

Chapter

7 Poisonous or Toxic Materials

Parts

- 7-1 LABELING AND IDENTIFICATION
- 7-2 OPERATIONAL SUPPLIES AND APPLICATIONS
- 7-3 STOCK AND RETAIL SALE

7-1	LABELING AND IDENTIFICATION
	Subparts
	7-101 Original Containers
	7-102 Working Containers

Original Containers

7-101.11 Identifying Information, Prominence.^c

Containers of POISONOUS OR TOXIC MATERIALS and PERSONAL CARE ITEMS shall bear a legible manufacturer's label.

Working Containers

7-102.11 Common Name.^c

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material.

7-2

OPERATIONAL SUPPLIES AND APPLICATIONS

Subparts

- 7-201 Storage
- 7-202 Presence and Use
- 7-203 Container Prohibitions
- 7-204 Chemicals
- 7-205 Lubricants
- 7-206 Pesticides
- 7-207 Medicines
- 7-208 First Aid Supplies
- 7-209 Other Personal Care Items

Storage

7-201.11 Separation.^C

POISONOUS OR TOXIC MATERIALS shall be stored so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

(A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;^S and

(B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if the materials are stored to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.*

Presence and Use

7-202.11 Restriction.^C

(A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a FOOD ESTABLISHMENT.^S

(B) ¶ (A) of this section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS that are for retail sale.

7-202.12 Conditions of Use.^C

POISONOUS OR TOXIC MATERIALS shall be:

(A) Used according to:

(1) Law and this Code,

(2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT,

(3) The conditions of certification, if certification is required, for use of the pest control materials, and

(4) Additional conditions that may be established by the REGULATORY AUTHORITY; and

(B) Applied so that:

(1) A HAZARD to EMPLOYEES or other PERSONS is not constituted, and

(2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and for a pesticide, this is achieved by:

(a) Removing the items,

(b) Covering the items with impermeable covers, or

(c) Taking other appropriate preventive actions, and

(d) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.

(C) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified and licensed in accordance to s. 94.704 and 94.705 Wis. Stats.; and ATCP 29.25 and 29.26 Wis. Adm. Code.

Container Prohibitions

7-203.11 Poisonous or Toxic Material Containers.^C

A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD.

Chemicals

7-204.11 Sanitizers, Criteria.^c

Chemical SANITIZERS and other chemical antimicrobials applied to FOOD-CONTACT SURFACES shall be approved by department of health and family services.

7-204.12 Chemicals for Washing Fruits and Vegetables, Criteria.^c

Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

7-204.13 Boiler Water Additives, Criteria.^c

Chemicals used as boiler water ADDITIVES shall meet the requirements specified in 21 CFR 173.310 Boiler Water Additives.

7-204.14 Drying Agents, Criteria.^c

Drying agents used in conjunction with SANITIZATION shall:

(A) Contain only components that are listed as one of the following:

- (1) Generally recognized as safe for use in FOOD as specified in 21 CFR 182 - Substances Generally Recognized as Safe, or 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe,
- (2) Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,
- (3) APPROVED for use as a drying agent under a prior sanction specified in 21 CFR 181 - Prior-Sanctioned Food Ingredients,
- (4) Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in 21 CFR Parts 175-178, or
- (5) APPROVED for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; and

(B) When SANITIZATION is with chemicals, the approval required under Subparagraph (A)(3) or (A)(5) of this section or the regulation as an indirect FOOD ADDITIVE required under Subparagraph (A)(4) of this section, shall be specifically for use with chemical SANITIZING solutions.

Lubricants

7-205.11 Incidental Food Contact, Criteria.^C

Lubricants shall meet the requirements specified in 21 CFR 178.3570. Lubricants with incidental food contact, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

Pesticides

7-206.11 Pesticides Use, Criteria.^C

(A) all pesticides shall be used in accordance with the Federal Insecticide, Fungicide and Rodenticide Act and the applicable Code of Federal Regulations, and with Chapter 94, Wis. Stats. and ATPC 29, Wis. Adm. Code.

(B) RESTRICTED USE PESTICIDES specified under ¶ 7-202.12(C) shall meet the requirements of ch. ATPC 29 of the Wisconsin Administrative code.

7-206.12 Rodent Bait Stations.^C

Rodent bait shall be contained in a covered, tamper-resistant bait station.

7-206.13 Tracking Powders, Pest Control and Monitoring.^C

(A) A tracking powder pesticide may not be used in a FOOD ESTABLISHMENT.

(B) If used, a nontoxic tracking powder such as talcum or flour may not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.^N

Medicines

7-207.11 Restriction and Storage.^C

(A) Only those medicines that are necessary for the health of EMPLOYEES shall be allowed in a FOOD ESTABLISHMENT. *This section does not apply to medicines that are stored or displayed for retail sale.*

(B) Medicines that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be labeled as specified under § 7-101.11 and located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

7-207.12 Refrigerated Medicines, Storage.^C

Medicines belonging to EMPLOYEES or to children in a day care center that require refrigeration and are stored in a FOOD refrigerator shall be:

- (A) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and
- (B) Located so they are inaccessible to children.

First Aid Supplies

7-208.11 Storage.^C

First aid supplies that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be:

- (A) Labeled as specified under § 7-101.11,^S and
- (B) Stored in a kit or a container that is located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, and LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.^S

Other Personal Care Items 7-209.11 Storage.

Except as specified under §§ 7-207.12 and 7-208.11, EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under ¶ 6-305.11(B).

7-3	STOCK AND RETAIL SALE
	Subpart
	7-301 Storage and Display

Storage and Display 7-301.11 Separation.^C

POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

- (A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;^S and
- (B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES.

Chapter

8

Public Toilet Rooms

Parts

- 8-1 NUMBERS, AND CAPACITIES.
- 8-2 SUPERVISION, MAINTENANCE AND LOCATION
- 8-3 HANDWASHING FACILITIES

8-1 NUMBERS, AND CAPACITIES.

Subparts

8-101 Pubic Toilet Rooms

Numbers Capacities 8-101.11 Toilet Rooms Required.

The number of toilet rooms and fixtures in FOOD ESTABLISHMENT a FOOD ESTABLISHMENT and the required ventilation of toilet rooms shall be as required under ss. COMM 52.50 to 52.64, 54.12 and 55.32. as enforced by department of commerce.

8-101.12 Carry Out Food Establishments

Carry out FOOD ESTABLISHMENT with no on-premise dining that allow customers to enter the establishment shall provided a toilet room for the public.

Note: See Comm 54.12(2)(b).

8-101.13 Drive-In Food Establishment

Toilet fixture requirements at drive-in FOOD ESTABLISHMENTS shall be based on 2¼ customers per car stall.

