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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

3. Slaughter animals in this state for rendering by that person in this state or another state.

(b) A license under par. (a) expires on February 28 of each year and is not transferable. A license does not authorize the license holder to produce, sell, or distribute food for human consumption.

NOTE: A renderer licensed under sub. (1) must also hold a commercial feed license under s. ATCP 42.02 if the renderer produces animal feed. A renderer license does not authorize a person to process food for human consumption. Food processing is subject to other license requirements. See ch. ATCP 55 (meat and meat food products), ch. ATCP 70 (food processing plants), and ch. ATCP 75 (retail food establishments).

(2) LICENSE APPLICATION; FEES. To obtain a license under sub. (1), a person shall apply on a form provided by the department. The application shall include all of the following:

(a) The applicant's correct legal name, and any trade names under which the applicant engages in activities for which a license is required under sub. (1).

(b) Whether the applicant is an individual, corporation, partnership, limited liability company or other business entity.

(c) The applicant's primary business address.

(d) The address of each rendering plant and transfer station that the applicant operates or proposes to operate in this state.

(e) The livestock premises registration number assigned under ch. ATCP 17 to each location identified under par. (d). If the applicant has not yet registered a location under ch. ATCP 17, the applicant may register that location as part of the license application under this subsection.

(f) The applicant's social security number if the applicant is an individual.

NOTE: See s. 93.135(1)(im), Stats.

(g) A permit application for each vehicle for which a permit is required under s. ATCP 57.20(2).

(h) Other relevant information required by the department for licensing purposes.

(i) An annual license fee of \$200 for each rendering plant that the person operates or proposes to operate in this state. No fee is required for a transfer station.

(j) A pre-license inspection fee of \$25 for each rendering plant for which a pre-license inspection is required under sub. (3). No fee is required for pre-license inspection of a transfer station.

(3) **PRE-LICENSE INSPECTION.** Before the department issues a license covering a new rendering plant, or issues a license to a new operator of an existing rendering plant, the department shall inspect that rendering plant. The department may also inspect separate transfer stations operated by the renderer. The department shall perform the inspection within 30 days after the operator files a complete license application, unless the applicant agrees to a later inspection date.

NOTE: The department may inspect any rendering plant or transfer station, regardless of whether an inspection is required under sub. (3).

(4) **ACTION ON LICENSE APPLICATION.** The department shall grant or deny an annual license application under sub. (2) within 30 days after the department receives a complete application except that, if a pre-license inspection is required under sub. (3), the department shall grant or deny the application within 30 days after completing the pre-license inspection.

(5) **ADDITIONAL LOCATIONS.** A license under sub. (1) covers only the locations identified in the license application. A license holder may, at any time during the license

year, supplement the application to include additional locations. The applicant shall pay the fee required under sub. (2)(i) for each additional location. The department shall inspect each additional location before licensing that location.

(6) RENDERING PLANT LOCATED NEAR RESIDENCE OR BUSINESS. (a) No person may establish a rendering plant within 1/8 mile of any existing building used as a residential dwelling or as a public or private place of business.

(b) Paragraph (a) does not prohibit the continued operation or expansion of a rendering plant that was originally established prior to November 26, 1981, or that was originally established at least 1/8 mile from other buildings under par. (a), except that it prohibits an expansion that moves any portion of the plant closer to any other building under par. (a) that is located within 1/8 mile of the plant.

NOTE: For example, an existing rendering plant does not violate par. (a) merely because a new residence or business facility is constructed within 1/8 mile of the existing plant. But once the new residence or business facility is constructed, the plant may not expand closer to it (the plant may expand in the opposite direction).

(7) FACILITIES. Facilities operated by a renderer shall be all of the following:

(a) Designed, constructed and equipped for safe, sanitary and orderly operation, and for easy cleaning.

(c) Fully enclosed to prevent access by dogs, cats, wild animals, rodents, birds and insects.

(d) Constructed with self-draining floors and smooth interior walls and ceilings that can be easily cleaned.

(e) Equipped with effective ventilation and vapor control systems to minimize offensive odors.

(f) Maintained for safe, sanitary and orderly operation, and for easy cleaning.

(g) Kept clean, orderly, and free of nuisance conditions.

(h) Served by hot and cold running water that is adequate for processing, cleaning, waste disposal, drinking and employee sanitation needs. Water shall be obtained from a source that complies with chs. NR 811 or 812. Water outlets shall be conveniently designed and located.

(i) Equipped with drinking water, toilet and hand washing fixtures for persons who work at the facilities.

(8) WASTE COLLECTION AND DISPOSAL. A renderer shall do all of the following:

(a) Collect, and safely dispose of, all solid waste related to that person's operations. The person shall collect manure, offal, processing waste and other solid waste at least daily, and more often as necessary to keep facilities clean and orderly.

(b) Promptly collect, and safely dispose of, all liquid waste related to that person's operations. Liquid waste shall be discharged to a public sewer system, or to an effluent disposal system that complies with chs. NR 108 and 258.

(c) Comply with applicable federal, state and local law related to waste disposal.

(d) Keep solid waste storage areas clean and orderly.

(e) Keep waste collection and disposal systems in good working order.

(f) Prevent unconfined accumulations of carcasses, carcass materials or waste.

(9) STORING FULLY RENDERED PRODUCT. A renderer shall store fully rendered products in a location and manner that effectively protects those products from contamination by live animals, un-rendered carcasses and un-rendered carcass materials.

(10) TRANSPORTING AND HANDLING ANIMAL CARCASSES. A renderer shall transport and handle carcasses and carcass materials according to s. ATCP 57.20 and 57.22.

