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## APPENDIX A

### SUMMARY OF PUBLIC HEARINGS ON PROPOSED DATCP CH. ATCP 55, WIS. ADM. CODE MEAT AND POULTRY INSPECTION RULE

Hearing dates and locations:

June 19, 2001 – Green Bay

June 20, 2001 – Eau Claire

June 22, 2001 – Madison

The hearings were held from 10:00 a.m. until noon, and were resumed at 1:00 p.m. They were closed at 2:30 p.m. The record remained open until July 6, 2001 for receipt of written comments.

Notice of the hearings was mailed to licensed Wisconsin meat and poultry plants as well as mobile slaughterers registered in Wisconsin.

Mr. Terry Burkhardt, Meat Safety Inspection Bureau Chief, was the presiding officer. He read an opening statement into the record and presented an overview of the rulemaking process. Mr. Arthur Ness, Food Scientist – Senior, recorded the hearings, collected the appearance cards, kept the log, ran the recorder and closed the sessions with a recorded statement.

The proposed rule draft was available at all hearing locations as were copies of the current Chs. ATCP 55 and 56, Wis. Adm. Code as well as the FSIS regulations incorporated into the proposed Ch. ATCP 55, Wis. Adm. Code.

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

Green Bay: ▪ Chang V. Hang – A licensed plant operator spoke on an unrelated issue

Eau Claire: ▪ Jon Seipel – A licensed plant operator registered in support of the proposed rule and stated the same briefly.  
▪ Robert Fleming – Registered as seeking information.

Madison: ▪ Paul Retzlaff – A licensed plant operator registered in support of the proposed rule.

Written comment was received on July 6, 2001 from Sharon K. Beals, Assistant Vice-President, Fresh Meats Quality Assurance and Food Safety, IBP, Inc., Dakota Dunes, SD.

Written Comment was also received on May 29, 2001, from the office of William F. Leese, Senior Policy Manager of the Federal, State & Local Government Relations Staff of the USDA's Food Safety and Inspection Service.

IBP requested s. ATCP 55.06(2)(c), Wis. Adm. Code be eliminated. Since s. ATCP 55.06(2)(a), Wis. Adm. Code adequately addresses the food safety issue under HACCP, in IBP's opinion, it was not necessary to require that vehicles and transportation facilities used in transporting meat foods, poultry or poultry food products shall be constructed and maintained so as to assure that product arrives at its destination in a wholesome and unadulterated condition and at a temperature of not more than +40° F. IBP attached substantial documentation to support its position.

Dr. Leese made two comments. The first was suggesting a minor change in the proposed rule from "rabbinical slaughter procedures" to "religious dietary law procedures" in order to include more than just the Kosher method. Dr. Leese also questioned if the state's current enforcement regulation is applicable in a HACCP environment.

The Notice of Hearing invited interested parties to call the Food Division's Meat Safety Bureau to request copies of the proposed rule if they wished. By the end of the comment period, the following organizations and persons requested and received a copy of the proposed rule:

Detjen's	Establishment 29-0705
Krizan's	Establishment 23-0400
Downsville	Establishment 29-0041
Mr. Ralph Blum	Registered Mobile Slaughterer.

POSITION	Green Bay June 19, 2001		Eau Claire June 20, 2001		Madison June 22, 2001	
	SPOKE + CARD	CARD ONLY	SPOKE + CARD	CARD ONLY	SPOKE + CARD	CARD ONLY
SUPPORT	0	0	1	0	0	1
OPPOSE	0	0	0	0	0	0
NEITHER	0	0	0	0	0	0
OTHER	1	0	0	1	0	0
SUBTOTAL	1	0	1	1	0	1
	1 REGISTERED AS OTHER/ SPOKE IN SUPPORT  1 ATTENDEE		1 SPOKE IN SUPPORT 1 REGISTERED AS OTHER - CAME FOR INFORMATION  2 ATTENDEES		1 REGISTERED IN SUPPORT  1 ATTENDEE	

**GREEN BAY**

SPEAKER #	AFFILIATION	POSITION	EXHIBITS
1	Meat (Poultry) Plant Owner	Favorable	None

SPEAKER #	ISSUES AND CONCERNS ABOUT RE-WRITE OF ATCP 55
1	The speaker misunderstood the purpose of the meeting. He thought it was an informational meeting on the proposed rule. He was in favor of a rule that clarified rules on custom/farm slaughter and processing, but spoke mainly on the health and economic ramifications of uninspected, farm-slaughtered meat.

