  
2 pasteurized product. Records shall include filling and emptying times, if applicable.

3 (e) The temperature reading on the airspace thermometer at the start of the pasteurization  
4 holding period, and at a specific time identified as a point on the recorder chart.

5 (f) The temperature reading on the indicating thermometer at the start of the  
6 pasteurization holding period, and at a specific time identified as a point on the recorder chart.

7 (g) The name and quantity of pasteurized dairy product included in each batch  
8 pasteurization shown on the recorder chart.

9 (h) A record of any unusual circumstances that occurred during each batch  
10 pasteurization.

11 (i) The name of the dairy plant.

12 (j) The signature or initials of the dairy plant operator, or a responsible employee or  
13 agent of the operator.

14 (2) HTST AND HHST PASTEURIZATION RECORDS. Pasteurization records for high-  
15 temperature short-time (HTST) and higher-heat shorter-time (HHST) pasteurization operations  
16 shall include all the following:

17 (a) Each date on which dairy products are pasteurized.

18 (b) The identification number or location of each pasteurization time and temperature  
19 recorder, if more than one is used.

20 (c) A continuous controller chart temperature record for each pasteurization run.

21 (d) The temperature reading on the indicating thermometer at the start of each  
22 pasteurization run, and at a specific time identified as a point on the controller chart.

1 (e) Documentation, on the controller chart, of every time period during which the flow-  
2 diversion device on the pasteurizer is in the forward-flow position.

3 (f) The cut-in and cut-out product temperatures at the beginning of each high-  
4 temperature short-time (HTST) pasteurization run. The pasteurizer operator shall record these  
5 temperatures daily on the controller chart.


6 (g) The temperature reading on the indicating thermometer whenever the controller chart  
7 for the pasteurization system is changed.

8 (h) The name and quantity of pasteurized dairy product included in each pasteurization  
9 run shown on the controller chart.

10 (h) A record of any unusual circumstances that occurred during each pasteurization run.

11 (i) The name of the dairy plant.

12 (j) The signature or initials of the dairy plant operator, or a responsible employee or  
13 agent of the operator.

14 **SECTION 42.** ATCP 80.52(2) and (note), <sup>and</sup> (6)(a), (6)(b)2. and 3., and (6)(c)(intro.) are   
15 amended to read:

16 ATCP 80.52(2) TEST PROCEDURE. The department shall test grade A and grade B  
17 pasteurization systems according to the procedure specified in Appendix I of the "Grade A  
18 Pasteurized Milk Ordinance – ~~1993~~ 1999 Recommendations of the United States Public Health  
19 Service/Food and Drug Administration."

20 **NOTE:** Appendix I of the "Grade A Pasteurized Milk Ordinance – ~~1993~~ 1999  
21 Recommendations of the United States Public Health Service/Food and Drug  
22 Administration" is on file with the department, the secretary of state and the  
23 revisor of statutes. Copies may be obtained from the department at cost.

24 (6)(a) A dairy plant operator shall immediately notify the department by telephone,  
25 facsimile transmission or e-mail whenever the dairy plant operator breaks a seal applied by the

*Specify in note the phone or fax number or e-mail address*

5  
2

1 department under sub. (5), or whenever a pasteurizing system malfunctions to the possible  
2 detriment of public health or safety.

3 (6)(b)2. The dairy plant operator determines and documents that pasteurization time and  
4 temperature requirements under s. ATCP 80.44 are met, and that the pasteurization system is  
5 repaired and functioning properly. Time and temperature records required by s. ATCP 80.50  
6 shall be retained for at least 6 months.

7 3. The dairy plant operator ~~confirms, at least once during every 8 hours of operation,~~  
8 performs phosphatase tests to confirm that pasteurized milk and dairy products, other than dry  
9 milk and dry milk products, contain less than one microgram of phosphatase per ml. as  
10 ~~determined by the Sharer rapid method, or less than 500 milliunits of phosphatase per liter as~~  
11 ~~determined by the fluorometric procedure.~~ The dairy plant operator shall perform a phosphatase  
12 test at least once during every 4 hours of operation, using the Sharer rapid method, the  
13 Fluorophus ALP method or the Charm II method. The department shall certify the individual  
14 who performs the phosphatase test for the operator.

*X-ref. these methods*

2

2

15 (6)(c)(intro.) A dairy plant operator may not operate a pasteurizer for more than 5 10  
16 calendar days after breaking a seal applied by the department under sub. (5) unless one of the  
17 following occurs:

18 **SECTION 43.** ATCP 80.54(1)(b), (c) and (g) are amended to read

19 ATCP 80.54(1)(g) Cleaning and sanitizing records for all C-I-P systems, as required  
20 under s. ATCP 80.14 (2) (b). Records under this paragraph shall be retained for at least 90 days.  
21 Records may be stored in electronic form, with or without hard copy printouts, if the electronic  
22 records are readily accessible by a department inspector.