(11) SLAUGHTERING ANIMALS. If a renderer slaughters animals for rendering, the renderer shall use one of the humane methods listed in s. ATCP 55.07(11)(a)1. to 4. Animals slaughtered at a rendering plant shall be slaughtered in an area that is designed and equipped for safe and humane slaughtering. Live animals may not be unloaded, kept or slaughtered in processing or storage areas.

NOTE: A renderer may not transport live animals unless licensed to do so under ch. ATCP 12. See s. ATCP 57.20(5)(a).

(12) RECORDS. (a) A renderer shall keep complete and accurate records related to the renderer's operations. Records shall include all of the following:

1. The name and address of each person from whom the renderer receives carcasses or carcass materials, the date and location of each receipt, the types of carcasses or carcass materials received, the number or weight of carcasses received, the weight or liquid volume of carcass materials received, and the disposition of any carcasses or carcass materials received but not rendered.

2. The name and address of each person from whom the renderer receives live animals, the date and location of each receipt, the numbers and types of live animals received, and the disposition of each animal. If the renderer slaughters an animal, the renderer shall record the date and location of slaughter, and the disposition of the carcass.

3. The types of rendered product, and the daily amounts of each type of rendered product, produced at each rendering plant.

4. The name and address of each person to whom the renderer sells or distributes rendered product, the dates on which the renderer ships rendered product to each person, and the type and amount of rendered product included in each shipment.

5. Lot coding or other records that effectively track the receipt, processing and distribution of ingredients and rendered products, so that it is possible to identify ingredient sources for each lot of rendered product and vice versa.

(b) A renderer shall retain each record under par. (a) for at least 3 years after the record is made, and shall make records available to the department for inspection and copying upon request.

ATCP 57.12 Animal food processors. (1) ANNUAL LICENSE REQUIRED. (a) No person may do any of the following without an annual animal food processor license from the department:

1. Operate an animal food processing plant in this state.
2. Collect, receive or transport, in this state, carcasses or carcass materials for animal food processing by that person in this state or another state.
3. Slaughter animals in this state for animal food processing by that person in this state or another state.

(b) A license under sub. (1) expires on February 28 of each year and is not transferable. A license does not authorize the license holder to produce, sell or distribute food for human consumption.

NOTE: An animal food processor licensed under sub. (1) must also hold a commercial feed license under s. ATCP 42.02 if the animal food processor does more than "minimal processing" of carcasses or carcass materials (see s. ATCP 42.02(2)(e)). A commercial feed manufacturer licensed under s. ATCP 42.02 does not need an animal food processor license

under sub. (1) if the commercial feed manufacturer processes only fully rendered animal products (see s. ATCP 57.01(2)(k)).

An animal food processor license does not authorize a person to process food for human consumption. Food processing is subject to other license requirements. See ch. ATCP 55 (meat and meat food products), ch. ATCP 70 (food processing plants) and ch. ATCP 75 (retail food establishments).

- (2) LICENSE APPLICATION; FEES. To obtain an animal food processor license under sub. (1), a person shall apply on a form provided by the department. The application shall include all of the following:
- (a) The applicant's correct legal name, and any trade names under which the animal food processor engages in activities for which a license is required under sub. (1).
 - (b) Whether the applicant is an individual, corporation, partnership, limited liability company or other business entity.
 - (c) The applicant's primary business address.
 - (d) The address of each animal food processing plant and transfer station that the animal food processor operates in this state.
 - (e) The livestock premises registration number assigned under ch. ATCP 17 to each location identified under par. (d). If the applicant has not yet registered a location under ch. ATCP 17, the applicant may register that location as part of the license application under this subsection.
 - (f) The applicant's social security number if the animal food processor is an individual.
- NOTE:** See 93.135(im), Stats.
- (g) A permit application for each vehicle for which a permit is required under s. ATCP 57.20(2).

(h) Other relevant information required by the department.

(i) An annual license fee of \$200 for each animal food processing plant that the animal food processor operates in this state. No fee is required for a transfer station.

(j) A pre-license inspection fee of \$25 for each animal food processing plant for which a pre-license inspection is required under sub. (3). No fee is required for pre-license inspection of a transfer station.

(3) PRE-LICENSE INSPECTION. Before the department issues a license covering a new animal food processing plant, or issues a license to a new operator of an existing animal food processing plant, the department shall inspect that animal food processing plant. The department may also inspect separate transfer stations operated by the animal food processor. The department shall perform the inspection within 30 days after the operator files a complete license application, unless the applicant agrees to a later inspection date.

NOTE: The department may inspect any animal food processing plant or transfer station, regardless of whether an inspection is required under sub. (3).

(4) ACTION ON LICENSE APPLICATION. The department shall grant or deny an annual license application under sub. (2) within 30 days after the department receives a complete application except that, if a pre-license inspection is required under sub. (3), the department shall grant or deny the application within 30 days after completing the pre-license inspection.

(5) ADDITIONAL LOCATIONS. A license under sub. (1) covers only the locations identified in the license application. A license holder may, at any time during the license year, supplement the application to include additional locations. The applicant shall pay

the fee required under sub. (2)(i) for each additional location. The department shall inspect each additional location before licensing that location.

(6) ANIMAL FOOD PROCESSING PLANT LOCATED NEAR RESIDENCE OR BUSINESS.

(a) No person may establish an animal food processing plant within 1/8 mile of any existing building used as a residential dwelling or as a public or private place of business.

(b) Paragraph (a) does not prohibit the continued operation or expansion of an animal food processing plant that was originally established prior to November 26, 1981, or that was originally established at least 1/8 mile from other buildings under par. (a), except that it prohibits an expansion that moves any portion of the plant closer to any other building under par. (a) that is located within 1/8 mile of the plant.