8-2

SUPERVISION, MAINTENANCE AND LOCATION

Subparts

8-201 Supervision

Control

8-201.11 Control of Operator

Toilet rooms shall be under the supervision of the FOOD ESTABLISHMENT operator.

Enclosures

8-201.12 Enclosures

Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors which shall be closed except during cleaning or maintenance as specified in 6-202.14 and 6-501.19

8-201.13 Location

(A) Public toilet rooms shall be located so that it is not necessary for patrons using the facilities to pass through a FOOD PREPARATION, PROCESSING, serving or storage areas or an area where utensils are washed.

(B) All public toilet rooms at new or substantially remodeled FOOD ESTABLISHMENT shall be readily available to the patrons of the FOOD ESTABLISHMENT.

8-102.14 Outside Entrances

Outside entrances to toilet rooms are not permitted, except that FOOD ESTABLISHMENT having only outside seating may use toilet facilities with outside entrances if the toilet facilities are readily accessible to patrons

8-102.15 Sex Designation

The door leading into each toilet room as specified COMM 52.52, shall be marked to identify whether it is for men or women. Words such as "MEN" or "WOMEN" shall be in letters not less than one inch high. Symbols may be used in place of words or in addition to words. Where a single toilet room is provided for use by either sex, the toilet room may be marked as "UNISEX".

8-201.16 Waste Receptacles

(A) EASILY CLEANABLE receptacles shall be provided for waste materials.

(B) Toilet rooms used by women shall be provided with a waste receptacle as specified in § 5-501.17.

Maintained

8-201.17 Toilet Maintenance

Public toilet rooms shall:

(A) Have a supply of toilet tissue available at each toilet.

(B) Clean and good repair.

8-3 HANDWASHING

Subpart

8-301 Storage and Display

Storage and Display

8-301.11 HANDWASHING FACILITIES.

Handwashing facilities shall be:

(A) Located in all public toilet rooms.

(B) Equipped to provide water at a temperature as specified §5-202.12.

(C) Provided with soap and single-service towels for drying hands. Approved electric hand dryers may be used as limited by s. COMM 52.60 (3).

(D) Public Handwash Facilities used by Food Employees shall comply ¶15-202.12(C)

Chapter

9 MOBILE FOOD ESTABLISHMENTS

Parts

- 9-1 GENERAL REQUIREMENTS
- 9-2 WATER SUPPLY
- 9-3 LIQUID WASTE
- 9-4 PUSHCARTS
- 9-5 OPERATION AND INSTALLATION
- 9-6 TOILET FACILITIES

9-1 GENERAL REQUIREMENTS.

Subparts

- 9-101 Applicable Rules
- 9-102 Restricted Operation
- 9-103 Service Base
- 9-104 Boundary of Operation

9-101.10 Applicable Rules.

In addition to the specific requirements of this chapter, Chapter 1 through Chapter 7 apply to MOBILE FOOD ESTABLISHMENTS as applicable.

Warewashing 9-102.11 Restricted Operation

MOBILE FOOD ESTABLISHMENTS meeting the following conditions are not required to have warewashing equipment as specified in Chapter 4:

- (A) Food is limited to prepackaged FOOD items and beverages dispensed in single servings from covered urns or other protected equipment.
- (B) Handwash facilities are available on the mobile unit.
- (C) Required warewashing equipment is available at the service base; and
- (D) Utensils and serving equipment are limited to single-service articles only.

9-103.11 Service Base

Every MOBILE FOOD ESTABLISHMENT shall have a service base of operations consisting of :

(A) Except as provided in ¶(D) of this section, an enclosed building of sufficient size to accommodate mobile units for servicing, cleaning, inspection and maintenance.

(B) An approved water supply as specified in §§5-101.11 and 5-104.11 and 5-104.12

(C) Approved facilities for liquid waste disposal as specified in §5-403.11.

(D) If approved by the DEPARTMENT or its AGENT, an enclosed building as specified in ¶(A) of this section, may not be required as a service base if it can be demonstrated that the lack of such a building will not interfere with the sanitary operation or servicing, cleaning, inspection and maintenance of the MOBILE FOOD ESTABLISHMENT.

9-104.11 Boundary Of Operation.

(A) Except as in (D) of this section, each MOBILE FOOD ESTABLISHMENT shall return to its SERVICE BASE not less than once in each 24 hours for servicing and maintenance and more often if necessary.

(B) Itineraries of each MOBILE FOOD ESTABLISHMENT shall be available at the SERVICE BASE.

(C) On request of a representative of the DEPARTMENT, each MOBILE FOOD ESTABLISHMENT shall be made available for inspection for a pre-arranged period of not less than one hour between 8 a.m. and 5 p.m. at the service base. A MOBILE FOOD ESTABLISHMENT shall also be open to inspection by a DEPARTMENT representative at any time while it is in operation.

(D) If approved by the DEPARTMENT, a MOBILE FOOD ESTABLISHMENT may not be required to return to the base every 24 hours if it can be shown that the FOOD ESTABLISHMENT can operate in a safe and sanitary manner for a longer period of time.

9-2**WATER SUPPLY****Subparts**

- | | |
|--------------|-----------------------|
| 9-201 | Watering Point |
| 9-202 | Storage Tank |
| 9-203 | Water Intake |
| 9-204 | Liquid Waste |

Water Supply 9-201.11 Water Point

(A) Drinking water for the MOBILE FOOD ESTABLISHMENT shall be obtained from the SERVICE BASE and the vehicle shall return to the SERVICE BASE whenever the amount of water in storage does not equal at least 3.8 liters (1 gallon)

(B) The watering point for the MOBILE FOOD ESTABLISHMENT shall consist of a threaded tap installed and maintained in a manner that will assure protection against contamination.

(C) Hoses used for conveying DRINKING WATER shall be constructed and maintained as specified in §5-302.16.

9-202.11 Water Storage Tank

(A) Every MOBILE FOOD ESTABLISHMENT shall be equipped with a gravity or pressurized water storage tank.

(B) The water storage tank shall be sized as specified in §5-103.11, but no smaller than the following:

(1) A MOBILE FOOD ESTABLISHMENT that serves beverages or FOOD or reheats prepared foods shall have a water storage tank with a capacity of at least 38 liters (10 gallons) for employee handwashing.

(2) A FOOD pushcart shall have a water storage tank with a minimum capacity of 19 liters (5 gallons) for handwashing.

(3) A MOBILE FOOD ESTABLISHMENT that prepares FOOD or beverages on the unit shall have a water storage tank with a capacity of at least 151 liters (40 gallons) for handwashing, utensil washing and sanitizing purposes.