**EAU CLAIRE**

SPEAKER #	AFFILIATION	POSITION	EXHIBITS
1	Plant (Meat) Operator	Support	None

SPEAKER #	ISSUES AND CONCERNS ABOUT RE-WRITE OF ATCP 55
1	The speaker was under the impression that the meeting was for the Department to educate the public on the new rule. He spoke very briefly and in general terms in support of a re-write.

**MADISON**

SPEAKER #	AFFILIATION	POSITION	EXHIBITS
NO SPEAKERS			

SPEAKER #	ISSUES AND CONCERNS ABOUT RE-WRITE OF ATCP 55
0	NONE

## **APPENDIX B**

# APPENDIX B

## RESPONSE TO LEGISLATIVE COUNCIL RULES CLEARINGHOUSE COMMENTS

Chapter ATCP 55, Wis. Adm. Code - Meat and Poultry Inspection Rule  
Clearinghouse Rule 01 – 042

The following is a list of the comments made by the Legislative Rules Clearinghouse and the department's response to those comments.

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

- a. In s. ATCP 55.01 (1), should the term "meat distributor" be used instead of "food distributor," since "meat distributor" is defined?
  - The department made this change.
  
- b. Section ATCP 55.02 (5) defines "custom processing" as processing meat as a customer service for an individual who owns the meat and who uses all the resulting meat or food products for his or her own consumption. Is it the duty of the person performing the custom processing to determine that the person who owns the meat will use all the resulting meat or meat food products for his or her own consumption? How is the custom processor to make this determination? This comment applies to sub. (6) as well.
  - It is only the duty, under this chapter, of the person doing the custom processing and custom slaughter to keep truthful and accurate records as required by the department. It is not the duty of the person doing the custom processing or slaughtering to investigate the activities or the intent of the person to whom the service is provided. However, a custom processor or slaughterer can not provide the service if the custom processor or slaughterer knows or has reason to believe the service is part of an illegal activity i.e. sale of uninspected meat.
  - Language was added in s. ATCP 55.07 (9) (c), and 55.13 (9), Wis. Adm. Code to clarify the actions which may be taken by veterinary inspectors to dispose of unwholesome custom meat or meat food products in a licensed establishment.
  - Section ATCP 55.13 (9), Wis. Adm. Code was added to clarify the responsibility of persons slaughtering or processing on the premises of the owner of the animal being slaughtered or processed.
  
- c. Section ATCP 55.03 (5) provides that before the department may issue a license for a new meat establishment or issue a license to the operator of an existing meat establishment, the department must inspect that meat establishment.

Subsection (6) (b), however, states that “If” sub. (5) requires a pre-license inspection, the department shall grant or deny the license application within 30 days after the department performs that inspection. It is unclear why the word “If” is used, since it appears that an inspection is always required before a license may be issued.

- “If” is used because the license may be reissued following a change from a partnership to corporation, a transfer within a family or a name change. None of these changes would require a pre-license inspection before a license is renewed or reissued. A change in the rule was not necessary to deal with this comment.

d. In s. ATPCP 55.03 (11) (b), is it the responsibility of the meat establishment operator to determine that wild game has been harvested illegally? If so, how are they to make this determination?

- It is not the establishment operator’s duty to investigate the provenance of game brought to the establishment for processing. Establishment operators are not to engage in any illegal activity. A change in the rule was not necessary to deal with this comment.

e. In ATPCP 55.03 (12) (c) (2), and the note following, should “wild animals” be changed to “wild game,” since “wild game” is a defined term?

- This change was made.

f. In s. ATPCP 55.05 (1), “use” should be replaced with “comply with.”