NOTE: For example, an existing animal food processing plant does not violate par. (a) merely because a new residence or business facility is constructed within 1/8 mile of the existing plant. But once the new residence or business facility is constructed, the plant may not expand closer to it (it may expand in the opposite direction).

(7) FACILITIES. Facilities operated by an animal food processor shall be all of the following:

(a) Designed, constructed and equipped for safe, sanitary and orderly operation, and for easy cleaning.

(c) Fully enclosed to prevent access by dogs, cats, wild animals, rodents, birds and insects.

(d) Constructed with self-draining floors and smooth interior walls and ceilings that can be easily cleaned.

(e) Equipped with effective ventilation and vapor control systems to minimize offensive odors.

(f) Maintained for safe, sanitary and orderly operation, and for easy cleaning.

(g) Kept clean, orderly, and free of nuisance conditions.

(h) Served by hot and cold running water that is adequate for processing, cleaning, waste disposal, drinking and employee sanitation needs. Water shall be obtained from a source that complies with chs. NR 811 or 812. Water outlets shall be conveniently designed and located.

(i) Equipped with drinking water, toilet and hand washing fixtures for persons who work at the facilities.

(8) WASTE COLLECTION AND DISPOSAL. An animal food processor shall do all of the following:

(a) Collect, and safely dispose of, all solid waste related to that person's operations. The person shall collect manure, offal, processing waste and other solid waste at least daily, and more often as necessary to keep facilities clean and orderly.

(b) Promptly collect, and safely dispose of, all liquid waste related to that person's operations. Liquid waste shall be discharged to a public sewer system, or to an effluent disposal system that complies with chs. NR 108 and 258.

(c) Comply with applicable federal, state and local law related to waste disposal.

(d) Keep solid waste storage areas clean and orderly.

(e) Keep waste collection and disposal systems in good working order.

(f) Prevent unconfined accumulations of carcasses, carcass materials or waste.

(9) STORING PROCESSED FEED PRODUCTS. An animal food processor shall store processed feed products in a location and manner that effectively protects those products

from contamination by live animals, unprocessed carcasses and unprocessed carcass materials.

(10) TRANSPORTING AND HANDLING ANIMAL CARCASSES. An animal food processor shall transport and handle carcasses and carcass materials according to ss. ATCP 57.20 and 57.22.

(11) SLAUGHTERING ANIMALS. If an animal food processor slaughters animals for processing, the animal food processor shall use one of the humane methods listed in s. ATCP 55.07(11)(a)1. to 4. Animals slaughtered at an animal food processing plant shall be slaughtered in an area that is designed and equipped for safe and humane slaughtering. Live animals may not be unloaded, kept or slaughtered in processing or storage areas.

NOTE: An animal food processor may not transport live animals unless licensed to do so under ch. ATCP 12. See s. ATCP 57.20(5)(a).

(12) RECORDS. (a) An animal food processor shall keep complete and accurate records related to the animal food processor's operations. Records shall include all of the following:

1. The name and address of each person from whom the animal food processor receives carcasses or carcass materials, the date and location of each receipt, the types of carcasses or carcass materials received, the number or weight of carcasses received, the weight or liquid volume of carcass materials received, and the disposition of any carcasses or carcass materials received but not processed

2. The name and address of each person from whom the animal food processor receives live animals, the date and location of each receipt, the numbers and types of live animals received, and the disposition of each animal. If the animal food processor

slaughters an animal, the animal food processor shall record the date and location of slaughter, and the disposition of the carcass.

3. The types of animal feed, and the daily amounts of each type of animal feed, produced at each animal food processing plant.

4. The name and address of each person to whom the animal food processor sells or distributes animal feed, the dates on which the animal food processor ships the animal feed to each person, and the type and amount of animal feed included in each shipment.

5. Lot coding or other records that effectively track the receipt, processing and distribution of ingredients and processed feed products, so that it is possible to identify ingredient sources for each lot of processed feed product and vice versa.

(b) An animal food processor shall retain each record under par. (a) for at least 3 years after the record is made, and shall make records available to the department for inspection and copying upon request.

ATCP 57.14 Grease processors. (1) ANNUAL LICENSE REQUIRED. (a) No person may operate as a grease processor without an annual license from the department. A grease processor license expires on February 28 of each year and is not transferable.

(b) A grease processor license under par. (a) does not authorize any of the following:

1. The production, sale or distribution of food for human consumption.
2. The receipt, collection, transportation or slaughter of live animals.
3. The receipt, collection, transportation or processing of carcasses or carcass materials.

NOTE: A grease processor is not authorized to produce human food, or cooking oil or fat that may come in contact with human food. Persons producing

such cooking oil or fat must hold an appropriate license under ch. ATCP 55 (meat and meat food products), ATCP 70 (food processing plants) or ATCP 75 (retail food establishments).

(2) **LICENSE APPLICATION; FEES.** To obtain a grease processor license under sub. (1), a person shall apply on a form provided by the department. The application shall include all of the following:

(a) The applicant's correct legal name, and any trade names under which the applicant engages in activities for which a license is required under sub. (1).

(b) Whether the applicant is an individual, corporation, partnership, limited liability company or other business entity.

(c) The applicant's primary business address.

(d) The address of each grease processing plant that the applicant operates or proposes to operate in this state.

(e) The applicant's social security number if the applicant is an individual.

NOTE: See 93.135(im), Stats.

(f) Other relevant information required by the department for licensing purposes.

(g) An annual license fee of \$200 for each grease processing plant that the applicant operates or proposes to operate in this state.

(3) **PRE-LICENSE INSPECTION.** Before the department issues a license for a new grease processing plant, or issues a license to a new operator of an existing grease processing plant, the department shall inspect that grease processing plant. The department shall perform the inspection within 30 days after the grease processor files a complete license application, unless the grease processor agrees to a later inspection date.