(C) The water storage tank shall be constructed and maintained as specified in subchapter 5-3 and shall be:

- (1) Constructed of at least 14 gauge metal or other durable FOOD grade material.
- (2) Provided with a glass-sight gauge graduated to read water volume in gallons or liters .
- (3) Equipped with a threaded opening on the inlet line or on the tank with a locking device for flushing and sanitizing the tank.)
- (4) Flushed and sanitized as specified §5-304.11

9-3	LIQUID WASTE
Subpart	
9-301	Waste Storage Tank
9-301	Construction and Maintenance
9-303	Disposal

Storage Tank 9-301.11 Waste Storage Tank.

Every MOBILE FOOD ESTABLISHMENT shall have a wastewater storage tank as specified in subchapter 5-4. .

9-302.11 Construction and Maintenance

A MOBILE FOOD ESTABLISHMENT waste storage tank shall be:

- (A) Constructed of metal of at least 14 gauge thickness, or other durable smooth surface material.
- (B) Equipped with a discharge connection having a tight closing valve consisting of a minimum of 1½ inch half-union attachment for gravity draining.
- (C) The valve specified in ¶(B) of this section shall be located between the attachment and tank proper.
- (D) The waste storage tank shall be maintained in a sanitary condition

9-303.11 Disposal.

(A) Every service base shall have an approved sanitary septic system for sanitary disposal of liquid waste from the from the MOBILE FOOD ESTABLISHMENT wastewater collection tank.

(B) When liquid waste cannot be discharged directly to sanitary sewers, a hose with a minimum 1½ inch half-union type attachment for connection to the MOBILE FOOD ESTABLISHMENT waste water tank shall be provided.

(C) The hose used for disposal of liquid waste shall be maintained in a clean and serviceable condition and when not in use shall be stored in a separate cabinet labeled "for waste water hose only."

9-4 PUSHCART

Subpart

9-401 Locations

9-402 Restricted Use

Storage Tank 9-401.11 Locations

Outdoor pushcarts shall be located on a paved surface. Indoor pushcarts shall be located on permanent flooring material which is smooth and easily cleanable.

9-402.11 Restricted Use

No pushcart maybe used to sell or process a POTENTIALLY HAZARDOUS FOOD unless the following apply:

(A) POTENTIALLY HAZARDOUS FOOD PREPARED or PROCESSED on a outdoor pushcart shall be entirely contained in a enclosed system that precludes any contamination of the FOOD. Indoor pushcarts shall have adequate shielding to protect display and FOOD PREPARATION areas from contamination.

(B) Pushcart serving POTENTIALLY HAZARDOUS FOOD shall be mechanically equipped to keep FOOD at temperatures as specific in 3-501.16.

9-5 OPERATION AND INSTALLATION

Subpart

- 9-501 Restrictions**
- 9-502 Bottled Or Liquefied Gas**
- 9-503 Toilet Facilities**

9-501.11 RESTRICTIONS.

(A) No MOBILE FOOD ESTABLISHMENT may be used for living or sleeping purposes.

(B) Mobile FOOD ESTABLISHMENT shall not be used for any non-FOOD ESTABLISHMENT purposes or business.

(C) Non-employees are not permitted in the vehicle where FOOD is prepared, stored and served.

(D) No FOOD, FOOD containers, wrappers, packaging materials or utensils may be kept in the driver's compartment of any MOBILE FOOD ESTABLISHMENT.

(E) The driver's compartment shall be separated by a partition from the area for FOOD preparation, service or storage.

9-502.11 Bottled Or Liquefied Gas

If bottle or liquefied gas is used within a MOBILE FOOD ESTABLISHMENT, the operator shall show, upon demand, that the installation conforms to ss. COMM 40, rules of the department of commerce for design, construction, location and installation of this equipment.

9-503.11 Toilet Facilities

The operator of a MOBILE FOOD ESTABLISHMENT shall arrange for use by personnel operating the MOBILE FOOD ESTABLISHMENT public or private toilet facilities during all hours the MOBILE FOOD ESTABLISHMENT is in operation.

Chapter

10 TEMPORARY FOOD ESTABLISHMENTS

Parts

- 10-1 GENERAL REQUIREMENTS.
- 10-2 DESIGN AND LOCATION
- 10-3 SANITARY FACILITIES

10-1 GENERAL REQUIREMENTS.

Subparts

- 10-101 Applicable Rules
- 10-102 Food Service Limitation
- 10-103 Employee Handwashing
- 10-104 Warewashing

General 10-101.10 Applicable Rules.

In addition to the specific requirements of this chapter, Chapter 1 through Chapter 7 apply to TEMPORARY FOOD ESTABLISHMENTS as applicable.

Limitations 10-102.11 Food Service Limitation

The DEPARTMENT or it's AGENT may limit and/or modify the nature of the FOOD service operation and/or the type of FOOD served at a TEMPORARY FOOD ESTABLISHMENT to protect the health and safety of the GENERAL PUBLIC. TEMPORARY FOOD service operations may be limited in terms of the number of persons served, methods of PREPARATION and storage, the kinds of utensils used or the type of FOOD served.

10-103.11 Employee Handwashing

(A) Adequate employee handwashing facilities shall be provided as specified in 5-203.11..

(B) When water under pressure is not available, handwashing facilities shall consist of a covered insulated container of at least five gallon capacity with a non self closing spigot or valve, that allows a continuous flow of water over the hands.

10-104.11 Manual Warewashing.

(A) When water under pressure is available, manual warewashing equipment shall meet requirements as specified in §4-301.12.

(B) When water is not available under pressure, manual warewashing equipment shall meet requirements as specified in §4-301.12, provided:

(1) FOOD service is limited to prepared FOOD items (i.e., preformed meats, premade pizzas, etc.);

(2) FOOD PREPARATION is limited to cooking or reheating for immediate service;

(3) Utensils are limited to a spatulas, tongs, or scoops, etc., and

(4) SINGLE SERVICE ARTICLES are used for FOOD service

10-2 DESIGN AND LOCATION

Subparts

10-201 Roof, Sidewalls And Floors

10-202 Location

10-203 Enclosure Of Kitchen

Control 10-201.11 Roof, Sidewalls And Floors

(A) TEMPORARY FOOD ESTABLISHMENT may be operated without a roof and/or sidewalls, if APPROVED.

(B) Floors shall be maintained in a sanitary condition, Dirt floors shall be covered with an APPROVED material, which will provide protection from splash and dust.

Location

10-202.11 Location

No TEMPORARY FOOD ESTABLISHMENT may be located within 30.5 M (100 feet) of a barn or enclosure housing animals or other source of odors or flies.