23 **SECTION 44.** ATCP 80.54(1)(L) and (m) are created to read:

1           ATCP 80.54(1)(L) Inventory control records for vitamin fortification of fluid milk  
2 products, including vitamins used and the quantity of fluid milk products produced. Records  
3 under this paragraph shall be retained for at least 2 years.

4           (m) Vitamin assay test results conducted on fortified dairy products under  
5 s. ATCP 80.24(4). Records under this paragraph shall be retained for at least 2 years.

6           **SECTION 45.** ATCP 80.62(1)(b) is amended to read:

7           ATCP 80.62(1)(b) *Survey method.* A survey under par. (a) shall include an inspection of  
8 the grade A dairy plant, an inspection of a randomly selected statistical sample of dairy farms  
9 shipping grade A milk to that dairy plant, and an evaluation of enforcement methods. A survey  
10 shall be conducted in compliance with "Methods of Making Sanitation Ratings of Milk  
11 Supplies," 1987 1999 revision, published by the Food and Drug Administration, Public Health  
12 Service, United States Department of Health and Human Services.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2001

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

By \_\_\_\_\_  
James E. Harsdorf, Secretary

**Fiscal Estimate — 2001 Session**

- Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number ch. ATCP 80

Subject  
Dairy Plants

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

- Increase Costs — May be possible to absorb within agency's budget.  
 Yes     No  
 Decrease Costs

Local:  No Local Government Costs

1.  Increase Costs  
 Permissive     Mandatory  
2.  Decrease Costs  
 Permissive     Mandatory  
3.  Increase Revenues  
 Permissive     Mandatory  
4.  Decrease Revenues  
 Permissive     Mandatory

5. Types of Local Governmental Units Affected:  
 Towns     Villages     Cities  
 Counties     Others  
 School Districts       WTCS Districts

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Chapter 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

The proposed rule to amend current dairy plant rules under ch. ATCP 80, Wis. Adm. Code, will not have a major fiscal effect on DATCP or local government. This rule updates existing food safety requirements, and accommodates recent changes in dairy plant operations. It also clarifies the responsibility of dairy plant operators with respect to dairy farms milk procurement under ch. ATCP 60, Wis. Adm. Code.

DATCP currently licenses and inspects dairy plants under ss. 97.20, Stats., and ch. ATCP 80. This requirement would not change. All dairy products must be produced under sanitary conditions. Dairy plants processing grade A fluid milk products must hold a grade A permit from DATCP. Dairy plants producing grade A fluid milk products must also comply with the Interstate Pasteurized Milk Ordinance (PMO).

Under current law, a dairy plant operator must submit milk producer license applications, annual license fees, and grade A permit applications on behalf of the milk producer. The dairy plant operator must also test producer milk shipments for drug residues, bacteria, somatic cells and other adulterants, and requires reporting test results to DATCP. This requirement will not change.

Current rules spell out compliance procedures, including notice and appeal procedures. This rule clarifies DATCP compliance procedures related to dairy plants. This rule does not make significant changes in current procedures.

**Long-Range Fiscal Implications**

None

Prepared By:	Telephone No.	Agency
C. Thomas Leitzke	(608) 224-4711	DATCP
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER  
PROTECTION

NOTICE OF HEARING

**Rules Related To Dairy Plants, Cheesemakers, and  
Drug Residue Screening Tests on Milk**

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announces that it will hold public hearings on all the following:

- A rule relating to dairy plants and cheesemakers. This rule modifies chs. ATCP 80 and 69, Wis. Adm. Code.
- A temporary emergency rule requiring DATCP approval of laboratory analysts who visually read drug residue screening tests on milk. This emergency rule modifies ch. ATCP 77, Wis. Adm. Code. DATCP will charge laboratories a fee to cover the cost of evaluating analysts. DATCP adopted this temporary emergency rule effective November 15, 2001.
- A proposal to adopt the above emergency rule as a "permanent" rule. DATCP proposes to do this by incorporating the emergency rule provisions with its "permanent" rules related to dairy plants and cheesemakers (see above).

DATCP will hold four hearings at the time and places shown below. DATCP invites the public to attend the hearings and comment on the proposed rules. Following the public hearing, the hearing record will remain open until December 15, 2001, for additional written comments.

You may obtain a free copy of these rules by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708, or by calling (608) 224-4700. Copies will also be available at the hearings.