NOTE: The department may inspect any grease processing plant, regardless of whether an inspection is required under sub. (3).

(4) ACTION ON LICENSE APPLICATION. The department shall grant or deny an annual license application under sub. (2) within 30 days after the department receives a complete application except that, if a pre-license inspection is required under sub. (3), the department shall grant or deny the application within 30 days after completing the pre-license inspection.

(5) ADDITIONAL LOCATIONS. A license under sub. (1) covers only the locations identified in the license application. A license holder may, at any time during the license year, supplement the application to include additional locations. The applicant shall pay the fee required under sub. (2)(g) for each additional location. The department shall inspect each additional location before licensing that location.

(6) GREASE PROCESSING PLANT LOCATED NEAR RESIDENCE OR BUSINESS. (a) No person may establish a grease processing plant within 1/8 mile of any existing building used as a residential dwelling or as a public or private place of business.

(b) Paragraph (a) does not prohibit the continued operation or expansion of a grease processing plant that was originally established prior to November 26, 1981, or that was originally established at least 1/8 mile from other buildings under par. (a), except that it prohibits an expansion that moves any portion of the plant closer to any other building under par. (a) that is located within 1/8 mile of the plant.

NOTE: For example, an existing grease processing plant does not violate par. (a) merely because a new residence or business facility is constructed within 1/8 mile of the existing plant. But once the new residence or business facility is constructed, the plant may not expand closer to it (it may expand in the opposite direction).

(7) FACILITIES. Facilities operated by a grease processor shall be all of the following:

(a) Designed, constructed and equipped for safe, sanitary and orderly operation, and for easy cleaning.

(c) Fully enclosed to prevent access by dogs, cats, wild animals, rodents, birds and insects.

(d) Constructed with self-draining floors and smooth interior walls and ceilings that can be easily cleaned.

(e) Equipped with effective ventilation and vapor control systems to minimize offensive odors.

(f) Maintained for safe, sanitary and orderly operation, and for easy cleaning.

(g) Kept clean, orderly, and free of nuisance conditions.

(h) Served by hot and cold running water that is adequate for processing, cleaning, waste disposal, drinking and employee sanitation needs. Water shall be obtained from a source that complies with chs. NR 811 or 812. Water outlets shall be conveniently designed and located.

(i) Equipped with drinking water, toilet and hand washing fixtures for persons who work at the facilities.

(8) WASTE COLLECTION AND DISPOSAL. A grease processor shall do all of the following:

(a) Collect, and safely dispose of, all solid waste related to grease processing operations. The person shall collect processing waste and other solid waste at least daily, and more often as necessary to keep facilities clean and orderly.

(b) Promptly collect, and safely dispose of, all liquid waste related to grease processing operations. Liquid waste shall be discharged to a public sewer system, or to an effluent disposal system that complies with chs. NR 108 and 258.

(c) Comply with applicable federal, state and local law related to waste disposal.

(d) Keep solid waste storage areas clean and orderly.

(e) Keep waste collection and disposal systems in good working order.

(f) Prevent unconfined accumulations of waste.

(9) **STORING PROCESSED GREASE.** A grease processor shall store processed grease in a manner that effectively protects it from contamination by grease processing ingredients.

(10) **RECORDS.** (a) A grease processor shall keep complete and accurate records related to the receipt and processing of grease ingredients and the sale or distribution of processed grease. Records shall identify all of the following:

1. The name and address of each person from whom the grease processor receives ingredients for processing, the date and location of each receipt, the types of ingredients received, the weight or liquid volume of ingredients received, and the disposition of any ingredients not processed into grease.

2. The types and daily amounts of grease produced at each grease processing plant.

3. The name and address of each person to whom the grease processor sells or distributes grease, the dates on which the grease processor ships grease to each person, and the type and amount of grease included in each shipment.

4. Lot coding or other records that effectively track the receipt, processing and distribution of grease processing ingredients and processed grease products, so that it is possible to identify ingredient sources for each lot of processed grease product and vice versa.

(b) A grease processor shall retain each record under par. (a) for at least 3 years after the record is made, and shall make records available to the department for inspection and copying upon request.

ATCP 57.16 Dead animal collectors. (1) ANNUAL LICENSE REQUIRED. (a) Except as provided in par. (b), no person may operate as a dead animal collector without an annual license from the department. A license expires on February 28 of each year. A license is not transferable.

(b) No license is required under par. (a) for a renderer or animal food processor licensed under s. ATCP 57.10 or 57.12 who collects or transports carcasses or carcass materials for processing by that licensed renderer or animal food processor.

(c) A license under par. (a) does not authorize a license holder to do any of the following:

1. Process carcasses or carcass materials.
2. Collect or transport anything other than whole carcasses with hide or feathers intact.
3. Collect, transport or deliver carcasses for processing or use as human food.
4. Collect, transport or deliver carcasses for processing or use as animal feed, other than for processing by a renderer or animal food processor licensed under s. ATCP 57.10 or 57.12.

NOTE: Animal markets, dealers and truckers that handle *live* animals are regulated under ch. ATCP 12. Live animal movements are also governed by ch. ATCP 10. No person may transport carcasses or carcass materials in the same vehicle used to transport live animals, except that if a live animal dies in transit the animal trucker may deliver the carcass directly to a renderer or animal food processor licensed under s. ATCP 57.10 or 57.12. See ss. ATCP 57.20(1)(b)6. and (5).

(2) LICENSE APPLICATION; FEES. To obtain a dead animal collector license under sub. (1), a person shall apply on a form provided by the department. The application shall include all of the following:

(a) The applicant's correct legal name, and any trade names under which the applicant engages in activities for which a license is required under sub. (1).

(b) Whether the applicant is an individual, corporation, partnership, limited liability company or other business entity.