Enclosure

10-203.11 Enclosure Of Kitchen

(A) With the exception of ¶(B) of this section, all FOOD PREPARATION and utensil washing areas with extensive FOOD PREPARATION maintained in connection with TEMPORARY FOOD ESTABLISHMENTS shall be effectively enclosed or screened..

(B) Cooking and heating devices shall be effectively separated or enclosed in order not to be accessible to the public.

10-3

SANITARY FACILITIES

Subpart

10-301

Toilet Facilities

10-302

Water Supply

10-303

Sanitary Waste

Storage Tank

10-301.11 Toilet Facilities

Public toilet facilities for each sex shall be provided in accordance with s. COMM 55.32 and shall be approved by the DEPARTMENT.

10-302.11 Water

The water supply for a TEMPORARY FOOD ESTABLISHMENT shall be obtained from an approved source as specified in §§5-104.11 and 5-104.12.

10-303.11 Sanitary Waste Disposal

(A) Except as provided in ¶(B) a TEMPORARY FOOD ESTABLISHMENT shall connect to approved sewage disposal system as specified in §5-403.11

(B) When a TEMPORARY FOOD ESTABLISHMENT can not connect to an approved sewage disposal system, a container for liquid waste storage shall be provided and shall be emptied when necessary to a public sewer or other location approved by the DEPARTMENT. or its' AGENT.

Chapter

11 SPECIAL ORGANIZATIONS

Parts

11-1 GENERAL REQUIREMENTS.

11-1 GENERAL REQUIREMENTS.

Subparts

- 11-101 Applicable Rules
- 11-102 Supervision
- 11-103 Approved Courses
- 11-104 Equipment And Utensils

General 11-101.10 Applicable Rules.

In addition to the specific requirements of this chapter, Chapter 1 through Chapter 7 apply to SPECIAL ORGANIZATION FOOD ESTABLISHMENTS as applicable.

11-102.11 Supervision

For a SPECIAL ORGANIZATION serving MEALS, an individual who successfully completed a DEPARTMENT-approved FOOD handler training course or who has been trained in FOOD handling by DEPARTMENT or AGENT staff shall be present and supervise MEAL PREPARATION and serving.

11-103.11 Approved Courses

(A) A DEPARTMENT approved FOOD handler training course shall consist of a minimum of 2 hours instruction time; and

(B) Consist of the following subjects: temperature control of POTENTIALLY HAZARDOUS FOOD during preparation, storage, transportation and serving; effective cleaning and sanitizing of utensils and equipment; storage of utensils and equipment; FOOD worker personal hygiene; effective handwashing techniques; FOOD worker health; prevention of foodborne illness; safe FOOD sources; and the storage and the use of toxic products.

(C) The DEPARTMENT, or its AGENT, may require that additional subjects be addressed, related to the particular FOOD service operation, to provide assurance that the public's health and safety will be protected.

11-104.10 Equipment And Utensils.

SPECIAL ORGANIZATIONS SERVING MEALS may use residential sinks, refrigerators, freezers and mechanical dishwashing machines for washing multi-use eating and drinking utensils and pots, pans and other cooking utensils. Dishpans may be used to accomplish the final sanitizing rinse.

GENERAL HEALTH ORDINANCE

CHAPTER 11 - FOOD SERVICE

ARTICLE 10 - EQUIPMENT

11-104.10 Equipment And Utensils.

11-104.10.1 Approved Food Service Equipment

Approved food service equipment shall be of the type and make approved by the health department and shall be maintained in good working order.

11-104.10.2 Approved Utensils

Approved utensils shall be of the type and make approved by the health department and shall be maintained in good working order.

11-104.10.3 Approved Containers

Approved containers shall be of the type and make approved by the health department and shall be maintained in good working order.

The following conditions shall apply to the use of approved equipment and utensils: (A) Approved food service equipment shall be maintained in good working order and shall be inspected by the health department at least once a year. (B) Approved utensils shall be maintained in good working order and shall be inspected by the health department at least once a year. (C) Approved containers shall be maintained in good working order and shall be inspected by the health department at least once a year.

It is the intent of this ordinance to protect the public health by requiring the use of approved equipment and utensils in food service establishments.

Chapter

12 CERTIFIED FOOD MANAGER

Parts

- 12-1 DEFINITIONS
- 12-2 CERTIFICATION REQUIREMENT
- 12-3 APPROVED EXAMINATION
- 12-4 RECERTIFICATION

12-1 DEFINITIONS

Subparts

12-101 Applicability and Terms Defined

12-101.11 Statement of Application.

The provisions of the chapter do not apply to LIMITED and TEMPORARY FOOD ESTABLISHMENTS, or establishment's only PROCESSING non-POTENTIALLY HAZARDOUS FOODS or not PROCESSING.

12-101.12 Definition of Terms.

The following definitions apply only to this chapter.

(A) **"Certified manager"** means the operator or a manager of a FOOD ESTABLISHMENT who has been certified by the DEPARTMENT under this section.

(B) **"Department"** means the state of Wisconsin department of health and family services.

(C) **"Manager"** means an individual who has direct authority over or exercises control or supervision over the employees and operations of a FOOD ESTABLISHMENT.

(D) **"Testing service"** means the developer of a FOOD protection practices examination.

12-2

FOOD MANAGER CERTIFICATION

Subparts

12-201 Certification Requirement

12-202 Application For Certification

12-201.11 General

One Manager

(A) The operator or at least one manager of a FOOD ESTABLISHMENT shall have a certificate issued by the DEPARTMENT that states that the operator or manager has passed a DEPARTMENT approved examination on FOOD protection practices. However:

One Establishment

(1) A new FOOD ESTABLISHMENT or a FOOD ESTABLISHMENT under going a change of operator after (Effective date of this code) shall have a certified FOOD manager within 90 days of the initial day of operation or provide documentation that they are scheduled within three (3) months to take and pass an approved examination as specified in 12-301.11.

Post Certificate

(2) FOOD ESTABLISHMENTS which are not in compliance because of employee turnover or other loss of a certified manager, shall have 90 days from the date of the loss of a certified manager to comply with this chapter, or provide documentation that the person designated to be the certified FOOD manager will become certified within the time specified in this subparagraph.

Notification Of Change

(B) If more than one FOOD ESTABLISHMENT operated by the same person is located on the same property or contiguous properties, only the operator or one manager is required to be certified.

(C) A FOOD ESTABLISHMENT shall post a certificate issued by the DEPARTMENT under this section in a conspicuous place on the premises of the FOOD ESTABLISHMENT.

(D) The operator of a FOOD ESTABLISHMENT shall promptly notify the DEPARTMENT when the CERTIFIED MANAGER terminates employment with the FOOD ESTABLISHMENT and shall supply the DEPARTMENT with the name and state certificate number of the new certified manager.

