

01-124-pt01

W165 N9487 Lexington Drive
Menomonee Falls, WI 53051-1448
April 18, 2002

23

The Honorable Alvin R. Ott
Wisconsin State Assembly
Room 318 North
State Capitol
PO Box 8953
Madison, WI 53708-8953

APR 19 2002

Dear Representative Ott:

On April 11, 2002, the Department of Agriculture, Trade and Consumer Protection Board approved chapter ATCP 80, Wisconsin Administrative Code, final draft rule concerning dairy plants. I was informed by the Assembly Chief Clerk's office that this rule revision will be assigned to the Assembly Standing Committee For Agriculture for review.

The department did a fine job in updating this very important rule, but in my opinion, some very significant changes and additions were left out. To lend credibility to my comments, I have enclosed my personal résumé.

In 1999, during my employment with DATCP, the Bureau of Food Safety and Inspection Director C. Thomas Leitzke asked me to begin the revisions of chapters ATCP 60 and 80. After my retirement in May 2000, I worked in an advisory capacity with David G. Myers of Foremost Farms USA Cooperative with the revisions of chapters ATCP 60 and 80 from industry's point of view. Many of the changes in the final draft revisions of chapters ATCP 60 and 80 were written by me.

The last major revision of chapter ATCP 80 was in 1994. Because of the difficulty any agency has creating or revising administrative rules, and because it has taken DATCP more than three years to complete the current revision, I feel that it is absolutely imperative that the best rule possible be put in place. With that thought in mind, I am presenting to the committee changes and additions to chapter ATCP 80 that are not included in the current final draft rule, but that I feel are essential. All of these changes appeared in some of the early revision drafts. Many of them were included in the draft that went to hearing in November and December 2001.

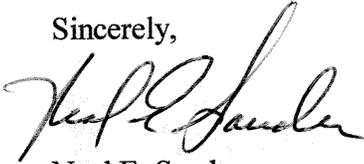
I respectfully request that the committee object to the revision of chapter ATCP 80 as written and recommend to the Joint Committee for Review of Administrative Rules that the rule be sent back to DATCP with the directive to include the changes and additions that I have suggested or provide sound reasons why they should not be included.

Representative Ott
April 18, 2002
Page 2

I would be honored to appear before your committee to answer questions or provide additional information and details that would assist in determining the merits of my request.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal E. Sanders". The signature is written in a cursive style with a large, sweeping initial "N".

Neal E. Sanders
(262) 251-5626
E-Mail: sandfam@execpc.com

Encls.

NEAL E. SANDERS

W165 N9487 Lexington Drive
Menomonee Falls, Wisconsin 53051-1448
(262) 251-5626
E-Mail: sandfam@execpc.com

C U R R E N T S T A T U S

May 2000 to Present

Retired.

P R O F E S S I O N A L E X P E R I E N C E

March 1999 to May 2000

Wisconsin Department of Agriculture, Trade and Consumer Protection
Madison, Wisconsin

REGULATORY SPECIALIST 3. Provide essential support for compliance activities, systems and people in the Division of Food Safety. Responsible for researching and developing of the division's compliance and enforcement policies and procedures, evaluating cases for referral for enforcement action and coordinating the management of those cases. Coordinate the development and implementation of enforcement actions in cooperation with division managers, department's legal counsel, the Department of Justice, district attorneys, and local law enforcement entities. Serve as a primary source of information for division staff on understanding the division's laws, conducting investigations and developing cases. Also serve as the key liaison with the Office of Legal Counsel and business and consumer groups on issues of compliance, enforcement and state law.

