

Clearinghouse Rule 07-116

DATCP Docket File No. 05-R-02
Rules Clearinghouse Docket No. _____

Proposed Hearing Draft
November 21, 2007

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

2 The state of Wisconsin department of agriculture, trade and consumer protection
3 proposes the following order *to repeal* ATCP 55.07(8)(a) to (d); *to amend* ATCP
4 55.07(1)(a)(intro.), (2)(a)(intro.), (3)(a)(intro.) and (8)(intro.), and 55.09(1); *to repeal*
5 *and recreate* ch. ATCP 57; and *to create* ATCP 42.02(2)(e) and 55.12(6); *relating to*
6 meat and inedible animal by-products.

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

Overview

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. 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 prohibition is designed to prevent the incidence of BSE (“mad cow disease”). DATCP is already enforcing this 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, without exception, the slaughter of “downer” animals 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.
- Clarifies current rules related to meat brokers and meat distributors.

Statutes Interpreted

Statutes interpreted: ss. 93.07(10), 94.72, 95.71, 95.72, 97.02, 97.10, 97.42, 97.43, 97.44

Statutory Authority

Statutory authority: ss. 93.07(1), 93.07(10), 94.72(13)(a), 95.71(8), 95.72(5), 97.42(4)

Explanation of Statutory Authority

DATCP has broad authority to regulate the production and sale of food and animal feed, and broad authority to regulate activities that may threaten animal health or spread disease. DATCP licenses and regulates rendering plants, animal food processors, grease processors, dead animal collectors and related businesses under s. 95.72, Stats. DATCP licenses and regulates commercial feed manufacturers under s. 94.72, Stats. DATCP licenses and regulates meat establishments under s. 97.42, Stats. DATCP may adopt rules to implement statutes under its jurisdiction.

Inedible Animal By-Products

Wisconsin has a large rendering and animal food processing industry. This industry collects and processes inedible animal carcasses, inedible carcass materials and inedible meat by-products from Wisconsin’s large livestock and meat processing industries, and produces useful *non-food* products such as grease, tallow, blood meal, bone meal and animal feed.

DATCP currently regulates rendering plants, animal food processors, grease processors and dead animal collectors under s. 95.72, Stats., and ch. ATCP 57, Wis. Adm. Code.

Regulation protects human and animal health, and is closely related to the regulation of food and animal feed.

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 the United States Food and Drug Administration (FDA). FDA is considering possible regulatory changes, but has not adopted any changes to date (this rule incorporates *current* federal prohibitions and labeling requirements).

In cooperation with the United States Department of Agriculture (USDA), Wisconsin has tested over 100,000 cattle for BSE without any positive disease findings. Wisconsin has tested far more cattle than any other state. Indeed, Wisconsin has tested about 20% of all the cattle tested to date in the *entire nation*.

Renderers

General

This rule clarifies current licensing and regulation of rendering operations under s. 95.72, Stats. Under this rule, “rendering” means melting or reconstituting carcasses or carcass materials, with the use of heat, to produce rendered products for non-food use. “Rendering” does not include licensed meat processing, licensed food processing, licensed grease processing, hide processing, or the manufacture of glue, pharmaceuticals or gelatin.

Renderer License

Under this rule, no person may do any of the following without an annual renderer license from DATCP:

- Operate a rendering plant in this state (a renderer may operate 2 or more rendering plants under a single license).
- Collect, receive or transport, in this state, carcasses or carcass materials for rendering by that person in this state or another state.
- Slaughter animals in this state for rendering by that person in this state or another state.

An annual license 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. An applicant must submit an annual license application that identifies rendering plant locations and includes other information required under this rule. The application must include an annual fee of \$200 for each rendering plant (this rule does not change the current fee).

Before DATCP issues a license covering a new rendering plant, DATCP must inspect the rendering plant (DATCP may also inspect new transfer stations used to transfer carcasses from one vehicle to another). There is an inspection fee of \$25 for each new rendering plant (this rule does not increase the current fee). There is no inspection fee for new transfer stations.

If a pre-license inspection is required, DATCP must complete the inspection within 30 days after DATCP receives a complete license application (unless the applicant agrees to a later inspection date). DATCP must grant or deny a license application within 30 days after DATCP receives the license application or, if a pre-license inspection is required, within 30 days after DATCP completes the inspection.

Rendering Plants; Location, Facilities and Operations

Current statutes prohibit the construction of a rendering plant within 1/8 mile of an existing residence or place of business (this rule incorporates that statutory prohibition). Rendering plant facilities must comply with basic sanitation standards, including basic ventilation standards, specified in this rule. Facilities must be designed for easy cleaning. Fully rendered products must be stored in a location and manner that protects them from contamination by live animals, un-rendered carcasses and un-rendered carcass materials.

A rendering plant must be kept free of nuisance conditions that pose a significant health or environmental risk, or cause obnoxious odors (other than normal odors incidental to generally accepted processing practices). Nuisance conditions include things like accumulated carcasses or manure, drainage from carcasses, accumulated litter, unclean facilities or rodent infestations.

A renderer must collect and safely dispose of all solid and liquid waste from rendering operations. A renderer must collect manure, offal, processing waste and other solid waste at least daily, and more often as necessary, to keep facilities clean and orderly. Liquid waste must be discharged to a public sewer system, or to an effluent disposal system that complies with department of natural resources (DNR) rules. A renderer must comply with applicable waste disposal laws, keep waste storage areas clean and orderly, and keep waste collection and disposal systems in good working order.

A renderer must transport and handle carcasses and carcass materials according to this rule (see below). If a renderer slaughters animals for rendering, the renderer must use humane methods, and must slaughter the animals 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.

Renderer Records

Under this rule, a renderer must keep records of rendering operations. Records must include all of the following:

- 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.
- 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 must record the date and location of slaughter, and the disposition of the carcass.
- The types of rendered product, and the daily amounts of each type of rendered product, produced at each rendering plant.
- 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.
- 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).

A renderer must retain required records for at least 3 years, and must make the records available for inspection and copying by DATCP upon request.

Animal Food Processors

General

This rule clarifies current licensing and regulation of animal food processors under s. 95.72, Stats. Under this rule, “animal food processing” means slaughtering animals or processing carcasses or carcass materials for use as animal feed. “Animal food processing” does not include any of the following:

- The collection or transportation of whole animal carcasses by a dead animal collector licensed under this rule (see below), provided that the dead animal collector does not process the carcasses or remove hide or feathers.
- A fur farm operator’s processing of carcasses or carcass materials solely for feeding to fur bearing animals produced on that fur farm (fur farmers must register with DATCP under s. 97.44(2), Stats.).
- Licensed rendering operations (see above).