12-201.12 Expiration Date

With the exception of sections (A), (B) and (C), a certificate issued under this section shall expire 5 years after the date of issue:

(A) A certificate issued to a person applying for *certification* more than 12 months after passing an approved examination shall expire 5 years from the examination date.

(B) A certificate issued to a person applying for *recertification* more than 6 months after the expiration date of a FOOD manager certification certificate shall pass an approved examination.

(C) A certificate issued to a person applying for certification by reciprocity shall expire 5 years from the date of issuance of their current certification.

12-201.13 Reciprocity

Persons requesting certification by reciprocity shall:

(A) Hold a current certification by passing an approved examination, or

(B) Hold a current certification from an accredited program approved by the Conference on Food Protection.

12-202.11 Application For Certification.

(A) Application for certification shall be made on a form provided by the DEPARTMENT.

(B) A completed application form shall be submitted to the DEPARTMENT along with a certification fee of \$10.00 and evidence that the applicant has successfully completed a written examination within the previous three years that meets the criteria as specified in §12-301.11.

(C) A person whose certification has expired more than 6 months shall be required to take and pass an approved examination as specified in §12-301.11 to become certified.

Note: To obtain a copy of the application form, write Environmental Sanitation Section, Bureau of Environmental Health, P.O. Box 7875, Madison, Wisconsin 53701.

12-202.12 Action By The Department.

Within 30 days after receiving a complete application for certification, payment of the certification fee and receipt of evidence that the applicant has passed a written examination which meets the applicable criteria of sub. (4), the DEPARTMENT shall approve the application and issue a numbered certificate. If the application for a certificate is denied, the DEPARTMENT shall give the applicant reasons, in writing, for the denial.

12-3 APPROVED EXAMINATION

Subpart

12-301 Examination Criteria

Criteria for DEPARTMENT approval of a written examination on FOOD protection practices may include the following:

(A) The testing service is:

(1) Experienced in examination development and administration on a statewide or multi-state basis;

(2) Experienced in the development of an examination pertaining to FOOD service protection practices; and

(3) Qualified in examination development, administration and measurement.

(B) The examination is currently being use by a trade or regulatory organizations;

(C) The examination is accepted by public health officials and has been administered on a statewide basis;

(D) The examination and correct answers to examination question have been reviewed by DEPARTMENT. Review includes a statistical summary of mean, standard deviation, mode, range, minimum and maximum scores, coefficient of reliability and number and percentage of applicants passing and failing the original and retake examinations;

(E) The questions and answers are consistent with the examination requirements of this chapter;

(F) Security procedures are in place which protect the examination from compromise in preparation, printing and transportation of the examination;

(G) The examination will be administered by a person certified by the testing service to administer the examination, to ensure that the examination taker and the applicant are the same person;

(H) General analyses of examination results will be available annually;

(I) The examination is available and may be taken at location geographically accessible to persons who want to take it;

(J) There is advance notice of examination dates available;

(K) An examination that is given under contract with a testing service for a specified period of time is subject to review by the department upon renewal;

(L) A designated examination coordinator or contact per is available;

(M) The examination shall be evaluated and listed by an accrediting agency as specified in §1-201.10(B)(1).

(N) The examination is developed using psychometrically accepted methods involving representation from affected groups;

(O) The needs of special populations for accommodation to be able to take the examination are addressed by the testing service;

(P) A study guide and list of resources is available to persons who are preparing to take the examination;

(Q) The proposed examination is consistent with already approved examination in regard to rigor and types of questions; and

(R) The proposed examination will permit reciprocity between states.

Note: To obtain a list of DEPARTMENT approved FOOD manager certification examinations contact the environmental sanitation section, Division of Public Health, P.O. Box 7875, Madison , WI 53701.

12-4 RECERTIFICATION

Subpart

12-401 Recertification

12-402 Recertification Training Course Approval

12-401.11 Recertification.

(A) A certificate issued under this section may be renewed within six months of expiration, if the certified manager successfully completes a recertification training course approved by the DEPARTMENT as specified under §12-402.11. The recertification training course shall be completed prior to issuance of a new certificate.

(B) Application for recertification shall be made on a form provided by the DEPARTMENT. The application form shall be submitted to the DEPARTMENT at least 30 days before expiration of the certificate, along with evidence of successful completion of the recertification training course and payment of a \$10.00 recertification fee.

(C) Persons who do not renew their certificate as specified in ¶(A) of this section, shall be required to be certified by passing an approved examination as specified in §12-201.11.

Note: To obtain a copy of the recertification application form, write Environmental Sanitation Section, Bureau of Environmental Health, P.O. Box 7875, Madison, Wisconsin 53701.

12-402.11 Recertification Training Course Approval.

(A) Training courses in FOOD protection practices to prepare certified managers for recertification are subject to approval by the DEPARTMENT in accordance with this subsection.

(B) A course shall consist of at least 3 hours of instruction time and include an examination on the information presented.

(C) A course shall cover the following subjects:

- (1) Temperature control of POTENTIALLY HAZARDOUS FOOD during preparation, storage, transportation and service;
- (2) Effective cleaning and sanitizing of utensils and equipment;
- (3) FOOD protection, including the shelf life for foods;

- (4) FOOD worker personal hygiene;
- (5) Effective handwashing techniques;
- (6) Identification of POTENTIALLY HAZARDOUS FOOD;
- (7) Storage and use of toxic products; and
- (8) HACCP concepts and practices
- (9) Special problems in FOOD service sanitation.

(D) The DEPARTMENT, may authorize modification of course content to address code changes and emerging FOOD safety issues.

(E) A request for approval of a recertification training course shall be submitted to the DEPARTMENT in writing along with the proposed curriculum.

(F) The DEPARTMENT may cancel its approval of a training course at any time if its investigation reveals that the criteria in this subsection are not being met.

Note: To request approval of a recertification training course, write Environmental Sanitation Section, Bureau of Environmental Health, P.O. Box 7875, Madison, Wisconsin 53701.

MAR 16 2000

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

NOTICE OF HEARING

RULES RELATED TO RETAIL FOOD ESTABLISHMENTS

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on the proposed repeal and recreation of chapter ATCP 75, Wisconsin Administrative Code, relating to Retail Food Establishments. Included in the revisions is the adoption of the "Wisconsin Food Code" as Appendix A. The hearings will be held at the times and places shown below. The public is invited to attend the hearings and make comments on the proposed rule. Following the public hearings, the hearing record will remain open until May 15, 2000, for additional written comments. The hearings will be held in conjunction with hearings held by the Department of Health and Family Services, which has proposed the repeal and recreation of its rule for restaurants (chapter HFS 196). The DHFS rule includes the identical "Wisconsin Food Code" as appendix A to its proposed rule.