(c) The applicant's primary business address.

(d) The address of every transfer station that the applicant operates or proposes to operate in this state.

(e) The livestock premises registration number assigned under ch. ATCP 17 to each transfer station identified under par. (d). If the applicant has not yet registered a transfer station under ch. ATCP 17, the applicant may register that location as part of the license application under this subsection.

(f) The applicant's social security number if the applicant is an individual.

NOTE: See 93.135(im), Stats.

(g) A permit application for each vehicle for which a permit is required under ATCP 57.20(2).

(h) Other relevant information required by the department.

(i) An annual license fee of \$100 for each location identified in par. (c) or (d).

(3) ACTION ON LICENSE APPLICATION. The department shall grant or deny an annual license application under sub. (2) within 30 days after the department receives a complete application.

(4) ADDITIONAL LOCATIONS. A license under sub. (1) covers only the locations identified in the license application. A license holder may, at any time during the license year, supplement the application to include additional locations. The applicant shall pay the fee required under sub. (2)(i) for each additional location.

(5) FACILITIES. Facilities operated by a dead animal collector shall be all of the following:

(a) Designed, constructed and equipped for safe, sanitary and orderly operation, and for easy cleaning.

(c) Fully enclosed to prevent access by dogs, cats, wild animals, rodents, birds and insects.

(d) Constructed with self-draining floors and smooth interior walls and ceilings that can be easily cleaned.

(e) Equipped with effective ventilation and vapor control systems to minimize offensive odors.

(f) Maintained for safe, sanitary and orderly operation, and for easy cleaning.

(g) Kept clean, orderly, and free of nuisance conditions.

(h) Served by hot and cold running water that is adequate for cleaning, waste disposal, drinking and employee sanitation needs. Water shall be obtained from a source

that complies with chs. NR 811 or 812. Water outlets shall be conveniently designed and located.

(i) Equipped with drinking water, toilet and hand washing fixtures for persons who work at the facilities.

(6) WASTE COLLECTION AND DISPOSAL. A dead animal collector shall do all of the following:

(a) Collect, and safely dispose of, all solid and liquid waste related to that person's operations. Liquid waste shall be discharged to a public sewer system, or to an effluent disposal system that complies with chs. NR 108 and 258.

(c) Comply with applicable federal, state and local law related to waste disposal.

(d) Keep solid waste storage areas clean and orderly.

(e) Keep waste collection and disposal systems in good working order.

(f) Prevent unconfined accumulations of carcasses, carcass materials or waste.

(7) TRANSPORTING CARCASSES. A dead animal collector shall transport carcasses according to s. ATCP 57.20.

(8) SLAUGHTERING ANIMALS. If a dead animal collector slaughters a live animal before collecting the carcass, the dead animal collector shall use one of the humane methods listed in s. ATCP 55.07(11)(a)1. to 4.

(9) RECORDS. (a) A dead animal collector shall keep complete and accurate records related to the receipt, transportation and delivery of carcasses. Records shall include all of the following:

1. The name and address of each person from whom the dead animal collector collects carcasses, the date and location of each collection, the types of carcasses collected, and the number of carcasses of each type collected.

2. The name and address of each person to whom the dead animal collector delivers carcasses, the date and location of each delivery, the types of carcasses delivered, and the number of carcasses of each type delivered.

(b) A dead animal collector shall retain each record under par. (a) for at least 3 years after the record is made, and shall make records available to the department for inspection and copying upon request.

ATCP 57.18 Carcass dealers. (1) REGISTRATION REQUIRED. No person may operate as a carcass dealer without an annual registration certificate from the department. An annual registration certificate expires on June 30 and is not transferable.

NOTE: A “carcass dealer” is a person engaged in the sale or distribution of carcasses or carcass material, or in brokering the sale of carcasses or carcass materials (see s. ATCP 57.01(6)). However, a “carcass dealer” does *not* include any of the following:

- A renderer, animal food processor or dead animal collector.
- A meat establishment operator, meat broker, meat distributor, or other person engaged solely in the sale or distribution of state-inspected or federally-inspected meat or meat products.

(2) REGISTRATION PROCEDURE. (a) To obtain a registration certificate under sub. (1), a carcass dealer shall register with the department on a form provided by the department. The completed registration form shall include all of the following information:

1. The registrant’s legal name and any trade names under which the registrant does business in this state.

2. A statement indicating whether the registrant is an individual, corporation, partnership, limited liability company or other business entity.

3. The registrant's principle business address.

4. Other relevant information reasonably required by the department for registration purposes.

(b) The department shall issue an annual registration certificate under sub. (1) within 30 days after the department receives a complete registration form under par. (a).

(3) RECORDS. (a) A carcass dealer shall keep all of the following records related to transactions in which the carcass dealer is involved as a buyer, seller or broker of carcasses or carcass materials:

* 1. The name and address of the seller.

2. The name and address of the buyer.

3. The date and location of sale.

4. The types of carcasses or carcass materials sold.

5. The number of each type of carcass or the amount of each type of carcass material sold.

6. If the carcass dealer takes physical custody of the carcasses or carcass materials, complete records related to the receipt, storage and disposition of those carcasses or carcass materials.

(b) A carcass dealer shall retain each record under par. (a) for at least 3 years after the record is made, and shall make records available to the department for inspection and copying upon request.

ATCP 57.20 Transporting carcasses and carcass materials. (1) LICENSE REQUIRED. (a) Except as provided in par. (b), no person may transport carcasses or carcass materials on a public road without a license from the department under s. ATCP 57.10, 57.12 or 57.16.