June 1992 to March 1999

Wisconsin Department of Agriculture, Trade and Consumer Protection
Madison, Wisconsin

COMPLIANCE CHIEF, FOOD. Function as the primary compliance officer for the Bureau of Food Safety and Inspection. Supervise two regulation compliance investigators assigned to the bureau. Coordinate the development and implementation of the bureau's enforcement policies and procedures. Manage compliance cases which includes reviewing, evaluating and analyzing cases for the purpose of making referrals to district attorneys or the Department of Justice. Coordinate the development and implementation of enforcement actions in cooperation with division managers, department's legal counsel, the Department of Justice, district attorneys, and local law

enforcement entities. Develop, coordinate and provide inspection, enforcement and compliance training to bureau staff and city/county agents of the Division of Food Safety.

January 1972 to June 1992

Wisconsin Department of Agriculture, Trade and Consumer Protection
Madison and Milwaukee, Wisconsin

FOOD AND TRADE INSPECTOR I & II. Conduct inspections of grade A and grade B dairy farms, dairy plants, bulk milk weigher and samplers, bulk milk tanker trucks, grocery stores, bakeries, confectioneries, canning factories, breweries, grade A milk distributors, fresh and smoked fish processors, soda water beverage manufacturers, bottled water processors, food warehouses and other related food handling operations to determine compliance with applicable laws, regulations and standards concerning sanitation, ingredient standards for processed products and product label validity. Sample various raw and finished food products for laboratory analysis and composition to determine if the product is adulterated and if the food meets composition standards and label claims. Discuss the results of inspections and investigations with appropriate persons and follow-up with enforcement action as determined when non-compliance has been determined.

April 1969 to January 1972

City of Milwaukee Health Department
Milwaukee, Wisconsin

DAIRY SANITARIAN I & II. Conduct sanitary inspections of grade A dairy farms, dairy plants, bulk milk haulers, and bulk milk tanker trucks to determine compliance with applicable laws, regulations and standards concerning sanitation, ingredient standards for processed grade A dairy products and product label validity.

June 1961 to April 1969

Roger W. Berg
Waukesha, Wisconsin

DAIRY FARMER. Began working part-time while in college defraying educational expenses. Assumed full time capacity in May of 1965 after graduation from college and again in July of 1968 after separation from military service. Became a partner in the management and operation of a 50 cow, 400 acre grade A dairy farm.

E D U C A T I O N

1961 to 1965

University of Wisconsin
Madison, Wisconsin

BACHELOR OF SCIENCE DEGREE, DAIRY SCIENCE

1957 to 1961

Waukesha South High School
Waukesha, Wisconsin

HIGH SCHOOL DIPLOMA

M I L I T A R Y

September 1965 to July 1968

United States Army
Various locations in the United States and the Republic of South Vietnam

FIELD ARTILLERY OFFICER. Rank: 1st Lieutenant. Engage in the supervision and firing of a 105 mm howitzer artillery battery in training and combat situations. Earned the Purple Heart and Bronze Star for Merit.

L I C E N S E S

Registered Sanitarian

STATE OF WISCONSIN, NO. SR 345, 1971 TO PRESENT

Certified Retail Food Establishment Survey Officer

FEDERAL FOOD AND DRUG ADMINISTRATION, 1985 - 1987

O R G A N I Z A T I O N S

Lutheran Church of the Prince of Peace
Menomonee Falls, Wisconsin

Held a number of leadership roles in the congregation including three two year terms as executive director and chairman of a recently completed \$400,000 remodeling and building project. Currently serving as president of the congregation.

Friends of the Milwaukee Public Museum
Milwaukee, Wisconsin

Zoological Society of Milwaukee County
Milwaukee, Wisconsin

University of Wisconsin Alumni Association (WAA)
Madison, Wisconsin

Wisconsin Agriculture and Life Sciences Alumni Association (WALSAA)
Madison, Wisconsin

National Rifle Association (NRA)
Fairfax, Virginia

Ducks Unlimited, Sussex/Lisbon Chapter
Sussex, Wisconsin

State Historical Society of Wisconsin
Madison, Wisconsin

Wisconsin Waterfowl Association, Kettle Moraine Chapter
West Bend, Wisconsin

P E R S O N A L I N T E R E S T S

Family and church oriented activities, cooking, theater, movies, music, home remodeling, landscaping, football, baseball, softball, and hunting

R E F E R E N C E S

Personal and professional references are available and will be furnished upon request.