Hearing impaired persons may request an interpreter for these hearing. Please make reservations for a hearing interpreter by **November 23, 2001**, by writing to Debbie Mazanec, Division of Food Safety, P.O. Box 8911, Madison, WI 53708-8911, telephone (608) 224-4712. Alternatively, you may contact the department TDD at (608) 224-5058. Handicap access is available at the hearings.

Hearings are scheduled at:

Thursday, November 29, 2000, 9:30 a.m. until 12:30 p.m.  
WDATCP Eau Claire Regional Office  
3610 Oakwood Hills Parkway  
Eau Claire, WI 54701-7754  
Handicapped accessible

Tuesday, December 4, 2001, 9:30 a.m. until 12:30 p.m.  
Appleton Public Library  
Lower Level Meeting Room  
925 So. Oneida Street  
Appleton, WI 54911  
Handicapped accessible

Wednesday, December 5, 2001, 9:30 a.m. until 12:30 p.m.  
Green County Agriculture Bldg.  
2841 6<sup>th</sup> Street  
Monroe WI 53566  
Handicapped accessible

Thursday, December 6, 2001, 9:30 a.m. until 12:30 p.m.  
U. W. Pyle Center  
702 Langdon Street  
Madison, WI 53706  
Handicapped accessible

The hearing in Madison on Thursday, December 6, 2001, will have videoconference connections with three additional locations. The public may participate in the hearing by testifying or registering an appearance at any of the four sites, and see as well as listen to testimony from other persons at all of the sites. Videoconference connections will be available from 9:30 a.m. until 12:30 p.m. at the following locations:

- LaCrosse State Office Building, Room B-29  
3550 Morman Coulee Road  
LaCrosse WI 54601  
Handicapped accessible
- Wisconsin Rapids State Office Building  
2610 Industrial Street, Conference Room #4  
Wisconsin Rapids WI 54495  
Handicapped accessible



- University of Wisconsin – Green Bay  
Instructional Services Bldg. Room #1034  
Green Bay, WI 54311  
Handicapped accessible

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**ATCP 80 and 69 (Proposed Rule)**

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

Statutory authority: ss. 93.07(1), 97.09(4), 97.20(4), 97.22(8), 97.24(3) and 97.52, Stats.

Statutes interpreted: ss. 93.06(7) and (8), 97.02, 97.03, 97.12, 97.20, 97.22 to 97.24, 97.50 and 97.52, Stats.

**Overview**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP”) regulates dairy plants to protect consumers and facilitate interstate shipment of Wisconsin dairy products. This rule updates current dairy plant rules under chs. ATCP 69 and 80, Wis. Adm. Code. Among other things, this rule:

- Establishes alternative training options for persons who wish to be licensed as cheesemakers.
- Updates current standards for dairy plant facilities.
- Authorizes a dairy plant operator to use reclaimed water for dairy plant operations, subject to specified conditions.
- Clarifies a dairy plant operator’s responsibilities related to the receipt of raw milk from dairy farms.
- Modifies current dairy product temperature standards.
- Modifies current standards for bacteria and coliform in pasteurized dairy products.
- Modifies current restrictions related to the reprocessing of packaged dairy products returned to a dairy plant.
- Updates current pasteurization standards, and establishes standards for higher-heat shorter-time (HHST) pasteurizers.
- Updates current pasteurization record keeping requirements. Among other things, this rule clarifies record keeping requirements related to high-temperature short-time (HTST) and higher-heat shorter-time (HHST) pasteurization.

- Updates current standards related to dairy product fortification, dairy product test methods, and grade A audit surveys.
- Makes other drafting and organizational changes to update and clarify current rules.

### **Background**

DATCP currently licenses and inspects dairy plants under s. 97.20, Stats., and ch. ATCP 80, Wis. Adm. Code. DATCP licenses individual cheesemakers under s. 97.17, Stats., and ch. ATCP 69, Wis. Adm. Code. Dairy plants processing grade A fluid milk products must hold a grade A permit from DATCP. Dairy plants also have important responsibilities related to dairy farm milk procurement under ch. ATCP 60, Wis. Adm. Code.

All dairy products must be produced under sanitary conditions. Dairy plants producing grade A fluid milk products must also comply with the interstate Pasteurized Milk Ordinance (PMO). Failure to comply with PMO requirements may jeopardize the interstate shipment of Wisconsin dairy products. Current DATCP rules establish standards for all dairy plants, including grade A dairy plants. DATCP rules incorporate PMO standards.

Current DATCP rules spell out requirements related to:

- Dairy plant licensing and fees.
- Dairy plant facilities and operations.
- Dairy product quality standards and testing.
- Pasteurization of dairy products.
- Dairy plant records and reports.
- Inspection and enforcement.
- Cheesemaker license qualifications.