- Licensed grease processing operations (see below).
- Licensed meat processing operations (see ch. ATCP 55).
- Licensed food processing operations (see chs. ATCP 70 and 75, and s. 254.64, Stats.).
- Licensed commercial feed manufacturer operations that extend beyond “minimal processing” of animal carcasses (see ch. ATCP 42 and s. 94.72(5), Stats.).
- The processing of hides, or the manufacture of glue, pharmaceuticals or gelatin.

This rule clarifies that a licensed animal food processor is not required to hold a commercial feed manufacturer license (ATCP 42) if the animal food processor does only “minimal processing” of carcasses or carcass materials fed to animals. “Minimal processing” includes removal of hides or feathers, cutting, grinding, denaturing, freezing and packaging. “Minimal processing” does not include heat treating, rendering, or mixing with other ingredients such as vitamins or minerals.

Animal Food Processor License

Under this rule, no person may do any of the following without an animal food processor license from DATCP:

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

An annual license 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. An applicant must submit an annual license application that identifies animal food processing plant locations and includes other information required under this rule. The application must include an annual fee of \$200 for each animal food processing plant (this rule does not change the current fee).

Before DATCP licenses a new animal food processing plant, DATCP must inspect the plant (DATCP may also inspect new transfer stations where carcasses are transferred from one transport vehicle to another). There is an inspection fee of \$25 for each new animal food processing plant (this rule does not change the current fee). There is no inspection fee for new transfer stations.

If a pre-license inspection is required, DATCP must complete the inspection within 30 days after DATCP receives a complete license application (unless the applicant agrees to a later inspection date). DATCP must grant or deny a license application within 30 days after DATCP receives the license application or, if a pre-license inspection is required, within 30 days after DATCP completes the inspection.

Animal Food Processing Plants; Location, Facilities and Operations

Current statutes prohibit the construction of an animal food processing plant within 1/8 mile of an existing residence or place of business (this rule incorporates that statutory prohibition). Animal food processing plant facilities must comply with basic sanitation standards, including basic ventilation standards, specified in this rule.

Facilities must be designed for easy cleaning. Processed products must be stored in a location and manner that protects them from contamination by live animals, unprocessed carcasses and unprocessed carcass materials.

An animal food processing plant must be kept free of nuisance conditions that pose a significant health or environmental risk, or cause obnoxious odors (other than normal odors incidental to generally accepted processing practices). Nuisance conditions include things like accumulated carcasses or manure, drainage from carcasses, accumulated litter, unclean facilities or rodent infestations.

An animal food processor must collect and safely dispose of all solid and liquid waste from processing operations. An animal food processor must collect manure, offal, processing waste and other solid waste at least daily, and more often as necessary, to keep facilities clean and orderly. Liquid waste must be discharged to a public sewer system, or to an effluent disposal system that complies with DNR rules. An animal food processor must comply with applicable waste disposal laws, keep waste storage areas clean and orderly, and keep waste collection and disposal systems in good working order.

An animal food processor must transport and handle carcasses and carcass materials according to this rule (see below). If an animal food processor slaughters animals for processing, the animal food processor must use humane methods, and must slaughter the animals 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.

Animal Food Processor Records

Under this rule, an animal food processor must keep records of animal food processing operations. Records must include all of the following:

- 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.
- 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 must record the date and location of slaughter, and the disposition of the carcass.
- The types of animal feed, and the daily amounts of each type of feed, produced at each animal food processing plant.
- 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.
- Lot coding or other records that effectively track the receipt, processing and distribution of ingredients and processed products, so that it is possible to identify ingredient sources for each lot of processed product (and vice versa).

An animal food processor must retain required records for at least 3 years, and must make the records available for inspection and copying by DATCP upon request.

Grease Processors

General

This rule clarifies current licensing and regulation of grease processors under s. 95.72, Stats. Under this rule, “grease processing” means combining, melting, refining, reconstituting or recycling fully rendered products to produce grease or other products for non-food use. “Grease processing” does not include any of the following:

- Licensed rendering operations (see above).
- Licensed animal food processing operations (see above).
- Licensed meat processing operations (see current ch. ATCP 55).
- Licensed food processing operations (see current chs. ATCP 70 and 75, and s. 254.64, Stats.).

Grease Processor License

Under this rule, no person may operate as a grease processor without an annual license from DATCP. An annual license expires on February 28 of each year and is not transferable. A license does not authorize the license holder to do any of the following:

- Produce, sell or distribute food for human consumption.
- Receive, collect, transport or slaughter live animals.
- Receive, collect, transport or process carcasses or carcass materials.

An applicant must submit an annual license application that identifies grease processing plant locations and includes other information required under this rule. The application must include an annual fee of \$200 for each grease processing plant (this rule does not change the current fee).

Before DATCP licenses a new grease processing plant, DATCP must inspect the plant. There is an inspection fee of \$25 for each new grease processing plant (this rule does not change the current fee). If a pre-license inspection is required, DATCP must complete the inspection within 30 days after DATCP receives a complete license application (unless the applicant agrees to a later inspection date).

DATCP must grant or deny a license application within 30 days after DATCP receives the license application or, if a pre-license inspection is required, within 30 days after DATCP completes the inspection.

Grease Processing Plants; Location, Facilities and Operations

Current statutes prohibit the construction of a rendering plant within 1/8 mile of an existing residence or place of business (this rule incorporates that statutory prohibition). Grease processing plant facilities must comply with basic sanitation standards, including basic ventilation standards, specified in this rule. Facilities must be designed for easy cleaning.

Processed grease must be stored in a location and manner that protects it from contamination from unprocessed ingredients. A grease processing plant must be kept free of nuisance conditions that pose a significant health or environmental risk, or cause obnoxious odors (other than normal odors incidental to generally accepted processing practices).

A grease processor must collect and safely dispose of all solid and liquid waste from grease processing operations. A grease processor must collect processing waste and other solid waste at least daily, and more often as necessary, to keep facilities clean and orderly. Liquid waste must be discharged to a public sewer system, or to an effluent disposal system that complies with DNR rules. A grease processor must comply with

applicable waste disposal laws, keep waste storage areas clean and orderly, and keep waste collection and disposal systems in good working order.