(b) No license is required under par. (a) for any of the following:

1. The transportation of meat or meat food products produced and transported according to ch. ATCP 55.
2. A farmer transporting carcasses of animals raised on his or her farm.
3. Transportation solely for purposes of destruction, burial or landfill disposal.
4. Transportation by a government agency.
5. Transportation by a bona fide research institution, for purposes of scientific research.
6. An animal market operator licensed under s. ATCP 12 .02, an animal dealer licensed under s. ATCP 12.03, or an animal trucker licensed under s. ATCP 12.04 who transports, for direct delivery to a person licensed under s. ATCP 57.10, 57.12 or 57.16, an animal that died during a live animal shipment.
7. The transportation of hides, feathers, or fully rendered products.
8. A fur farm operator's transportation of carcasses or carcass materials solely to feed fur-bearing animals on the operator's fur farm.
9. The transportation of legally harvested wild animals by or on behalf of the person who harvested them.
10. An employee of a license holder, acting within the scope of his or her employment.

(2) VEHICLE PERMIT. (a) A person who is required under sub. (1)(a) to hold a license under s. ATCP 57.10, 57.12 or 57.16 shall also hold an annual permit from the department for each vehicle that the person uses to transport carcasses or carcass materials on a public road. A permit expires on February 28 of each year. There is no fee for a permit.

(b) To obtain a vehicle permit under par. (a), a person shall apply on a form provided by the department. The permit application may be included as part of a license application under s. ATCP 57.10, 57.12 or 57.16. A complete permit application form shall include all of the following:

1. The applicant's legal name, and any trade names under which the applicant operates the vehicle in this state.
2. A statement indicating whether the applicant is an individual, corporation, partnership, limited liability company or other business entity.
3. The applicant's principle business address.
4. Unique identification of the vehicle.
5. A statement indicating whether the applicant is licensed under s. ATCP 57.10, 57.12 or 57.16. If the applicant is licensed under s. ATCP 57.10, 57.12 or 57.16, the vehicle permit application shall include the license number. If the applicant is not yet licensed under s. ATCP 57.10, 57.12 or 57.16, the applicant shall submit a license application with the vehicle permit application.
6. A statement that the vehicle is equipped to comply with sub. (4).
7. Other relevant information reasonably required by the department for purposes of issuing a vehicle permit.

(c) The department shall grant or deny an application under par. (b) within 30 days after the department receives a complete application.

(3) VEHICLE MARKING. Each vehicle for which a permit is required under sub. (2) shall bear the following information on both sides of the vehicle:

(a) The correct legal name of the vehicle permit holder, prominently printed in block lettering at least 3 inches high.

(b) The principal business address of the permit holder, prominently printed below the permit holder's name in block lettering at least 2 inches high.

(4) SANITARY TRANSPORT. A person who is required to hold a license under sub. (1) shall do all of the following:

(a) Transport carcasses or carcass materials in leakproof vehicles or containers that are closed or fully covered by a tarpaulin or other cleanable watertight covering.

(b) Clean and sanitize, after each day's use and more often if necessary, vehicles and containers used to transport carcasses and carcass materials. The person shall clean and sanitize vehicles and containers immediately after transporting carcasses or carcass materials that may spread contagious or infectious diseases.

(5) PROHIBITED PRACTICES. No person who is required to hold a license under sub. (1) may do any of the following:

(a) Transport live animals without a license under ch. ATCP 12, if required under ATCP 12.

(b) Transport live animals in the same vehicle with carcasses or carcass materials.

(c) Park a vehicle containing carcasses or carcass materials in any place where the parked vehicle may create a nuisance condition.

(6) REMOVING CARCASSES FROM TRANSFER STATIONS. A person who operates a transfer station shall remove carcasses and carcass materials from that transfer station within 24 hours after they are received, and sooner if necessary to prevent nuisance conditions. Carcasses and carcass materials received on a Saturday, or on a Sunday followed by a legal holiday, shall be removed within 48 hours and sooner if necessary to prevent nuisance conditions.

ATCP 57.22 Denaturing carcasses and carcass materials. (1) DENATURING REQUIRED. No person may transport, freeze, or receive for processing any carcasses or carcass materials other than the following:

- (a) Complete carcasses with hide or feathers intact.
- (b) Carcasses or carcass materials that are denatured according to sub. (2).
- (c) Fully rendered products.
- (d) Carcasses or carcass materials that are naturally incapable of being consumed by humans.
- (e) Lungs and lung lobes originating from a meat establishment licensed or inspected under s. ATCP 55.03.

(2) DENATURING. To denature carcasses or carcass materials, a person shall do one of the following:

- (a) Apply an approved denaturing agent under sub. (3) so that the denatured carcass or carcass material has a distinctive color, texture, odor or taste and cannot be confused with human food. The person shall apply the denaturing agent in such a way that it cannot be readily removed from the carcass or carcass material. Before applying

denaturant to a carcass part that is more than 4 inches square, the person shall deeply score the carcass part with cuts not more than 4 inches apart.

(b) Use another denaturing method specifically approved by the department.

(3) DENATURING AGENTS. The following denaturing agents, when used in the following specified ways and amounts, are approved for use under sub. (2)(a):

(a) FD&C Blue No. 2 coloring, in an amount sufficient to impart a definite blue color to all surfaces of the material.

(b) FD&C Green No. 3 coloring, in an amount sufficient to impart a definite green color to all surfaces of the material.

(c) Ground hard bone, No. 8 mesh, when uniformly incorporated into ground or emulsified material at a rate of 6% or more by weight.

(d) Ground hard bone, No. 5 mesh, when uniformly incorporated into ground or emulsified material at a rate of 4% or more by weight.

(e) Finely powdered charcoal, in an amount sufficient to impart a distinctive coloring to all surfaces of the material.