A copy of this rule may be obtained free of charge, from the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708, or by calling (608) 224-4700. Copies will also be available at the public hearings.

An interpreter for the hearing impaired will be available on request for these hearings. Please make reservations for a hearing interpreter by April 10, 2000, either in writing to Debbie Mazanec, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708, (608) 224-4712, or by contacting the message relay system (TTY) at (608) 266-4399 to forward your call to the department at (608) 224-5058. Handicap access is available at all locations for the hearings.

Five hearings are scheduled:

Date and Time: **Tuesday, April 25, 2000, 9:30 a.m. until 12:30 p.m.**

Location: **Eau Claire**

Eau Claire Health Department, Room G 30-31
720 Second Avenue
Eau Claire WI 54703
Handicapped accessible through front door.

Date and Time: **Thursday, April 27, 2000, 9:30 a.m. until 12:30 p.m.**

Location: **Appleton**

Appleton Public Library, Lower Level
125 N Oneida Street
Appleton WI 54911
Handicapped accessible through front door.

Date and Time: **Friday, April 28, 2000, 9:30 a.m. until 12:30 p.m.**

Location: **Milwaukee**

Milwaukee Health Department
Northwest Health Center, Basement Conference Room
7630 W. Mill Road
Milwaukee WI 53218
Handicapped accessible front door.

Date and Time: **Tuesday, May 2, 2000, 9:30 a.m. until 12:30 p.m.**

The hearing is scheduled for video-conference participation from each of the five locations shown below.

- Location: **Madison**

Wisconsin Department of Agriculture, Trade and
Consumer Protection
Prairie Oak State Office Building, Room 472
2811 Agriculture Drive
Madison WI 53718
Handicapped accessible through front door.

(NOTE: A LIVE HEARING IS ALSO SCHEDULED IN MADISON ON MAY 5, 2000.)

- Location: **LaCrosse**

LaCrosse State Office Building, Room B-29
3550 Morman Coulee Road
LaCrosse WI 54601
Handicapped accessible through front door.

- Location: **Wisconsin Rapids**

Wisconsin Rapids State Office Building
2610 Industrial Street, Conference Room #4
Wisconsin Rapids WI 54495
Handicapped accessible through front door.

- Location: **Superior**

Department of Transportation – Superior
1701 N. 4th Street, Conference Room
Superior WI 54880
Handicapped accessible through front door.

- Location: **Rhineland**

University of Wisconsin – Extension and
DNR Northcentral Regional Headquarters
107 Sutliff Avenue, Room #1
Rhineland WI 54501
Handicapped accessible through front door.

Date and Time: **Friday, May 5, 2000, 9:30 a.m. until 12:30 p.m.**

Location: **Madison**

Wisconsin Department of Agriculture, Trade and
Consumer Protection (Prairie Oak State Office Building)
Conference Room 106 (Board Room)
2811 Agriculture Drive
Madison WI 53718
Handicapped accessible through front door.

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

Statutory Authority: ss. 93.07(1), 97.30(5) and 227.14(1s), Stats., as created by
s. 2355mm., 1999 Wis. Act 9

Statutes Interpreted: s. 97.30, Stats.

This rule repeals and recreates current rules related to retail food establishments, such as grocery stores. The department of Agriculture, Trade and Consumer Protection (“DATCP”) licenses and inspects retail food establishments under s. 97.30, Stats.

Uniform Rules Based on Model Food Code

Many retail food establishments also include restaurants, and vice-versa. The department of health and family services (“DHFS”) licenses and inspects restaurants under s. 254.64., Stats. DATCP and DHFS now coordinate their activities so that a combined grocery store and restaurant is licensed and inspected by DATCP or DHFS, but not both. In metropolitan areas, agent counties or municipalities often license and inspect grocery stores and restaurants as agents of DATCP and DHFS.

Although DATCP and DHFS have coordinated their activities to avoid duplicate licensing and inspection, they still enforce somewhat different rules. This makes it difficult to administer a coordinated program, and makes it difficult for food businesses to comply. The current rules of both agencies are also outdated in certain respects.

DATCP and DHFS are therefore proposing uniform rules for retail food establishments. DATCP is proposing this rule for retail food establishments, while DHFS is proposing a nearly identical

rule for restaurants. The proposed rule is based on the 1999 model food code published by the United States food and drug administration (FDA). The model food code is applicable to retail food establishments as well as restaurants. The FDA has recommended that state and local governments adopt the model food code. The model food code is based on the best science currently available to FDA.

Rule Contents

The format of the model food code differs from that of state administrative rules. Under s. 227.14(1s), Stats., created by 1999 Wis. Act 9, DATCP and DHFS are authorized to adopt administrative rules in the format of the model food code. This rule, like the DHFS rule, has two parts:

- The first part contains DATCP licensing and administrative procedures related retail food establishments. This part is drafted in the normal state format. This rule does not change current licensing or administrative procedures for retail food establishments. Nor does it change current license fees.
- The second part, attached as an appendix, is the model food code. The model food code is written in the federal format, as authorized by the Wisconsin legislature. The food industry is familiar with the model food code format. DATCP and DHFS have jointly reviewed the model food code, and have made minor modifications to adapt it for use in Wisconsin.

Retail Food Establishments; Rule Coverage

This rule applies to retail food establishments licensed under s. 97.30, Stats., including grocery stores and retail food processing operations. It does not apply to activities conducted under a dairy plant license (s. 97.20, Stats.), a meat or poultry establishment license (s. 97.42, Stats.) or a food processing plant license (s. 97.29, Stats.).

Licensing and Fees

DATCP currently licenses retail food establishments under s. 97.30, Wis. Stats. A retail food establishment operator must pay fees specified by statute and rule. This rule incorporates statutory licensing requirements and fees without change. This rule continues current provisions that eliminate overlapping license requirements between DATCP and DHFS.

Definitions

The food code defines key terms. When a defined term is used in the code, it appears in SMALL CAPS.

Variances

Under the state version of the model food code, DATCP may grant variances from specific code requirements. A variance request must be reasonable and the requester must document that the variance will not compromise food safety.