9/17/02 Beat's copy of responses from Datsip regarding each change
additions per Tom Leitzke Datsip Food Safety Chief 224-4711

SUGGESTED CHANGES AND ADDITIONS TO CHAPTER ATCP 80
FINAL DRAFT RULE CONCERNING DAIRY PLANTS

CHANGE 1

ATCP 80.20(3) is repealed and created to read:

ATCP 80.20(3) MILK COLLECTION FREQUENCY FROM DAIRY FARMS. (a) If milk from a grade A or grade B dairy farm violates an applicable standard under s. ATCP 60.15 on any single test, milk from that farm shall be collected at least once every 2 days until a subsequent test shows that the milk from that dairy farm no longer violates the standard. This paragraph does not require a milk hauler or dairy plant to collect milk if milk collection would violate ch. ATCP 60.

(b) A dairy plant operator receiving milk from a dairy farm shall immediately notify the milk hauler and milk producer whenever milk from that dairy farm must be collected more frequently in order to comply with sub (a). No dairy plant operator may receive milk collected in violation of sub. (a).

THE REASON FOR CHANGE 1

The change above incorporates identical language found in s. ATCP 82.10(1). Including this language in ch. ATCP 80 clearly informs the dairy plant operator what needs to be done under certain conditions when a violation of s. ATCP 60.15 occurs and eliminates the need for the operator to reference two separate administrative rules.

#1 * Req. already in adm. code therefore it would be duplication

CHANGE 2

ATCP 80.20(7) & (8) are renumbered ATCP 80.20(10) & (11)

ATCP 80.20(4) is renumbered ATCP 80.20(7)

ATCP 80.20(4) is created to read:

ATCP 80.20(4) REJECTION OF MILK SHIPMENTS. If the bacterial count or somatic cell count on any samples collected, tested and reported under ss. ATCP 60.17, 60.18 or 60.20, exceeds the grade B quality level under ss. ATCP 60.15(2) or (4), 8 times in any consecutive 12 samples reported, the dairy plant operator shall reject all further shipments of milk from the producer's dairy farm until at least 4 samples of milk from that dairy farm collected at not less than 24 hour intervals are tested and found to have a bacteria count or somatic cell count that does not exceed the grade B quality level under ss. ATCP 60.15(2) or (4). Rejected milk shall not be collected or commingled with milk from any other producer. If milk is rejected by a dairy plant operator under this subsection, the producer shall not ship milk to any other dairy plant until milk from that dairy farm is tested and found to have 4 consecutive bacteria or somatic cell counts from samples collected at not less than 24 hour intervals that do not exceed the quality level under ss. ATCP 60.15(2) or (4).

Note: Bacteria and somatic cell counts used under this section must be obtained after [revisor inserts effective date of rule].

THE REASON FOR THE CHANGE 2

The change above restricts a dairy plant operator from purchasing milk from a milk producer with a history of producing substandard milk. Under the current rules, a dairy plant can continue to purchase milk indefinitely from a milk producer with an established history of producing substandard milk, provided the requirements of ss. ATCP 60.18(5) and 60.20(6) are met. Under this proposed change, most milk producers would have at least 8 months from the time the rule becomes effective before the dairy plant operator would be required to reject milk under this section. This should provide the milk producer and the dairy plant ample opportunity to work together to solve any milk quality problems and thus prevent rejection of the producer's milk supply by the dairy plant.

Chapters ATCP 70 (Food Processing Plants) and ATCP 75 (Retail Food Establishments) require the food and ingredients received for processing to be safe, wholesome and unadulterated and to comply with applicable standards. It just makes sense that the raw milk supply received by dairy plant operators to manufacture ready-to-eat dairy products should also meet a similar standard.

see backside
→

#2

New concept. No procedure.