- This change was made.

g. In s. ATPCP 55.05 (2) and (4), it is unclear how an animal is to be identified or marked. For example, should it be tagged?

- Wording was added to state the method to be used to identify a “suspect” animal.

h. In s. ATPCP 55.06 (5) (a), should a definition of “primal part” be provided.

- The department determined that such a definition in this rule is not necessary. No change was made to the rule.

i. Should s. 55.06 (5) (b) specify the minimum allowable size of the official inspection mark?

- Since the department has the inspection marks constructed and keeps control over them, there is not a need to specify the size of the mark. No change was made to the rule.

j. Section ATPCP 55.06 (5) (b) requires the official inspection mark to include the department inspection number. However, par. (c), relating to inspection of farm-raised deer, captive game animals and captive game birds does not require the department inspection number to be included in the official inspection mark. Is this discrepancy intentional?

- The difference in inspection marks is necessary. No change was made to the rule.
- k. The material contained in the note following s. ATCP 55.07 (11) (a) is substantive and should be included in the text of the rule.
- This change was made.
- l. The material contained in the first sentence of the note following s. ATCP 55.14 (1) is substantive and should be included in the text of the rule.
- This language is not substantive, but explanatory and is contained in other parts of the rule. The note was modified to assure it was not substantive material.
- m. The material contained in the note following s. ATCP 55.14 (6) is substantive and should be included in the text of the rule.
- This material is not substantive, but explanatory and is contained in other parts of the rule. The note was modified to assure it was not substantive material.
- n. In s. ATCP 55.15, all of the paragraphs should be numbered as subsections.
- This change was made.

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

- a. In s. 55.03 (11) (b) (3), can a cross reference be added to the labeling and recordkeeping requirements which are applicable to the custom processing of food animals?
- A cross reference was added.
- b. Would it be possible for the department to provide a listing of the captive game animals and captive game birds to which s. ATCP 55.04 (1) (a) does not apply?
- Since such a list would include any bird or animal not covered by a USDA inspection procedure, but considered edible by any person in the state of Wisconsin; the department determined that such a list was not feasible and did not insert such a list in the rule. Any such list would be difficult to develop and be incomplete.
- c. Section ATCP 55.06 (6) authorizes the department to specify additional field *ante mortem* inspection procedures. How is the public to become notified of these additional procedures? Will the procedures be promulgated as a rule? This comment applies to the *post mortem* inspection procedures referred to in s. 55.06 (4) as well.

- The wording describing this process was changed to better reflect the purpose of this provision. The comment is inapplicable to post mortem inspection procedures. This provision allows a department employee who is requested to do an ante mortem inspection outside of the meat establishment's premises to require certain activities to be performed before the inspection is done so a safe environment is provided for the inspector to perform the inspection. Since circumstances can vary widely in off premises inspections of live animals, discretion for determining safety conditions for the inspector was left to the inspector.

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

- a. Should a definition of "stun and bleed," used in s. ATCP 55.04 (3) (c), be provided?
  - Those terms are commonly recognized and understood by the regulated industry and do not need to be defined.
- b. Must the department enter into an agreement to provide inspection services before it can charge for providing these services? This is implied, but not clearly stated, in s. ATCP 55.04 (5) (b). If an agreement is required, that requirement should be clearly established in this rule.
  - This section was changed to clarify the language.
- c. Would it be possible, in s. ATCP 55.06 (5) (d) to set forth standards to be used to determine when meat is "fit for human food only after cooking"?
  - The rule was changed to state that the standard for determining when a part of a carcass is "fit for human consumption only after cooking" is that standard contained in 9 CFR 315.2.
- d. Section ATCP 55.06 (5) (f) states that a carcass part that is tagged under that section is deemed to be covered by a department holding order under s. ATCP 55.14 (2). A holding order under that section prohibits a person from, among other things, moving any meat or meat food product which is subject to that order. However, s. ATCP 55.06 (5) (f) does not prohibit the moving of meat which has been tagged. It appears that this prohibition should be added.
  - The tag is a holding order and should not be differentiated from any other holding order issued under this rule. Therefore, it is not necessary to change the rule to address this comment.
- e. In s. ATCP 55.07 (7), to whom must a person submit the required written statement?
  - The language was clarified to explain to whom a person must submit the required written statement.