Potentially Hazardous Foods

The food code revises the current definition of “potentially hazardous foods,” and requires that they be kept at safe temperatures. Under the code:

- Potentially hazardous foods must be refrigerated at or below 41° F. or kept frozen.
- Hot-held potentially hazardous foods must be kept at or above 140° F. during handling and storage.
- Raw animal foods, cooked plant foods, wild game species and exotic game species must be cooked at or above specified minimum temperatures
- Potentially hazardous foods that have been cooked must be rapidly cooled to 41°F. or less, according to one or more specified cooling methods.
- Cooked potentially hazardous food must be heated to a temperature of at least 145°F for at least 15 seconds, except as otherwise provided in the code. The code provides specific cooking times and temperatures for various foods including poultry, pork, ground meats and rare roast beef.
- Potentially hazardous foods must be thawed in a refrigerated space at a temperature of 41°F. or less, or under running water at a temperature of 70°F. or less for no more than 4 hours, or in a microwave oven or other cooking equipment as part of the cooking process.
- Potentially hazardous food, if previously cooked and cooled, must be reheated to a temperature of at least 165°F for at least 15 seconds.
- Potentially hazardous foods cooked or reheated in a microwave oven must be cooked or reheated according to specified standards.
- Refrigerated potentially hazardous foods must be received at safe temperatures of 41°F or less, except that milk or milk products, molluscan shellfish, eggs and smoked fish must be received according to other applicable laws.
- Cooked, hot potentially hazardous foods must be received at safe temperatures of 140°F or more.

Construction, Equipment and Maintenance

The food code, like current rules, establishes construction and equipment standards for retail food establishments. The code makes the following changes to current rules:

- It prohibits the use of living quarters for food establishment operations.
- It clarifies handwashing facility requirements for toilet rooms and processing rooms.

- It describes acceptable procedures for garbage recycling and refuse handling.
- It reconciles equipment standards between DATCP and DHFS.
- It regulates the operation and maintenance of live fish and crustacean display tanks.

Management and Personnel Standards

This food code includes management and personnel standards. Management must understand principles for preventing foodborne disease or illness, must understand the use of a Hazard Analysis Critical Control Point (HACCP) program. The code also addresses employee health, personal cleanliness and hygienic practices

Food Sources

Under the food code:

- Food must be obtained from approved sources.
- Eggs offered for sale as “ungraded” must be grade “B” or better.
- Shellfish must comply with the National Shellfish Sanitation Program.

The food code prohibits a retail food establishment operator from doing any of the following:

- Vacuum packaging foods unless authorized in writing by DATCP or its agent.
- Vacuum packaging fish.
- Selling fish, shellfish or crustaceans unless they are commercially and legally harvested.

Date Marking and Food Labels

The food code requires date marking of ready-to-eat potentially hazardous food held in a food establishment for longer than 24 hours. The food must be clearly marked to ensure that it will be consumed or discarded within 7 calendar days. If the food is received frozen or is subsequently frozen by the establishment, it must be discarded within 24 hours after thawing. Aged hard cheeses and whole, unsliced portions of cured and processed sausage are exempt from date marking

This food code prohibits a retail food establishment operator from receiving molluscan shellfish that are not properly labeled as required by federal law.

Time as a Public Health Control

The food code allows a retail food establishment to hold potentially hazardous food for up to 4 hours without temperature control if the food is being prepared for cooking or if it is being held for immediate sale and consumption as ready-to-eat food.

Receiving, Handling, Storing and Displaying Food

The food code updates and clarifies basic requirements related to food receipt, handling, storage and display. A retail food establishment operator must:

- Handle, package and display food using the risk-based Hazard Analysis Critical Control Point (HACCP) system, if the food is specially processed (such as smoking, curing, brewing, or reduced-oxygen packaging). DATCP or its agent must approve HACCP plans.
- Protect food from contamination during receipt.
- Receive only clean, live shellfish, and store shellfish in their original shipping container.
- Provide an accurate thermometer for frequent food temperature monitoring.
- Identify containers holding food that has been removed from its original package.
- Protect food condiments from contamination while they are being dispensed.
- Refrain from storing packaged foods in direct contact with ice or water if water may enter the food.
- Designate a trained employee to monitor consumer self-service operations.
- Provide disposable, single service tissues or serving utensils at customer self-service display containers. Serving utensils must be removable for cleaning.
- Refrain from using sulfiting agents, except under certain defined circumstances.
- Present food for sale in a way that does not mislead or misinform the consumer.
- Thoroughly wash raw fruits and vegetables before cutting and offering them for consumption in ready-to-eat form.
- Keep produce-fogging devices clean and sanitary.

Consumer Advisory

The food code requires the operator of a food establishment to inform consumers about the increased risk associated with eating certain raw or undercooked animal foods. The operator may inform consumers by brochures, deli counter or menu advisories, label statements, table

tents, placards or other effective written means.

Highly Susceptible Populations

The food code includes special requirements for food establishments serving highly susceptible populations. Highly susceptible populations may include infants, elderly people, pregnant women and people whose immune systems are compromised. The code restricts the serving of certain foods such as raw animal food and partially cooked food. Other high-risk foods may be served if they are prepared and served according to an approved HACCP plan.

Cleaning, Sanitizing and Cross-Contamination

This rule updates and clarifies basic cleaning and sanitizing requirements, as well as requirements to minimize cross-contamination of food. A retail food establishment operator must:

- Clean equipment and utensils every 4 hours when processing potentially hazardous foods. The cleaning interval may be extended, up to 24 hours if the processing area is refrigerated.
- Wash equipment and utensils thoroughly in clean water at 110°F. if the equipment and utensils are washed manually.
- Clean equipment and utensils when there is a change in processing from raw foods to ready-to-eat foods.
- Clean equipment and utensils between uses when processing raw fruits and vegetables and potentially hazardous foods.
- Clean equipment and utensils whenever contamination may have occurred.
- Rinse equipment and utensils to remove abrasives and cleaning compounds.
- Use warewashing sinks only to clean equipment and utensils. A sink may be used for activities such as washing produce or thawing foods if the sink is cleaned and sanitized before and after use.
- Use warewashing sinks that are self-draining and equipped with self-draining drain boards.
- Immerse equipment and utensils for at least one minute in 150 parts-per-million quaternary ammonium when quaternary ammonium is used as a sanitizing agent.
- Use approved sanitizers in a safe manner .
- Provide accurate thermometers to measure washing and sanitizing solution temperatures.

- Store clean and sanitized equipment and utensils at least 6 inches above the floor in a self-draining position.
- Prohibit bare hand contact with ready-to-eat food, unless otherwise approved by the regulatory authority.
- Separate raw animal foods from ready-to-eat foods.
- Separate different species of raw animal foods.
- Clean and sanitize equipment and utensils between uses.
- Separate unwashed raw fruits and vegetables from ready-to-eat foods.

Other Requirements

The food code establishes requirements for:

- Mobile and temporary food establishments.
- Public toilet rooms.
- Food manager certification.

Records and Reports

The food code requires the operator of a retail food establishment to keep records related to:

- Molluscan shellfish sources and sale dates.
- HACCP plans required by the code.
- Microbiological analyses of water obtained from private wells.

Technical Changes

The food code makes a large number of technical changes to current rules.