Currently, have adm. rule - internal policy where they get printouts of monthly reports of those not in compliance. File complaint & can revoke license

This way there would be no due process (no complaint is filed)
Take livelihood of producers right off the bat - industry does not support this concept

Dotep has 1-2 people on list every month
- currently have 8-12 conditional licenses going
- producer pays fine + if there are subsequent violations, 3 out of 5, can get civil forfeiture or suspension of shipment.

Therefore there is some merit to this suggested change but...

CHANGE 3

ATCP 80.20(5) is renumbered ATCP 80.20(8)

ATCP 80.20(5) is created to read:

ATCP 80.20(5) TESTING BULK LOADS. The operator of every dairy plant receiving bulk loads of raw milk shall perform a drug residue test under s. ATCP 60.19(2) on every bulk load of raw milk received at that dairy plant. No dairy plant operator shall receive bulk loads of raw milk into the dairy plant until that milk is found to be negative for a drug residue. A milk shipment received in cans is considered a bulk load.

THE REASON FOR CHANGE 3

The change above incorporates language found in s. ATCP 60.19(2). Including this language in ch. ATCP 80 clearly informs the dairy plant operator of the need to test every bulk load of raw milk received at the dairy plant for a drug residue and eliminates the need for the operator to reference two separate administrative rules.

*# 3 * Again, already in code, Duplicative*

CHANGE 4

ATCP 80.20(6) is renumbered ATCP 80.20(9)

ATCP 80.20(6) is created to read:

ATCP 80.20(6) BULK MILK TANKER DELIVERIES. (a) No dairy plant operator shall receive any fluid milk or dairy products transported in a bulk milk tanker unless the bulk milk tanker operator holds a current license for that bulk milk tanker under s.97.21(2)(a), Stats, and s. ATCP 82.02(1).

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

THE REASON FOR CHANGE 4

The change above is word for word from the final draft rule. It is included here to make it easier to follow the other suggested changes in s. ATCP 80.20.

#4 No idea why this is included.

CHANGE 5

ATCP 80.22(5)(a) is repealed and created to read:

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

1. The use, as ingredients, of packaged or bulk dairy products that are specifically manufactured for use as ingredients in other dairy products.
2. Reprocessing dry milk and dry milk products returned to the dairy plant provided that the product's inner packaging is intact.
3. Reprocessing dairy products collected from a packaging defoamer system or drained from processing equipment at the end of the run, if those products are collected and handled in a sanitary manner, held at a temperature of 45° F. (7° C.) or less, and repasturized.
4. Reprocessing cheese and butter products that are returned for failure to meet grade or color standards provided that the products' inner packaging is intact and there is no evidence of product or temperature abuse.
5. Reprocessing specifically authorized in writing by the department, under conditions specified by the department.

see backside →

(#5)

This is a big issue for discussion.

Deals with Reprocessing products + expanding requirements for all dairy.

Incorporates all cheeses.

Industry was adamant @ not wanting this.

Affects all Hard dairy products with long shelf life such as chese. Must be Grade A.

If buyer rejects entire truck - because it did not meet some specific criteria - all would have to be redone.

Currently, dairy plants already have the responsibility to make sure what the process is in the best condition or would face food safety issues. It would be different if more had to be done.

Plus there would be so many exceptions.

Emergency rules already can take care of any problematic situations.

If this question was asked today instead of a year ago, maybe there would be more concern with bioterrorism + all,

THE REASON FOR CHANGE 5

Section ATCP 80.22(5)(a) of the final draft rule only applies to packaged grade A dairy products and this makes no sense at all. If it is unacceptable to allow the reprocessing of grade A dairy products, it only seems logical that it is unacceptable to reprocess any dairy product, with the exceptions included above. Once any dairy product has left the custody of the dairy plant, the dairy plant operator has no knowledge where that product has been, what abuse or potential contamination it may have been exposed to or unsanitary conditions it may have been kept under.