Grease Processor Records

Under this rule, a grease processor must keep records related to the receipt and processing of grease ingredients and the sale or distribution of processed grease. Records must identify all of the following:

- 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.
- The types and daily amounts of grease produced at each grease processing plant.
- 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.
- Lot coding or other records that effectively track the receipt, processing and distribution of ingredients and processed grease, so that it is possible to identify ingredient sources for each lot of processed grease (and vice versa).

A grease processor must retain required records for at least 3 years, and must make the records available for inspection and copying by DATCP upon request.

Dead Animal Collectors

General

This rule clarifies current licensing and regulation of dead animal collectors under s. 95.72, Stats. Under this rule, a “dead animal collector” means a person who collects and transports whole carcasses, with hide or feathers intact, for delivery to a renderer, animal food processor or fur farm operator. “Dead animal collector” does not include any of the following:

- A person who is solely engaged in collecting or transporting hides or feathers.
- A licensed renderer (see above).
- A licensed animal food processor (see above).
- A fur farm operator who collects and transports carcasses solely for feeding to fur bearing animals on that person’s fur farm farm (fur farmers must register with DATCP under s. 97.44(2), Stats.).

Dead Animal Collector License

Under this rule, no person may operate as a dead animal collector without an annual license from DATCP. This license requirement does not apply to a licensed renderer or animal food processor (see above) who collects or transports carcasses or carcass materials solely for processing by that renderer or animal food processor. A dead animal collector license does not authorize a license holder to do any of the following:

- Process carcasses or carcass materials.
- Collect or transport anything other than whole carcasses with hide or feathers intact.
- Collect, transport or deliver carcasses for processing or use as human food.
- Collect, transport or deliver carcasses for processing or use as animal feed, other than for processing by a licensed renderer or animal food processor.

An annual license expires on February 28 of each year and is not transferable. An annual license application must identify each transfer station operated by the dead animal collector, and must include other information required under this rule. The application must include an annual fee of \$100 for the applicant's principal business location and for each of transfer station (this rule does not change the current fee). DATCP must grant or deny a license application within 30 days after DATCP receives a complete application.

Dead Animal Collector; Facilities and Operations

Facilities operated by a dead animal collector must comply with basic sanitation standards, including basic ventilation standards, specified in this rule. Facilities must be designed for easy cleaning, and must be kept free of nuisance conditions.

A dead animal collector must collect and safely dispose of all solid and liquid waste related to that person's operations. Liquid waste must be discharged to a public sewer system, or to an effluent disposal system that complies with DNR rules. A dead animal collector must comply with applicable waste disposal laws, keep waste storage areas clean and orderly, and keep waste collection and disposal systems in good working order.

A dead animal collector must transport and handle carcasses and carcass materials according to this rule (see below). If a dead animal collector slaughters an animal before collecting its carcass, the dead animal collector must use humane methods.

Dead Animal Collector Records

Under this rule, a dead animal collector must keep all of the following records:

- The name and address of each person from whom the dead animal collector receives carcasses, the date and location of each receipt, the types of carcasses received, and the number of carcasses of each type received.
- 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.

A dead animal collector must retain required records for at least 3 years, and must make the records available for inspection and copying by DATCP upon request.

Carcass Dealers

Under current DATCP rules, a person engaged in the business of buying, selling or distributing inedible animal carcasses or carcass materials must register annually with DATCP (unless that person is licensed as a rendering plant operator, animal food processor or dead animal collector). A registrant must keep records related to carcass transactions. This rule clarifies, but does not substantially alter, current rules. Under this rule, registrants are called “carcass dealers.” There is no fee to register as a carcass dealer.

Transporting Carcasses and Carcass Materials

Licensing

Under this rule, no person may transport carcasses or carcass materials on a public road unless the person is licensed as a renderer, animal food processor or dead animal collector. This license requirement does not apply to any of the following:

- The transportation of meat according to ATCP 55.
- A farmer transporting carcasses of animals raised on his or her farm.
- Transportation solely for purposes of destruction, burial or landfill disposal.
- Transportation by a government agency.
- Transportation by a bona fide research institution, for purposes of scientific research.
- An animal trucker licensed under ch. ATCP 12 who transports, for direct delivery to a licensed renderer, animal food processor or dead animal collector, the carcass of an animal that died while being transported by the animal trucker.
- The transportation of hides, feathers, or fully rendered products.
- A fur farm operator’s transportation of carcasses or carcass materials solely to feed fur-bearing animals on the operator’s fur farm.
- The transportation of legally harvested wild animals by or on behalf of the person who harvested them.
- An employee of a license holder, acting within the scope of his or her employment.

Vehicle Permit

A person who transports carcasses and carcass materials under this rule must hold a DATCP permit 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.

To obtain a vehicle permit, a person must apply on a form provided by DATCP. An application must identify the applicant and vehicle and must show that the applicant is licensed (or applying for a license) as a renderer, animal food processor or dead animal collector. DATCP must grant or deny an application within 30 days after DATCP receives a complete application.

Vehicle Marking

Each transport vehicle must bear the following information on both sides of the vehicle:

- The correct legal name of the vehicle permit holder, prominently printed in block lettering at least 3 inches high.
- The principal business address of the permit holder, prominently printed below the permit holder's name in block lettering at least 2 inches high.

Sanitary Transport

A person who transports carcasses or carcass materials under this rule must do all of the following:

- Transport carcasses or carcass materials in leakproof vehicles or containers that are closed or fully covered by a tarpaulin or other watertight covering.
- Clean and sanitize, after each day's use and more often if necessary, vehicles and containers used to transport carcasses and carcass materials.

Prohibited Practices

No person covered by this rule may do any of the following:

- Transport live animals without an appropriate license under ch. ATCP 12 (Livestock Markets, Dealers and Truckers).
- Transport live animals in the same vehicle with carcasses or carcass materials.
- Park a vehicle containing carcasses or carcass materials in any place where the parked vehicle may create a nuisance condition.

Removing Carcasses from Transfer Stations

A person who operates a transfer station must 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, must be removed within 48 hours and sooner if necessary to prevent nuisance conditions.

Denaturing Carcasses and Carcass Materials

Under this rule, no renderer or animal food processor may transport, freeze, or receive for processing any carcasses or carcass materials other than the following:

- Complete carcasses with hide or feathers intact.
- Carcasses or carcass materials that are denatured according to this rule.
- Fully rendered products.
- Carcasses or carcass materials that are naturally incapable of being consumed by humans.
- Lungs and lung lobes originating from a licensed meat establishment.