(f) Course ground charcoal, No. 10 mesh, when uniformly incorporated into ground material in an amount that is adequate to impart a distinctive coloring to all surfaces of the material.

(g) Low grade offal ground with the material so as to make the material readily distinguishable from any human food.

(h) Other denaturants approved by the department, when used in ways and amounts approved by the department.

ATCP 57.24 Labeling processed products. (1) LABELING REQUIRED. No person may sell, distribute or hold for sale or distribution any rendered product, animal feed or grease unless that product is clearly and conspicuously labeled with all of the following:

- (a) The name and address of the renderer, animal food processor or grease processor.
- (b) A clear identification of the product.
- (c) The net quantity of product included in any package or bulk shipment.
- (d) The clear and conspicuous statement “**INEDIBLE (SPECIES) NOT INTENDED FOR HUMAN FOOD**” if the product is susceptible to consumption by humans.
- (e) The clear and conspicuous statement “**DO NOT FEED TO CATTLE OR OTHER RUMINANTS**” if required under 21 CFR 589.2000.

ATCP 57.26 Prohibitions. (1) FEED FOR FOOD ANIMALS. No person may process, sell or distribute any carcass or carcass material as feed for food animals.

NOTE: Subsection (1) does not apply to fully rendered products. See ss. ATCP 57.01(5) and (7).

(2) RUMINANT FEED. No person may sell or distribute protein derived from mammalian tissues as feed for cattle or other ruminants, in violation of 21 CFR 589.2000.

(2) NO HUMAN FOOD. (a) No person may produce, sell or distribute food for human consumption pursuant to a renderer license under s. ATCP 57.10, an animal food processor license under s. ATCP 57.12, or a grease processor license under s. ATCP 57.14.

(b) No person may process food in the same facilities used for a rendering plant, animal food processing plant or grease processing plant.

SECTION 7. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

Dated this _____ day of _____, _____.

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

By _____
Rodney J. Nilsestuen
Secretary

Wisconsin Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis¹

Rule Subject: Meat and Inedible Animal By-Products
Adm. Code Reference: ATCP 42, 55, and 57
Rules Clearinghouse #: 07-116
DATCP Docket #: 05-R-02

Rule Description

The Department of Agriculture, Trade and Consumer Protection (“DATCP”) administers Wisconsin food safety laws. Among other things, DATCP licenses and inspects meat establishments that produce meat for human consumption. DATCP also regulates rendering plants, animal food processors and other entities that process and handle *inedible* animal carcasses and carcass materials. This rule does all of the following:

- Repeals and recreates current DATCP rules related to rendering plants, animal food processors, grease processors, dead animal collectors and carcass dealers. These entities process and handle inedible animal carcasses and carcass materials, and produce products for *non-food* use. Regulation keeps inedible materials out of the human food chain and helps ensure safe animal feed. For the most part, this rule clarifies current rules without making major substantive changes.
- Incorporates current federal regulations that prohibit the feeding of protein from mammalian tissues to cattle or other ruminants. The federal regulations are designed to prevent the incidence of BSE (“mad cow disease”). DATCP is already enforcing the current federal regulations that are incorporated in this rule. This rule does not yet incorporate new federal regulations barring certain cattle materials from all animal feed (issued on April 23, 2008) that are scheduled to take effect in April 2009. However, DATCP will enforce those new federal regulations on behalf of the United States Food and Drug Administration (FDA) when they take effect.
- Amends current state meat inspection rules to incorporate recent changes in federal regulations (state rules must be at least “equal to” federal regulations). Consistent with federal regulations, this rule does all of the following:
 - Prohibits, with limited exceptions, the slaughter of non-ambulatory disabled cattle for human consumption (DATCP is already enforcing this federal prohibition).
 - Requires producers of “ready-to-eat” meat products to have written procedures for minimizing food safety risks related to *Listeria monocytogenes* (DATCP has already implemented this federal requirement).

¹ This analysis includes, but is not limited to, a small business analysis (“regulatory flexibility analysis”) under s. 227.114, Stats.

- Restricts the amount of water from post-evisceration processing that may be retained in raw meat and poultry.
- Clarifies current rules related to meat brokers and meat distributors.

A complete summary of rule provisions is found in the *plain language analysis* that accompanies the rule.

Businesses Affected

Meat Establishments

This rule may affect up to 360 state-licensed meat establishments that slaughter or process meat or poultry (effects may vary, depending on the nature of the establishment's meat slaughter or processing operations). This rule may also affect up to 250 meat brokers and distributors. Many of these businesses are small businesses.

The impact on these meat establishments, brokers and distributors will be quite limited, because the entities have already implemented most of the practices required by this rule. For example, meat establishments are already implementing relevant federal regulations related to nonambulatory cattle, listeria prevention plans and retained processing water.

Processors of Inedible Animal By-Products

This rule may affect the following Wisconsin entities that process or handle inedible animal by-products:

- 7 renderers, none of which is a small business.
- 16 animal food processors.
- 15 dead animal collectors.
- 5 grease processors.
- Up to 500 commercial feed plants (negligible impact).
- Carcass dealers not licensed in other categories (none currently registered).

Many of these businesses are small businesses.

Effects on Business, Including Small Business

This rule will help affected businesses, by clarifying current licensing and regulation, and by helping to prevent diseases and food safety incidents that could threaten the entire industry.

This rule will have little, if any, adverse impact on affected entities. For the most part, this rule merely reorganizes and clarifies current rules. Entities are already required to comply with federal restrictions incorporated by reference in this rule. DATCP has already provided information and assistance to help them comply. This rule does not increase industry fees.

This rule clarifies current recordkeeping requirements, but it does not add significant new recordkeeping requirements (except that it adds some minimal recordkeeping requirements for meat brokers and meat distributors). This rule requires regulated entities to keep records for 3 years (instead of 2 years under current rules). Businesses will not need additional professional services to comply with this rule.