Chapters ATCP 70 (Food Processing Plants) and ATCP 75 (Retail Food Establishments) have rather severe restrictions on the reprocessing of food that has left the custody of the processor. It stands to reason that restrictions also need to be made on the reprocessing of **any** dairy product that leaves the custody of the dairy plant operator.

The change above would apply to **all** dairy products.

CHANGE 6

ATCP 80.22(5)(b) is amended to read:

ATCP 80.22(5)(b) A dairy plant operator shall discard any packaged ~~grade A~~ dairy products that are returned to a dairy plant by a wholesaler or retailer except as provided in sub. (a). Pending disposal, ~~grade A~~ dairy products shall be kept in an area which is clearly designated as a holding area for returned products. The holding area shall be separate from other areas used for receipt, storage or processing of dairy products.

THE REASON FOR CHANGE 6

The change above is a corresponding change as a result of Change 5. If the changes are made to s. ATCP 80.22(5)(a), the changes above must also be made and vice versa.

#6 - detail statement earlier made.

CHANGE 7

ATCP 80.24(2) is amended to read:

ATCP 80.24(2) MILK HELD AT DAIRY PLANT; BACTERIAL COUNT. The bacterial count of grade A milk held at a dairy plant prior to pasteurization ~~may~~shall not exceed 300,000 per ml. The bacterial count of grade B milk held at a dairy plant prior to pasteurization ~~may~~shall not exceed ~~750,000-500,000~~ per ml.

THE REASON FOR CHANGE 7

The changes of the "mays" to "shalls" below makes the section clearer and stronger. Changing the bacterial count of grade B milk to 500,000 per milliliter makes sense when considering that the immediate response level for producer milk under s. ATCP 60.18(5), final draft rule is being lowered to 750,000 per ml. In today's modern dairy industry, there is no valid reason for grade B raw milk in a dairy plant to have a bacteria count that would exceed 500,000 per ml.

#7 State regulations more stringent for manufacturer's milk than federal standards at producer level.
Most plants want to keep it lowest as possible.

CHANGE 8

ATCP 80.24(3)(b) is amended to read

ATCP 80.24(3)(b) The coliform ^{regulation for grade A.} count of pasteurized dairy products, ~~other than cultured~~ products, may not exceed 10 per milliliter or gram.

THE REASON FOR CHANGE 8

Without the change above, ch. ATCP 80 does not agree with the Grade A Pasteurized Milk Ordinance (PMO), Recommendations of the United States Public Health Service/Food and Drug Administration. The PMO standard only applies to grade A pasteurized milk and milk products but there is no reason why this standard should not apply to all pasteurized milk and milk products in ch. ATCP 80.

#8 Similar to 5+6 - if incorporate all dairy create problems.
Industry did not want the change

CHANGE 9

ATCP 80.24(4) is renumbered ATCP 80.24(5)

ATCP 80.24(4) is created to read:

ATCP 80.24(4) UNPASTEURIZED DAIRY PRODUCTS. The coliform count of dairy products manufactured from unpasteurized milk or milk products under s. ATCP 80.40(2)(d) shall not exceed 1,000 per milliliter or gram.

THE REASON FOR CHANGE 9

The current rule and the final draft rule of ch. ATCP 80 do not include a coliform standard for dairy products manufactured from unpasteurized milk. Coliform counts are an indication of fecal contamination of a product and serve as a valuable indicator of product contamination from filth. It makes no sense not to have a standard. The change above establishes such a standard.

#9) New standard. Federal compliance limit + guidelines do not reflect this need. It would set WI apart from other states + we don't want to be an island.

CHANGE 10

ATCP 80.56(5) is created to read:

ATCP 80.56(5) Vitamin assay test results conducted on fortified dairy products under s.

ATCP 80.24(5) within 10 business days after the test has been completed.