To denature carcasses or carcass materials, a person must apply an approved denaturing agent according to this rule, so that the denatured carcass or carcass material has a distinctive color, texture, odor or taste and cannot be confused with human food. This rule identifies approved denaturing agents (the department may approve additional denaturing agents).

Labeling Processed Products

Under this rule, no person may sell or distribute any rendered product, animal feed or grease unless that product is clearly and conspicuously labeled with all of the following:

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

Prohibitions

Under this rule, no person may do any of the following:

- Process, sell or distribute any carcass or carcass material as feed for food animals unless the material has been fully rendered.
- Do any of the following contrary to current FDA rules under 21 CFR 589.200 (some exemptions apply under current FDA rules):
 - Feed protein derived from animal tissues to cattle or other ruminant animals.
 - Manufacture, label, sell or distribute, as feed for ruminant animals, any protein derived from mammalian tissues.
- Produce, sell or distribute food for human consumption pursuant to a renderer license, animal food processor license or grease processor license.
- Process food in the same facilities used for a rendering plant, animal food processing plant or grease processing plant.

Meat and Poultry for Human Consumption

DATCP administers Wisconsin’s meat inspection program (includes poultry). DATCP licenses and inspects approximately 360 meat slaughter and processing establishments, and regulates the sale and distribution of meat. Wisconsin’s program must be at least “equal to” the federal program administered by USDA. This rule modifies current DATCP meat inspection rules to incorporate recent federal regulatory changes.

Downer Animals

This rule prohibits, without exception, the slaughter of “downer” animals for human consumption (DATCP is already enforcing this federal prohibition).

Listeria Control Plans

Under federal regulations, meat establishments producing “ready-to-eat” meat products (such as bologna and frankfurters) must have written operating plans to minimize potential consumer health risks from *Listeria monocytogenes*. DATCP has already implemented this federal requirement in state-inspected meat establishments. This rule incorporates the federal regulations by reference.

Water Retained in Meat Products

Federal regulations prohibit retained water from post-evisceration processing in raw meat and poultry, except to the extent that the retained water is an unavoidable consequence of processing to meet food safety requirements. The product label must disclose the presence of any water in excess of naturally occurring water. This rule incorporates the federal regulations by reference.

Meat Brokers and Distributors; Records

Under current DATCP rules, meat brokers and meat distributors must register annually with DATCP unless they are licensed as meat establishments. Under this rule, meat brokers and meat distributors must keep all of the following records related to meat transactions in which they are involved as buyers, sellers or brokers:

- The name and address of the seller.
- The name and address of the buyer.
- The date and location of sale.
- The types of products sold.
- The amount of product of each type sold.
- The disposition of any meat products received by the meat broker or meat distributor.

Fiscal Impact

This rule will have no significant fiscal impact on DATCP or local government units. A complete fiscal estimate is attached.

Business Impact

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 will not have any significant adverse impact on business (including small business). This rule clarifies current recordkeeping requirements, but it does not add significant new recordkeeping requirements. This rule requires regulated entities to keep records for 3 years (instead of 2 years under current rules). A business impact analysis is attached.

Federal Regulation

DATCP currently enforces federal commercial feed regulations under contract with FDA. Federal regulations include prohibitions designed to prevent BSE (“mad cow disease”). This rule is consistent with current federal regulations and does not change current federal regulations.

Federal law requires federal or state inspection of all meat establishments. State meat inspection must be at least “equal to” federal inspection. USDA administers the federal meat inspection program, and DATCP administers Wisconsin’s state inspection program. This rule revises state meat inspection rules to keep them at least “equal to” federal regulations.

Regulation in Surrounding States

All of the surrounding states (Michigan, Minnesota, Illinois and Iowa) regulate inedible animal by-products, including licensing and fees, processing and handling, facility standards, sanitation, labeling and enforcement. However, the surrounding states may use different terminology in their regulations.

All of the surrounding states require vehicle permits and identification of vehicles used to haul inedible carcasses and carcass materials. Surrounding states all require similar labeling of inedible carcasses, carcass materials and products. Surrounding states enforce FDA feed regulations, including prohibitions against the feeding of mammalian protein material to cattle or other ruminants. However, not all states have incorporated federal regulations by rule (incorporation facilitates enforcement under state law).

Data and Analytical Methodologies

See above. DATCP has analyzed current rules in light of actual program experience and industry practice. This rule is designed to clarify current rules, make current rules consistent with relevant federal rules, and make current rules internally consistent. DATCP has not conducted a formal scientific data analysis, because it is not necessary or relevant to this rulemaking proceeding.

DATCP conducts or monitors disease testing and surveillance as part of normal program administration, and evaluates programs in light of relevant disease findings and test results. Among other things, Wisconsin has tested over 100,000 cattle for BSE (about 20% of all the cattle tested to date in the U.S.) without any positive disease findings.

Agency Contact

Questions or comments related to this rule may be submitted to:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Food Safety
P.O. Box 8911
Madison, Wisconsin 53708-8911
Attn: Paul E. Pierce
Telephone: (608) 224-4731
E-mail: Paul.Pierce@wi.gov

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- 1 **SECTION 1.** ATCP 42.02(2)(e) is created to read:
- 2 ATCP 42.02(2)(e) Manufacture and distribute minimally processed carcasses and
- 3 carcass materials for consumption by animals other than food animals as defined in s.

1 ATCP 57.01(14) if the person is licensed as an animal food processor under s. ATCP
2 57.12. Minimal processing includes removal of hides or feathers, cutting, grinding,
3 denaturing, freezing and packaging. Minimal processing does not include heat treating,
4 rendering, or mixing with other ingredients such as vitamins or minerals.

5 **SECTION 2.** ATCP 55.07(1)(a)(intro.), (2)(a)(intro.), (3)(a) (intro.) and (8)(intro.)
6 are amended to read:

7 ATCP 55.07(1)(a)(intro.) A meat establishment operator who does any of the
8 following shall comply with applicable federal standards under 9 CFR parts 307 to 311,
9 313 to 315, 317, 319, 416, ~~and 417,~~ 430 and 441:

10 (2)(a)(intro.) A meat establishment operator who does any of the following shall
11 comply with applicable requirements under 9 CFR parts 416, ~~and 417,~~ 430 and 441, and
12 subparts G, H, I, J, K, L, O and P of 9 CFR 381:

13 (3)(a)(intro.) A meat establishment operator who does any of the following shall
14 comply with applicable requirements under 9 CFR parts 307 to 311, 313 to 315, 317,
15 319, 416, ~~and 417,~~ 430 and 441:

16 (8)(intro.) ANIMALS THAT CANNOT STAND OR WALK. No person may slaughter a
17 food animal for human consumption or submit a food animal for slaughter for human
18 consumption if that animal cannot stand or walk without assistance. ~~This prohibition~~
19 ~~does not apply to any of the following:~~

20 **SECTION 3.** ATCP 55.07(8)(a) to (d) are repealed.