- f. How is a person to know which denaturants have been approved by the department? [See s. ATCP 55.07 (10).]
- The rule language was changed and a “note” was inserted to clarify this point.
- g. In s. 55.07 (10) (c), should a definition of dressed out be provided?
- The wording was changed to “skinned and eviscerated” which more accurately expresses the activity.
- h. Should s. ATCP 55.08 (2) (b) specify that a mark or label may not be used until the department has approved it?
- This section was eliminated to remove any confusion.
- i. Section ATCP 55.10 (5) should set forth the standards and procedures for department approval of product formulas.
- A section was added to the rule to accomplish this.
- j. Should s. ATCP 55.11 (1) specify the temperature at which meat must be kept during transport as well as at time of delivery? Also, the degree symbol should be placed higher on the line.
- This change was not needed since the regulated industry only wants the rule to state the temperature at the time of delivery and that temperature should be the same as that in the Food Code. The rule was changed to set the temperature the same as that contained in the Food Code.
- k. Should a definition of “move,” used in s. ATCP 55.14 (2) (d), be provided?
- This word does not need to be defined.
- l. Section ATCP 55.14 (3) is confusing because it refers to “disposal orders” in the text but is entitled “**MEAT CONDEMNATION ORDER.**” This discrepancy should be rectified.
- The discrepancy was rectified with a wording change.
- m. Section ATCP 55.15 (4) states that a request for reconsideration does not “automatically” stay a department action under this chapter. The rule could clarify the circumstances under which a request for reconsideration may stay the department action.
- Wording changes were made to clarify this section of the rule.

## APPENDIX C

**Fiscal Estimate — 1999 Session**

- Original       Updated  
 Corrected     Supplemental

LRB Number 01-042	Amendment Number if Applicable
Bill Number	Administrative Rule Number ATCP 55 and 56

**Subject**

Merger of chs. ATCP 55 and 56 Wis. Adm. Code by repealing ATCP 55 and 56 and recreating ATCP 55.

**Fiscal Effect**

State:  No State Fiscal Effect

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

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

Increase Costs — May be possible to absorb within agency's budget.

Yes     No

Decrease Costs

Local:  No Local Government Costs

1.  Increase Costs  
 Permissive     Mandatory  
 2.  Decrease Costs  
 Permissive     Mandatory

3.  Increase Revenues  
 Permissive     Mandatory  
 4.  Decrease Revenues  
 Permissive     Mandatory

5. Types of Local Governmental Units Affected:

- Towns     Villages     Cities  
 Counties     Others  
 School Districts     WTCS Districts

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

Affected Chapter 20 Appropriations

20.115(1)(gb)

**Assumptions Used in Arriving at Fiscal Estimate**

This proposed rule change merges two existing rules and incorporates changes made in s. 97 Wis. Stats. by 1999 Assembly Bill 133 which incorporated several sections of 9 CFR, the USDA Meat and Poultry Inspection rules and requirements. These changes include the following: eliminate prior approval for most labels, retain prior approval for formulas, include requirements for SSOP and HACCP, incorporate existing policies on game birds and animals as well as ratites, and eliminate language made redundant or conflicting with language adopted from 9 CFR into s. 97, Stats.

The department anticipates no adverse financial impact on either the department or the regulated industry since the requirements for HACCP plans, SSOPs, and the associated records have already been implemented since January 2000, by the change to s. 97, Stats. There should be no additional costs incurred by this proposed rule merger, since it only reflects and clarifies the situation that exists and will require only the one-time costs associated with the rulemaking of approximately \$1000, consisting of printing, mailing and costs associated with holding hearings.