THE REASON FOR CHANGE 10

The current rule does not provide a reporting requirement for a dairy plant to report vitamin assay test results conducted on fortified dairy products under s. ATCP 80.24(5). The change above corrects this omission. (The current s. ATCP 80.24(4) was renumbered to s. ATCP 80.24(5) at the top of page 7 of this document.)

#10) ok idea but not necessary. Vit. content tests are now done every 6 months reported to Datsp with followup as needed. Vit. content is a public health issue but not a significant enough problem at this time

CHANGE 11

ATCP 80.60(1)(b) is amended to read:

ATCP 80.60(1)(b) Interference with lawful inspection, collection of photographic or other evidence or sampling by the department or certifying agency, or refusal to permit lawful inspection, collection of photographic or other evidence or sampling by the department or certifying agency as referenced in s.97.12(1). Stats.

THE REASON FOR CHANGE 11

The current rule is does not fully disclose the department's authority under s. 97.12(1), Stats. The change above more accurately reflects the department's authority and eliminates the need for the dairy plant operator to reference both the administrative rule and a state statute.

(#11) Again duplication of what exists.

Neal is a credible source - 30 yrs in dept.

Draft we have in committee went through drafting, hearings & other changes. Lots of suggestions have over time dropped out due to the process.

Dortch does not favor further hearings. It already has taken 3 years and current draft incorporates the national standards from '95, '97, '99 + '01.

It's a pretty good rule, not perfect. Protect producers & industry too.



State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection

James E. Harsdorf, Secretary

September 9, 2002

Representative Alvin Ott
Wisconsin State Assembly
P.O. Box 8953
State Capitol
Madison, WI 53708

Attn: Beata

Dear Representative Ott:

We are aware that your office has received a letter from Mr. Neal Sanders regarding suggested changes and additions to Chapter ATCP 80, Dairy Plants, Wis. Adm. Code. Mr. Sanders asks that the Assembly Agriculture Committee object to the revision of ATCP 80 as written and return it to the Department of Agriculture, Trade and Consumer Protection (DATCP) for further revisions and hearings. We urge the committee to accept the revisions as written and allow DATCP to promulgate this rule, as well as the associated rules, ATCP 60, 69 and 77, as soon as possible.

While developing this rule, DATCP held meetings with the major Wisconsin dairy organizations to discuss proposed changes and obtain their input to develop the best final draft rule possible. During the public hearing process, we received input from the industry and other concerned citizens and modified the draft rule to include their concerns, if possible. Several of the original proposed changes were either modified or dropped from the final draft rule.

When drafting rules for legislative review, DATCP legal counsel reviews the proposed rules to insure that they meet current rule drafting standards. One issue is the elimination of duplicative language that is contained in other rules or statutes. The reason for not including change #1, change #3 and change #11 from Mr. Sanders' letter is because of duplicate language in other rules or statutes.

The reason that Mr. Sanders' suggested change #2 was not incorporated into the final draft rule was because we believe this change may violate a milk producer's right to due process. Currently, the department has administrative procedures in place to identify dairy producers that have a history of producing and selling substandard milk. The administrative process now in place identifies milk quality problems and gives the dairy producer the ability to correct the problem and eliminate selling of substandard milk before putting their dairy producer license in jeopardy.

The other issues addressed in Mr. Sanders' letter to you would create more stringent quality standards for both raw and finished dairy products in Wisconsin. The department feels that this would put the dairy industry here in Wisconsin in jeopardy of being an island alone from the other states. In meeting with industry, the dairy organizations did not support establishing more stringent quality standards for all dairy products such as coliform counts of 10 per milliliter or gram or the lowering of the bacterial counts in raw milk to 500,000 per milliliter.

The department has worked diligently with the dairy organizations in Wisconsin to provide a clear and fair dairy plant rule. We ask that the Agriculture Committee proceed with approval of Chapters ATCP 60, 69, 77 and 80, Wis. Adm. Code.