21 **SECTION 4.** ATCP 55.09(1) is amended to read:

1 ATCP 55.09(1) GENERAL. A person engaged in mobile custom slaughter or
2 mobile custom processing shall comply with applicable provisions of s. ATCP 55.07, s.
3 ATCP 55.08 and this section.

4 **SECTION 5.** ATCP 55.12(6) is created to read:

5 (6) RECORDS. (a) A meat broker or meat distributor shall keep all of the
6 following records related to transactions in which the meat broker or meat distributor is
7 involved as a buyer, seller or broker of meat or meat food products:

- 8 1. The name and address of the seller.
- 9 2. The name and address of the buyer.
- 10 3. The date and location of sale.
- 11 4. The types and amounts of meat or meat food products sold.
- 12 5. If the meat broker or meat distributor takes physical custody of the meat or
13 meat food products, complete records related to the receipt, storage and disposition of
14 that meat or those meat food products.

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

18 **SECTION 6.** Chapter ATCP 57 is repealed and recreated to read:

19 **CHAPTER ATCP 57**
20 **INEDIBLE ANIMAL BY-PRODUCTS**

21 **ATCP 57.01 Definitions.** In this chapter:

22 (1) “Animal” means any member of the animal kingdom other than a human
23
24 being.
25

1 (2) “Animal food processing” means slaughtering animals or processing
2 carcasses or carcass materials for use as animal feed, and includes packaging or labeling
3 carcass materials. “Animal food processing” does not include any of the following:

4 (a) The collection or transportation of whole animal carcasses by a dead animal
5 collector licensed under s. ATCP 57.16, provided that the dead animal collector does not
6 process the carcasses or remove hides or feathers.

7 (b) A fur farm operator’s processing of carcasses or carcass materials solely for
8 feeding to fur bearing animals produced on that fur farm.

9 **NOTE:** Fur farmers must register with the department under s. 97.44(2), Stats.

10 (c) Rendering operations conducted pursuant to a license under s. ATCP 57.10.

11 (d) Grease processing pursuant to a license under s. ATCP 57.14.

12 (e) Meat processing pursuant to a license under s. ATCP 55.03.

13 (f) Mobile custom processing of meat pursuant to a registration under s. ATCP
14 55.09(2).

15 (g) Food processing pursuant to a license under s. ATCP 70.03.

16 (h) Retail food processing pursuant to a license under s. ATCP 75.02 or a permit
17 under s. 254.64, Stats.

18 (i) The processing of hides.

19 (j) The manufacture of glue, pharmaceuticals, or gelatin.

20 (k) The processing of fully rendered products for use as animal feed, pursuant to
21 a commercial feed license under ch. ATCP 42.

22 **NOTE:** Persons who produce gelatin or other products for human food are
23 subject to state licensing requirements under chs. ATCP 55 (meat and
24 meat food products), ch. ATCP 70 (food processing plants) and ch. ATCP

1 75 (retail food establishments). The United States food and drug
2 administration regulates pharmaceutical manufacturers.

3
4 Persons who produce commercial feed must be licensed under ch.
5 ATCP 42, except an animal food processor licensed under s. ATCP 57.12
6 does not need a commercial feed license if the animal food processor is
7 engaged only in “minimal processing” of carcasses and carcass materials
8 (see s. ATCP 42.02(2)(e)). If an animal food processor licensed under s.
9 ATCP 57.12 does more than “minimal processing,” the animal food
10 processor *also* needs a commercial feed license under ch. ATCP 42. A
11 feed manufacturer licensed under ch. ATCP 42 does not need an animal
12 food processor license under s. ATCP 57.12 if the feed manufacturer
13 processes only *fully rendered* animal products.

14
15 (3) “Animal food processing plant” means a place at which animal food
16 processing occurs.

17 (4) “Animal food processor” means a person who engages in animal food
18 processing.

19 (5) “Carcass” means all or part of a dead animal. “Carcass” does not include any
20 of the following:

21 (a) Material may be lawfully sold or distributed as food for human consumption.

22 **NOTE:** For example, the term “carcass” as used in this chapter does not include
23 fish that are lawfully sold or distributed as food, nor does it include state-
24 inspected or federally-inspected meat or poultry products that are lawfully
25 sold as food.

26
27 (a) A fully-rendered product.

28 (6) “Carcass dealer” means a person who is engaged in the sale or distribution of
29 carcasses or carcass material, or in brokering the sale of carcasses or carcass materials.

30 “Carcass dealer” does not include any of the following:

31 (a) A renderer, animal food processor or dead animal collector.

1 (b) A meat establishment operator, meat broker, meat distributor, or other person
2 engaged in the sale or distribution of state-inspected or federally-inspected meat or meat
3 products.

4 (7) “Carcass material” means blood, tankage, bone, offal or other material
5 derived from a carcass. “Carcass material” does not include a fully rendered product.

6 (8) “Dead animal collector” means a person who collects and transports whole
7 carcasses, with hide or feathers intact, for delivery to a renderer, animal food processor or
8 fur farm operator. “Dead animal collector” does not include any of the following:

9 (a) A person who is solely engaged in collecting or transporting hides or feathers.

10 (b) A renderer licensed under s. ATCP 57.10.

11 (c) An animal food processor licensed under s. ATCP 57.12.

12 (d) A fur farm operator who collects and transports carcasses solely for feeding to
13 fur bearing animals at that person’s fur farm.

14 (9) “Denature” means to alter the normal character or appearance of carcasses or
15 carcass materials to make them incapable of being used as human food.

16 (10) “Department” means the Wisconsin department of agriculture, trade and
17 consumer protection.

18 (11) “Facilities” means premises, fixtures and equipment used in the operation of
19 a rendering plant, animal food processing plant, grease processing plant or transfer
20 station. “Facilities” includes carcass receiving and holding areas.

21 (12) “Feed” means a substance consumed or intended for consumption by
22 animals. “Feed” includes feed ingredients. “Feed” does not include animal
23 pharmaceuticals unless those pharmaceuticals are incorporated in feed.