### **Rule Contents**

#### **Cheesemaker License Qualifications**

Under current rules, individuals must meet certain training and experience requirements in order to be licensed as cheesemakers. Under current rules, an individual may be licensed if the individual does any of the following:

- Completes an 18-month apprenticeship under a licensed cheesemaker.
- Completes a 12-month apprenticeship, and either completes a university short course in cheesemaking or obtains a dairy-related associate degree at a vocational school.
- Completes a 6-month apprenticeship and obtains a 4-year dairy-related college degree.

This rule creates another option for license applicants. Under this rule, an individual may be licensed as a cheesemaker if the individual completes a 240-hour apprenticeship, and completes DATCP-approved courses in all the following:

- Cheesemaking.
- Production of safe dairy foods
- Hazard analysis critical control point (HAACP) process control.
- Milk pasteurization.
- Dairy sanitation.

DATCP may license the individual on a conditional basis, and may summarily suspend the license if the license holder fails to meet continuing education and performance standards.

### **Fluid Milk Products**

Fluid milk products must be produced by grade A dairy plants, according to grade A standards. This rule updates the current "fluid milk product" definitions to conform to the interstate Pasteurized Milk Ordinance (PMO).

### **Dairy Plant Rooms**

This rule clarifies, but does not substantially alter, current rules related to room separation in dairy plants. Certain activities must be separated from other activities to prevent contamination of dairy products.

### **Re-circulated Water; Testing**

Under current rules, re-circulated water used in a dairy plant cooler or heat exchanger must be tested semi-annually by DATCP. This rule requires the dairy plant operator, not DATCP, to test semi-annually.

### **Reclaimed Water**

This rule clarifies spells out standards for a dairy plant's use of water reclaimed from the condensation of milk or dairy products. The standards are designed to prevent dairy product contamination that may result from the improper use of reclaimed water. Under this rule:

- A dairy plant operator may use water reclaimed by means of evaporation, reverse osmosis or ultrafiltration. The water must meet different standards, depending on how it is used.
- Reclaimed water may not be used for any purpose requiring *potable* water unless all the following apply:
  - DATCP pre-inspects and pre-approves the reclamation system.
  - The reclaimed water is free of coliform bacteria.
  - The standard plate count of the reclaimed water does not exceed 500 per ml. and meets DNR bacteriological standards.
  - The organic content of the reclaimed water is less than 12 mg. per liter.
  - The reclaimed water has no off-odors, off-flavors or slime formations. The dairy plant operator must check these things weekly.

- DATCP pre-approves any chemicals used to suppress bacterial growth, tastes or odors in the reclaimed water. Automatic proportioning devices must be used to add chemicals to the water. The dairy plant operator must test at least daily for chemical content. Chemicals may not contain substances that may contaminate dairy products.
  - The reclaimed water is stored in properly constructed tanks.
  - The dairy plant operator tests the reclaimed water for bacteriological and organic content at least semi-annually, and more often after the reclamation system is initially installed or repaired.
  - There are no cross-connections between reclaimed water lines and any public or private water system.
- Reclaimed water may be used for the limited purposes of producing culinary steam, pre-rinsing food contact surfaces of equipment or utensils, or preparing cleaning solutions if all the following apply:
    - The reclaimed water meets all potable water standards, other than bacteriological standards.
    - The reclaimed water is used only on the day that it is reclaimed.
    - The reclaimed water is automatically maintained at a temperature of not less than 145° F., or is chemically treated to suppress bacterial propagation. Chemical treatments must comply with standards for potable water.
    - Distribution lines and hose stations used to distribute the reclaimed water are clearly identified as **“limited-use reclaimed water.”**
    - The dairy plant operator posts clear instructions for the use of the reclaimed water. The instructions must limit the purposes for which the reclaimed water may be used.
    - Water lines distributing the reclaimed water are not permanently connected to dairy product vessels. Temporary connections must be protected to avoid product contamination.
  - Reclaimed water that does not qualify for any of the above uses may only be used as boiler feed water.

### **Dairy Plant Personnel; Sanitation**

Under current rules, persons with discharging or infected lesions on their hands or arms may not handle unpackaged dairy products. This rule prohibits them from handling unpackaged dairy products unless they have appropriate sanitary protection (including bandages and gloves) specified in this rule.

### **Equipment and Utensils**

Current rules spell out sanitary design and construction requirements for dairy plant equipment and utensils. The current rules incorporate, by reference, “3-A” technical standards published by FDA and the International Association for Food Protection.