For the most part, this rule merely clarifies current rules without making significant substantive changes. Among other things, this rule clarifies the coverage of current licenses related to renderers, animal food processors, grease processors, commercial feed manufacturers and dead animal collectors.

This rule incorporates current federal rules, including rules related to slaughter of nonambulatory cattle for human consumption. Because DATCP is already enforcing those federal rules, this rule will have no added impact on regulated businesses.

With the advent of BSE ("mad cow disease"), there has been increased focus on the rendering and animal food processing industries. DATCP currently enforces federal BSE regulations under contract with FDA. This rule incorporates the federal regulations that are currently in effect. Because DATCP is already enforcing those federal rules, this rule will have no added impact on regulated business.

On April 23, 2008, FDA issued additional regulations, which are scheduled to take effect in April 2009. When they take effect, the new FDA regulations will do all of the following:

- Prohibit the use of brains and spinal cords, from cattle 30 months of age and older, in animal feed (not just ruminant feed).
- Prohibit feed use of any cattle carcasses that have not been inspected and passed for human consumption, unless the cattle were less than 30 months old and the carcasses have brains and spinal cords removed.

When they take effect, these new FDA regulations may have a significant impact on the rendering and animal food processing industries. However, this rule does not yet incorporate the new regulations. DATCP will enforce the new federal regulations on behalf of FDA when they take effect. DATCP will also update its rules at that time.

Steps to Assist Business, Including Small Business

This rule will make it easier for affected businesses to understand and comply with the rules that apply to them. DATCP will send copies of the rules to all affected businesses and will offer education and training during inspections.

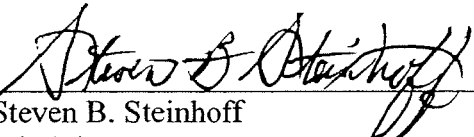
This rule will not have any significant adverse impacts on small business. DATCP has not exempted small businesses, because the food safety and other requirements under this rule are important for small as well as large businesses. DATCP has already adopted a rule (subch. VII of ch. ATCP 1) that allows DATCP to exercise enforcement discretion for small business.

Conclusion

This rule generally benefits affected business, by clarifying current regulatory requirements. This rule will not have any significant adverse impacts on affected business (including small business). This rule does not increase industry fees, or add significant new compliance, reporting or recordkeeping requirements. This rule is not subject to the delayed small business effective date provision in s. 227.22(2)(e), Stats.

Dated this 30th day of April 30, 2008.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Steven B. Steinhoff
Administrator
Division of Food Safety

FISCAL ESTIMATE		List both LRB No. and Bill/Adm. Rule No. ATCP 42, 55 & 57 Amendment No. (If Applicable)
DOA-2048 N(R 10/98)	<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	

Subject
Inedible Animal Products and Processing of Meat and Poultry

Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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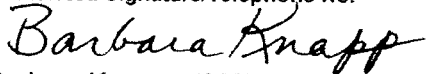
Local costs: <input checked="" type="checkbox"/> No local government costs 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Unit Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Source Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Ch. 20 Appropriations None
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Assumptions Used in Arriving at Fiscal Estimate

The Department of Agriculture, Trade and Consumer Protection ("DATCP") administers Wisconsin food safety laws. Among other things, DATCP licenses and inspects meat establishments that produce meat for human consumption. DATCP also regulates rendering plants, animal food processors and other entities that process and handle *inedible* animal carcasses and carcass materials. This rule does all of the following:

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- Incorporates current federal regulations that prohibit the feeding of protein from mammalian tissues to cattle or other ruminants. The prohibition is designed to prevent BSE ("mad cow disease"). DATCP is already enforcing the current federal prohibition.
- Amends current state meat inspection rules to incorporate recent changes in federal regulations (state rules must be at least "equal to" federal regulations). Consistent with federal regulations, this rule does all of the following:
 - Prohibits, with specific exceptions, the slaughter of "non-ambulatory disabled cattle" for human consumption (DATCP is already enforcing this federal prohibition).
 - Requires producers of "ready-to-eat" meat products to have written procedures for minimizing food safety risks related to *Listeria monocytogenes* (DATCP has already implemented this federal requirement).
 - Restricts the amount of water from post-evisceration processing that may be retained in raw meat and poultry.

Agency/prepared by: (Name & Phone No.) James Larson (608) 224-4729	Authorized Signature/Telephone No.  Barbara Knapp (608) 224-4746	Date 4/30/08
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- Clarifies current rules related to meat brokers and meat distributors.

For the most part, this rule merely reorganizes and clarifies current rules. Entities are already required to comply with federal restrictions incorporated by reference in this rule. DATCP has already provided information and assistance to help them comply. This rule does not increase industry fees.

This rule will not affect state program revenues or have any significant effect on DATCP workload. This rule will have no fiscal or programmatic impact on local government.

Long - Range Fiscal Implications

Memo Summarizing Public Hearings

**DOCKET FILE 05-R-02
ATCP 42, 55, and 57 REVISION
Inedible Animal By-Products and Processing of Meat and Poultry**

February 20, 2008 – Madison

February 22, 2008 – Wausau

The hearings were held from 3:00 p.m. until 5:00 p.m.

Those filling out appearance cards at the hearings were as follow:

Madison: Kyle Ellefson – Registered as no position on the proposed rule.

Kevin Keyser - Registered in support of the proposal.

Wausau: Patrick Cherek – Registered, but did not wish to speak on the proposed rule.

Kim Zierler – Registered as no position on the proposed rule.

Messrs. Ellefson, Keyser, and Cherek are compliance investigators with DATCP. Mrs. Zierler is a consultant for DATCP.

No written comments were received.