1 **NOTE:** See also ch. ATCP 42.

2 **(13)** “Food,” except as used in the term “animal food processor” or “animal food
3 processing,” has the meaning given in s. 97.01(6), Stats. “Food” includes oils or animal
4 fats used to cook food if, during the cooking process, the oils or animal fats may come in
5 contact with the food.

6 **NOTE:** “Food,” as defined in sub. (13), means food for human consumption. A
7 license under this chapter does *not* authorize the license holder to produce
8 any kind of food, including any cooking oils or fats that may come in
9 contact with food.

10
11 **(14)** “Food animals” means domesticated animals of a type commonly raised for
12 human consumption, and includes ratites, captive game animals and captive game birds.

13 **(15)** “Fully rendered product” means a rendered product whose ingredients have
14 been fully melted or reconstituted by the application of heat, according to generally
15 accepted rendering practices that destroy microorganisms in the rendered product.

16 **(16)** “Grease” means a fully rendered product consisting of animal fat or tallow,
17 or animal fat or tallow combined with vegetable oil. “Grease” does not include any oil or
18 fat used as food, nor does it include any oil or fat used to cook food if the oil or fat may
19 come in contact with the food.

20 **(17)** “Grease processing” means combining, melting, refining, reconstituting or
21 recycling fully rendered products to produce grease or other products for non-food use.

22 “Grease processing” does not include any of the following:

23 (a) Rendering pursuant to a license under s. ATCP 57.10.

24 (b) Animal food processing pursuant to a license under s. ATCP 57.12.

25 (c) Meat processing pursuant to a license under s. ATCP 55.03.

1 (d) Mobile custom processing of meat pursuant to a registration under s. ATCP
2 55.09(2).

3 (e) Food processing pursuant to a license under s. ATCP 70.03.

4 (f) Retail food processing pursuant to a license under s. ATCP 75.02 or a permit
5 under s. 254.64, Stats.

6 **(18)** “Grease processing plant” means a place at which grease processing occurs.

7 **(19)** “Grease processor” means a person engaged in grease processing.

8 **(20)** “Meat” means the edible muscle and other edible parts of a food animal,
9 including edible skeletal muscle, edible organs, and edible muscle found in the tongue,
10 diaphragm, heart or esophagus. “Meat” includes edible fat, bone, skin, sinew, nerve or
11 blood vessel that normally accompanies meat and is not ordinarily removed in
12 processing.

13 **(21)** “Meat broker” means a person who, without taking title to meat or meat
14 food products, arranges the purchase or sale of meat or meat food products.

15 **(22)** “Meat distributor” means a person who distributes meat or meat food
16 products at wholesale.

17 **(23)** “Meat establishment” means a plant or fixed premises used to slaughter food
18 animals for human consumption, or to process meat or meat food products for human
19 consumption.

20 **(24)** “Meat food product” means an edible product derived in whole or in
21 substantial and definite part from meat.

22 **(25)** “Nuisance conditions” means conditions that pose a significant risk to
23 human health or the environment, or cause obnoxious odors other than normal odors

1 incidental to generally accepted processing practices. “Nuisance conditions” may include
2 accumulated carcasses, carcass materials, or manure; drainage from carcasses, carcass
3 materials or manure; accumulated litter; insect or rodent infestations; unclean facilities;
4 or similar conditions.

5 (26) “Person” means an individual, corporation, partnership, cooperative, limited
6 liability company, trust or other legal entity.

7 (27) “Rendered product” means grease, tallow, liquified fat, blood meal, bone
8 meal, meat meal, meat and bone meal, reconstituted tankage, dry poultry product meal,
9 feather meal, or other product produced by rendering. “Rendered product” does not
10 include food for human consumption.

11 (28) “Rendering” means melting or reconstituting carcasses or carcass materials,
12 with the use of heat, to produce rendered products for non-food use. “Rendering”
13 includes the slaughter of animals by a renderer, or the processing of animal carcasses or
14 carcass materials by a renderer, for use in rendering. “Rendering” does not include any
15 of the following:

16 (a) Meat processing pursuant to a license under s. ATCP 55.03.

17 (b) Mobile custom processing of meat pursuant to a registration under s. ATCP
18 55.09(2).

19 (c) Food processing pursuant to a license under s. ATCP 70.03.

20 (d) Retail food processing pursuant to a license under s. ATCP 75.02 or a permit
21 under s. 254.64, Stats.

22 (e) Grease processing pursuant to a license under s. ATCP 57.14.

23 (f) The processing of hides.

1 (g) The manufacture of glue, pharmaceuticals, or gelatin.

2 (h) Animal food processing by a person who does not render the processed
3 materials.

4 **NOTE:** Persons who produce gelatin or other products for human food are
5 subject to state licensing requirements under chs. ATCP 55 (meat and
6 meat food products), ch. ATCP 70 (food processing plants) and ch. ATCP
7 75 (retail food establishments). Animal food processors are subject to
8 licensing under s. ATCP 57.12. Commercial feed manufacturers are
9 subject to licensing under ch. ATCP 42. The United States food and drug
10 administration regulates pharmaceutical manufacturers.

11
12 (29) “Renderer” means a person who engages in rendering.

13 (30) “Rendering plant” means a place at which rendering occurs.

14 (31) “Transfer station” means a location at which carcasses or carcass materials
15 are collected or transferred between vehicles for transportation to another location.

16 “Transfer station” does not include a receiving or holding area that is part of a rendering
17 plant or animal food processing plant.

18 **ATCP 57.10 Renderers. (1) ANNUAL LICENSE REQUIRED.** (a) No person may
19 do any of the following without an annual renderer license from the department:

20 1. Operate a rendering plant in this state.

21 2. Collect, receive or transport, in this state, carcasses or carcass materials for
22 rendering by that person in this state or another state.

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

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

1 **NOTE:** A renderer licensed under sub. (1) must also hold a commercial feed
2 license under s. ATCP 42.02 if the renderer produces animal feed. A
3 renderer license does not authorize a person to process food for human
4 consumption. Food processing is subject to other license requirements.
5 See ch. ATCP 55 (meat and meat food products), ch. ATCP 70 (food
6 processing plants) and ch. ATCP 75 (retail food establishments).
7

8 **(2) LICENSE APPLICATION; FEES.** To obtain a license under sub. (1), a person shall
9 complete an application form provided by the department. The application shall include
10 all of the following:

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

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

15 (c) The applicant's primary business address.