FISCAL ESTIMATE DOA-2048 N(R 10/98) <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		LRB or Bill No. / Adm. Rule No. ACTP 75 Amendment No. (If Applicable)
Subject ATCP 75 and the adoption of Appendix "A" Wisconsin Food Code		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input checked="" type="checkbox"/> Increase Costs – May be possible to Absorb Within Agency's Budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local: <input checked="" type="checkbox"/> No local government costs 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Unit Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Source Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Ch. 20 Appropriations 20.115(1)(a) & (gb)
<p style="text-align: center;">Assumptions Used in Arriving at Fiscal Estimate</p> <p>This proposal to repeal and recreate ch. ATCP 75, Wis. Adm. Code, Retail Food Establishments, will have minimal fiscal impact. Currently, ch. ATCP 75 includes our licensing and enforcement procedures, as well as regulatory requirements for retail food establishments. The proposed ch. ATCP 75 includes the same licensing and enforcement procedures. However, the sanitary and regulatory requirements are contained in an Appendix that is modeled after the federal Food and Drug Administration (FDA) Model Food Code. The federal Food Code is a model code offered to the states to provide regulatory consistency between states based on the best science currently available to the FDA. The State Legislature gave the department authorization to adopt retail food rules in the format of the federal Food Code in 1999 Wis. Act 9.</p> <p>The format, style and size of the FDA Model Food Code will cause an initial one-time cost for printing copies of the rule and training the industry and state and local regulatory staff on the format and style changes. The initial printing cost will be significant. It will be necessary to provide copies of the Code to approximately 8000 Retail Food Stores, 80 state inspection staff, and 22 Local Agent Health Departments with an average of 4 inspectors each. We estimate that the initial printing cost would be approximately \$1100 per 1000 copies. The initial number of copies needed is 10,000. Total cost of initial printing is estimated to be \$11,000.</p> <p>A significant amount of training is necessary to familiarize industry and state and local regulators with the format, style and content of the Food Code. We will absorb these training costs by reallocating current training staff to develop and deliver this training. State and local staff needing training will be reallocated to this training from other training, again absorbing training costs. After the initial training period, we will be able to maintain training as we currently do.</p>		
Long - Range Fiscal Implications None.		
Agency/prepared by: (Name & Phone No.) DATCP Wayne A. Kopp DFS (608)-224-4718	Authorized Signature/Telephone No. Barbara Knapp (608) 224-4746	Date

Initial Regulatory Flexibility Analysis

Chapter ATCP 75, Wis. Adm. Code

Retail Food Establishments

Repealing and recreating ch. ATCP 75, Wis. Adm. Code, Retail Food Establishments, will have a minimal fiscal impact on small businesses as defined in s. 227.114 (1)(a), Stats. Approximately 8,000 retail food establishments are currently licensed and inspected by either the department or a local city/county health department that serves as an agent of the department. The retail food establishments range from small establishments that only sell prepackaged food, to large, retail food establishments which process as well as sell large volumes of food.

The proposed retail food establishment rule will include an "Appendix A", Wisconsin Food Code, which will update existing requirements and provide guidance for safe food handling and processing practices. This proposed retail food establishment rule is nearly identical to the rule being proposed by DHFS for restaurants. The proposed rule is based on the 1999 model food code published by the United States food and drug administration (FDA) which is applicable to retail food establishments as well as restaurants. The FDA has recommended that state and local governments adopt the model food code to provide more regulatory uniformity between retail food establishments and restaurants and across local, state & federal jurisdictions.

The proposed changes to ATCP 75, which may impact on small businesses are:

- The food code includes management and personnel standards. Management must have knowledge of principles necessary for the prevention of foodborne disease or illness and the use of a Hazard Analysis Critical Control Point (HACCP) program. Additional personnel standards address employee health, personal cleanliness and hygienic practices.
- This rule expands and clarifies the current rules regarding sanitation standards for personnel in retail food establishments.
- This rule expands from the current rule on the procedures of how, when and where to wash your hands and the maintenance of fingernails.
- Under this rule, no retail food establishment may acquire food from an unlicensed, unapproved source.
- This rule adds the United States Food And Drug Administration (FDA) national shellfish safety program regulations regarding the handling of shellfish in retail food establishments.
- Temperatures required for the preparation, storage, holding and reheating of potentially hazardous foods have been changed to be consistent with national food safety standards. New temperature requirements for raw animal foods, cooked plant foods, wild game species, and exotic games species are provided.
- Cooling requirements for potentially hazardous foods are changed to allow longer cooling times.

- Requirements related to handling of ready-to-eat food have been changed to specifically prohibit touching of such foods with bare hands, unless otherwise approved by the department.
- New in the code is the requirement for date marking ready-to-eat potentially hazardous food held in a food establishment for more than 24 hours.
- The proposed rule allows the use of time, as the only factor, rather than time in conjunction with temperature, as a public health control measure.
- A variance from the department will be required for specialized processing methods as a method of food preservation; such as smoking food, curing food, brewing alcoholic beverages, using food additives, using reduced oxygen packaging methods and similar specialized processing methods will require
- The model food code requires the operator of a food establishment to inform consumers of the increased risk associated with eating certain animal foods that may be served raw, undercooked or not otherwise processed to eliminate pathogens.
- The proposed rule includes special requirements for food establishments that restricts the serving of certain foods to highly susceptible populations.
- The proposed rule, as does the current rule, includes food equipment standards, and requirements for utensils, linens and other equipment. It also includes requirements for mobile and temporary food establishments, public toilet rooms, and food manager certification requirements for restaurant or food service operations.

With the exception of "Demonstration of Knowledge", this rule does not propose major changes which will impact businesses in the State of Wisconsin.

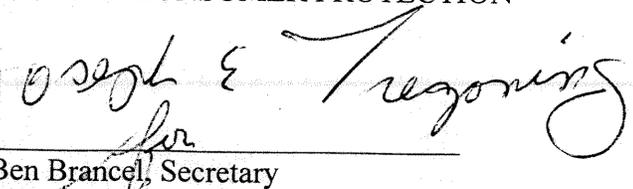
The impact of requiring food service management to have knowledge of principles necessary for the prevention of foodborne disease (Demonstration of Knowledge) at licensed retail food establishments would be minimal. Currently most retail food establishments have managers that are required to maintain a Food Managers Certification. This certification covers the knowledge of food safety principles. The only additional cost would involve providing an appropriate level food safety training of all staff who handles food.

The overall impact of the proposed ATCP 75 rule change on small business is minimal. It would not be necessary for licensed food establishments to retain additional professional services to comply with this rule.

Dated this 14th day of March, 2000

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By


Ben Brancel, Secretary