Thank you for your consideration.

Sincerely,



C. Thomas Leitzke
Director, Bureau of Food Safety and Inspection
DIVISION OF FOOD SAFETY
(608) 224-4711

1 of 3



Memorandum
State of Wisconsin
Department of Agriculture, Trade and Consumer Protection
Division of Food Safety
Bureau of Food Safety and Inspection

DATE: September 13, 2002
TO: Rep. Al Ott Attn: Beata
FROM: Tom Leitzke *TL*
SUBJECT: Response to Letter from Neal Sanders regarding ATCP 80

Our response to Mr. Sanders' letter regarding changes to ATCP 80 follows. I believe it accurately summarizes our phone conversation that took place earlier this week.

Thanks for your time regarding this issue.



State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
James E. Harsdorf, Secretary

September 9, 2002

Representative Alvin Ott
Wisconsin State Assembly
P.O. Box 8953
State Capitol
Madison, WI 53708

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Rep. Alvin Ott
September 13, 2002
Page 2 of 2

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Thank you for your consideration.

Sincerely,



C. Thomas Leitzke
Director, Bureau of Food Safety and Inspection
DIVISION OF FOOD SAFETY
(608) 224-4711

Final dairy rules sent to Legislature

By Judy Brown
Regional Editor

MADISON --- After about four years in the making, the final rules on dairy plants, dairy laboratories and dairy farms were endorsed by the board of the Wisconsin Department of Agriculture, Trade and Consumer Protection, April 11.

The package of rules updates rules last revised in 1994. It will be sent to the Legislature for approval.

Under ATCP 69 and 80, proposed rules incorporate new food-safety standards for dairy plants, and accommodate recent changes in dairy plant operations.

Under ATCP 77, new regulations would define drug-residue screening tests conducted by dairy laboratories.

Food-safety requirements on dairy farms applying to both grade A and grade B shippers are described in ATCP 60, which also underwent revision.

Grade A dairy farms must be consistent with federal requirements under the Interstate Pasteurized Milk Ordinance.

As part of the revision of ATCP 60, out-of-state milk buyers would be required to test milk and report test results. Prior to this it was on a voluntary basis.

It also authorizes milk producers, such as graziers, to discontinue milk shipments temporarily, without jeopardizing their license or permit status.

Representatives of the Wisconsin Dairy Products Association and the Wisconsin Cheese Makers Association generally endorsed the package of dairy rules.

"We do appreciate the effort to make sure state and federal standards are congruent, because 85 percent of the milk is shipped out of state," said Brad Legreid of the WDPA.

He said the association, however, has taken a neutral stand on another dairy issue, dealing with milk producer security.

However, the WCMA does support an emergency rule relating to milk producer security, said John Umhoefer, executive director.

He also expects there will be future regulations. He said there is a need to look at how to regulate large producers who move their milk around on a weekly or monthly basis seeking the highest bidder.

In a separate action, the board approved an emergency rule relating to milk producer security.

The emergency rule implements Wisconsin's new agricultural producer security law (chapter 126) as it applies to milk contractors.

DATCP said the new law is designed to protect milk producers against catastrophic financial

defaults by milk contractors, who may be dairy plant operators, or producer agents for other milk handlers who procure producer milk in the state.

The new milk contractor license law takes effect May 1. The DATCP said it would not be able to complete its normal rulemaking process by that time.

Among other things, the new law creates an agricultural producer security fund, financed by milk contractor fees.

The milk contractor rule emerged out of deals in the state in which producers want their milk processed into cheese or other products while they keep title to the milk.

There are seven plants in Wisconsin that do custom processing and will be registered as milk contractors.

Under the milk producer security rule, milk contractors will be required to disclose their security and security fund status to producers as mandated by the Legislature.

Judy Brown may be reached at jlbrown@vbe.com.

* Rep. Powers situation