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

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

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

23 **NOTE:** See 93.135(im), Stats.

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

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

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

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

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

12 **NOTE:** The department may inspect any rendering plant or transfer station,
13 regardless of whether an inspection is required under sub. (3).
14

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

20 **(5) ADDITIONAL LOCATIONS.** A license under sub. (1) covers only the rendering
21 plants and transfer stations identified in the license application. A license holder may, at
22 any time during the license year, supplement the application to include additional
23 locations. The applicant shall pay a supplementary fee if required under sub. (2)(i). The
24 department shall inspect each additional location before licensing that location, if an
25 inspection is required under sub. (3).

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

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

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

14
15 **(7) FACILITIES.** Facilities operated by a renderer shall be all of the following:

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

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

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

22 (d) Equipped with effective ventilation and vapor control systems to minimize
23 offensive odors.

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

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

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

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

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

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

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

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

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

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

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

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

21 **(10) TRANSPORTING AND HANDLING ANIMAL CARCASSES.** A renderer shall
22 transport and handle carcasses and carcass materials according to s. ATCP 57.20 and
23 57.22.

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

6 **NOTE:** A renderer may not transport live animals unless licensed to do so under
7 ch. ATCP 12. See s. ATCP 57.20(5)(a).
8

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

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

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

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

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

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

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

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

10 1. Operate an animal food processing plant in this state.

11 2. Collect, receive or transport, in this state, carcasses or carcass materials for
12 animal food processing by that person in this state or another state.

13 3. Slaughter animals in this state for animal food processing by that person in this
14 state or another state.

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

18 **NOTE:** An animal food processor licensed under sub. (1) must also hold a
19 commercial feed license under s. ATCP 42.02 if the animal food processor
20 does more than “minimal processing” of carcasses or carcass materials
21 (see s. ATCP 42.02(2)(e)). A commercial feed manufacturer licensed
22 under s. ATCP 42.02 does not need an animal food processor license
23 under sub. (1) if the commercial feed manufacturer processes only fully
24 rendered animal products (see s. ATCP 57.01(2)(k)).

25
26 An animal food processor license does not authorize a person to process
27 food for human consumption. Food processing is subject to other license
28 requirements. See ch. ATCP 55 (meat and meat food products), ch. ATCP
29 70 (food processing plants) and ch. ATCP 75 (retail food establishments).

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

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

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

9 (c) The applicant's primary business address.

10 (d) The address of each animal food processing plant and transfer station that the
11 animal food processor operates in this state.

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

16 (f) The applicant's social security number if the animal food processor is an
17 individual.

18 **NOTE:** See 93.135(im), Stats.

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

21 (h) Other relevant information required by the department.

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

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

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

11 **NOTE:** The department may inspect any animal food processing plant or transfer
12 station, regardless of whether an inspection is required under sub. (3).
13

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

19 (5) ADDITIONAL LOCATIONS. A license under sub. (1) covers only the locations
20 identified in the license application. A license holder may, at any time during the license
21 year, supplement the application to include additional locations. The applicant shall pay
22 a supplementary fee if required under sub. (2)(i). The department shall inspect each
23 additional location before licensing that location, if an inspection is required under sub.
24 (3).

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

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

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

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

14
15 **(7) FACILITIES.** Facilities operated by an animal food processor shall be all of the
16 following:

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

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

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

23 (d) Equipped with effective ventilation and vapor control systems to minimize
24 offensive odors.

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

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

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

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

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

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

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

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

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

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

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

19 **(9) STORING PROCESSED FEED PRODUCTS.** An animal food processor shall store
20 processed feed products in a location and manner that effectively protects those products
21 from contamination by live animals, unprocessed carcasses and unprocessed carcass
22 materials.

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

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

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

11 **(12) RECORDS.** (a) An animal food processor shall keep complete and accurate
12 records related to the animal food processor's operations. Records shall include all of the
13 following:
14

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

20 2. The name and address of each person from whom the animal food processor
21 receives live animals, the date and location of each receipt, the numbers and types of live
22 animals received, and the disposition of each animal. If the animal food processor
23 slaughters an animal, the animal food processor shall record the date and location of
24 slaughter, and the disposition of the carcass.

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

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

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

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

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

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

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

21 **NOTE:** A grease processor is not authorized to produce human food, or cooking
22 oil or fat that may come in contact with human food. Persons producing
23 such cooking oil or fat must hold an appropriate license under ch. ATCP
24 55 (meat and meat food products), ATCP 70 (food processing plants) or
25 ATCP 75 (retail food establishments).
26

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

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

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

8 (c) The applicant’s primary business address.

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

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

12 **NOTE:** See 93.135(im), Stats.

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

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

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

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

23 **(4) ACTION ON LICENSE APPLICATION.** The department shall grant or deny an
24 annual license application under sub. (2) within 30 days after the department receives a
25

1 complete application except that, if a pre-license inspection is required under sub. (3), the
2 department shall grant or deny the application within 30 days after completing the pre-
3 license inspection.

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

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

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

17 **NOTE:** For example, an existing grease processing plant does not violate par. (a)
18 merely because a new residence or business facility is constructed within
19 1/8 mile of the existing plant. But once the new residence or business
20 facility is constructed, the plant may not expand closer to it (it may expand
21 in the opposite direction).

22
23 (7) FACILITIES. Facilities operated by a grease processor shall be all of the
24 following:

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

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

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

5 (d) Equipped with effective ventilation and vapor control systems to minimize
6 offensive odors.

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

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

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

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

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

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

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

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

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

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

3 (f) Prevent unconfined accumulations of waste.

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

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

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

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

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

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

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

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

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

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

- 13 1. Process carcasses or carcass materials.
- 14 2. Collect or transport anything other than whole carcasses with hide or feathers
15 intact.
- 16 3. Collect, transport or deliver carcasses for processing or use as human food.
- 17 4. Collect, transport or deliver carcasses for processing or use as animal feed,
18 other than for processing by a renderer or animal food processor licensed under s. ATCP
19 57.10 or 57.12.

20 **NOTE:** Animal markets, dealers and truckers that handle *live* animals are
21 regulated under ch. ATCP 12. Live animal movements are also governed
22 by ch. ATCP 10. No person may transport carcasses or carcass materials
23 in the same vehicle used to transport live animals, except that if a live
24 animal dies in transit the animal trucker may deliver the carcass directly to
25 a renderer or animal food processor licensed under s. ATCP 57.10 or
26 57.12. See ss. ATCP 57.20(1)(b)6. and (5).
27

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

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

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

8 (c) The applicant's primary business address.

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

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

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

16 **NOTE:** See 93.135(im), Stats.

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

19 (h) Other relevant information required by the department.

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

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

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

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

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

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

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

13 (d) Equipped with effective ventilation and vapor control systems to minimize
14 offensive odors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15
16
17
18 **(2) REGISTRATION PROCEDURE.** (a) To obtain a registration certificate under sub.
19 (1), a carcass dealer shall register with the department on a form provided by the
20 department. The completed registration form shall include all of the following
21 information:

- 22 1. The registrant’s legal name and any trade names under which the registrant
23 does business in this state.
- 24 2. A statement indicating whether the registrant is an individual, corporation,
25 partnership, limited liability company or other business entity.
- 26 3. The registrant’s principle business address.
- 27 4. Other relevant information reasonably required by the department for
28 registration purposes.

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

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

6 1. The name and address of the seller.

7 2. The name and address of the buyer.

8 3. The date and location of sale.

9 4. The types of carcasses or carcass materials sold.

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

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

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

18 **ATCP 57.20 Transporting carcasses and carcass materials. (1) LICENSE**
19 **REQUIRED.** (a) Except as provided in par. (b), no person may transport carcasses or
20 carcass materials on a public road without a license from the department under s. ATCP
21 57.10, 57.12 or 57.16.

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

- 1 1. The transportation of meat or meat food products produced and transported
2 according to ch. ATCP 55.
- 3 2. A farmer transporting carcasses of animals raised on his or her farm.
- 4 3. Transportation solely for purposes of destruction, burial or landfill disposal.
- 5 4. Transportation by a government agency.
- 6 5. Transportation by a bona fide research institution, for purposes of scientific
7 research.
- 8 6. An animal market operator licensed under s. ATCP 12 .02, an animal dealer
9 licensed under s. ATCP 12.03, or an animal trucker licensed under s. ATCP 12.04 who
10 transports, for direct delivery to a person licensed under s. ATCP 57.10, 57.12 or 57.16,
11 an animal that died during a live animal shipment.
- 12 7. The transportation of hides, feathers, or fully rendered products.
- 13 8. A fur farm operator's transportation of carcasses or carcass materials solely to
14 feed fur-bearing animals on the operator's fur farm.
- 15 9. The transportation of legally harvested wild animals by or on behalf of the
16 person who harvested them.
- 17 10. An employee of a license holder, acting within the scope of his or her
18 employment.
- 19 **(2) VEHICLE PERMIT.** (a) A person who is required under sub. (1)(a) to hold a
20 license under s. ATCP 57.10, 57.12 or 57.16 shall also hold an annual permit from the
21 department for each vehicle that the person uses to transport carcasses or carcass
22 materials on a public road. A permit expires on February 28 of each year. There is no
23 fee for a permit.

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

5 1. The applicant's legal name, and any trade names under which the applicant
6 operates the vehicle in this state.

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

9 3. The applicant's principle business address.

10 4. Unique identification of the vehicle.

11 5. A statement indicating whether the applicant is licensed under s. ATCP 57.10,
12 57.12 or 57.16. If the applicant is licensed under s. ATCP 57.10, 57.12 or 57.16, the
13 vehicle permit application shall include the license number. If the applicant is not yet
14 licensed under s. ATCP 57.10, 57.12 or 57.16, the applicant shall submit a license
15 application with the vehicle permit application.

16 6. A statement that the vehicle is equipped to comply with sub. (4).

17 7. Other relevant information reasonably required by the department for purposes
18 of issuing a vehicle permit.

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

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

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

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

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

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

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

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

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

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

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

20 **(6) REMOVING CARCASSES FROM TRANSFER STATIONS.** A person who operates a
21 transfer station shall remove carcasses and carcass materials from that transfer station
22 within 24 hours after they are received, and sooner if necessary to prevent nuisance
23 conditions. Carcasses and carcass materials received on a Saturday, or on a Sunday

1 followed by a legal holiday, shall be removed within 48 hours and sooner if necessary to
2 prevent nuisance conditions.

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

6 (a) Complete carcasses with hide or feathers intact.

7 (b) Carcasses or carcass materials that are denatured according to sub. (2).

8 (c) Fully rendered products.

9 (d) Carcasses or carcass materials that are naturally incapable of being consumed
10 by humans.

11 (e) Lungs and lung lobes originating from a meat establishment licensed or
12 inspected under s. ATCP 55.03.

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

15 (a) Apply an approved denaturing agent under sub. (3) so that the denatured
16 carcass or carcass material has a distinctive color, texture, odor or taste and cannot be
17 confused with human food. The person shall apply the denaturing agent in such a way
18 that it cannot be readily removed from the carcass or carcass material. Before applying
19 denaturant to a carcass part is more than 4 inches square, the person shall deeply score
20 the carcass part with cuts not more than 4 inches apart.

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

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

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

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

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

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

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

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

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

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

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

22 (a) The name and address of the renderer, animal food processor or grease
23 processor.

1 (b) A clear identification of the product.
2 (c) The net quantity of product included in any package or bulk shipment.
3 (d) The clear and conspicuous statement “**INEDIBLE (SPECIES) NOT**
4 **INTENDED FOR HUMAN FOOD**” if the product is susceptible to consumption by
5 humans.

6 (e) The clear and conspicuous statement “**DO NOT FEED TO CATTLE OR**
7 **OTHER RUMINANTS**” if required under 21 CFR 589.2000.

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

10 **NOTE:** Subsection (1) does not apply to fully rendered products. See ss. ATCP
11 57.01(5) and (7).

12
13 **(2) RUMINANT FEED.** No person may feed protein derived from mammalian
14 tissues to cattle or other ruminants, or sell or distribute protein derived from mammalian
15 tissues as feed for cattle or other ruminants, in violation of 21 CFR 589.2000.

16 **(2) NO HUMAN FOOD.** (a) No person may produce, sell or distribute food for
17 human consumption pursuant to a renderer license under s. ATCP 57.10, an animal food
18 processor license under s. ATCP 57.12, or a grease processor license under s. ATCP
19 57.14.

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

22 **SECTION 7. EFFECTIVE DATE.** This rule shall take effect on the first day of the
23 month following publication in the Wisconsin administrative register, as provided in s.
24 227.22(2)(intro.), Stats.

Dated this _____ day of _____, _____.

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

By _____
Rodney J. Nilsestuen
Secretary