**Long-Range Fiscal Implications**

None

Prepared By: Arthur J. Ness	Telephone No. 224-4727	Agency DATCP, Division of Food Safety
Authorized Signature <i>Barbara Knapp</i>	Telephone No. 224-4746	Date (mm/dd/ccyy) 08/21/01

**Fiscal Estimate Worksheet — 1999 Session**  
 Detailed Estimate of Annual Fiscal Effect

Original       Updated  
 Corrected     Supplemental

LRB Number 01-042	Amendment Number if Applicable
Bill Number	Administrative Rule Number ATCP 55 and 56

**Subject**  
 Repeal of ATCP 55 and 56, Wis. Adm. Code and recreation of ATCP 55, Wis. Adm. Code.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
 \$1000.00

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations — Salaries and Fringes	\$ 0	\$ - 0
(FTE Position Changes)	( 0.00 FTE )	(- 0.00 FTE )
State Operations — Other Costs	0	- 0
Local Assistance	0	- 0
Aids to Individuals or Organizations	0	- 0
<b>Total State Costs by Category</b>	\$ 0	\$ - 0
<b>B. State Costs by Source of Funds</b>		
GPR	\$ 0	\$ - 0
FED	0	- 0
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
<b>State Revenues</b>	<b>Increased Revenue</b>	<b>Decreased Revenue</b>
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
GPR Taxes	\$ 0	\$ - 0
GPR Earned	0	- 0
FED	0	- 0
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
<b>Total State Revenues</b>	\$ 0	\$ - 0

**Net Annualized Fiscal Impact**

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 0	\$ 0

Prepared By: Arthur J. Ness	Telephone No. 224-4727	Agency ATCP, Division of Food Safety
Authorized Signature <i>Barbara Knapp</i>	Telephone No. 224-4746	Date (mm/dd/ccyy) 08/21/01

## **APPENDIX D**

## Final Regulatory Flexibility Analysis

### **Meat and Meat Food Products Chapter ATCP 55, Wis. Adm. Code**

This rule will not, by itself, have a major impact on small business. This rule merely implements state and federal law changes that have already been enacted. This rule also recodifies existing requirements, so they will be easier to read and understand. DATCP currently licenses, registers, and inspects about 500 meat and poultry establishments, mobile slaughterers, mobile processors and meat distributors. The establishments range from very small one and two-person operations to multi-product operations that manufacture and wholesale substantial amounts of meat and poultry products.

This rule incorporates current federal requirements under 9 CFR sections 307 to 311, 313 to 315, 317 to 319, 416, 417, and 381 subparts G, H, I, K, L, O and P. This is required by s. 97.42 (4m), Wis. Stats. and federal law, so that Wisconsin's meat inspection program will be "equal-to" the federal program.

These federal requirements will have negligible impact at this time because most have already been implemented in Wisconsin meat establishments. This rule does not require any additional plans, procedures or records.

#### **This rule does all the following:**

- Incorporates federal rules requiring hazard analysis and critical control point (HACCP) plans and pathogen testing at meat establishments.
- Updates current rules and eliminates obsolete rules.
- Eliminates the need for prior approval of most meat labels.
- Continues to require prior approval of meat product formulations.
- Clarifies the requirements for the slaughter and processing of ratites, captive game birds and captive game animals.

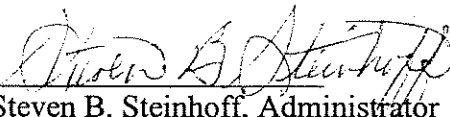
These federal requirements have already been implemented in Wisconsin, and this rule imposes no additional testing or recordkeeping requirements.

The department has already provided training to Wisconsin meat establishments to help them implement the new federal requirements that are incorporated, by reference, in this rule.

This rule will have a negligible impact on small business. It should not be necessary for licensed establishments to retain the services of a HACCP consultant, a bookkeeper or an attorney to comply with this rule.

Dated this 21<sup>st</sup> day of August, 2001

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By   
Steven B. Steinhoff, Administrator  
Division of Food Safety



State of Wisconsin  
Scott McCallum, Governor

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**Department of Agriculture, Trade and Consumer Protection**

James E. Harsdorf, Secretary

DATE: October 25, 2001

TO: The Honorable Fred Risser  
President, Wisconsin State Senate  
Room 220 South  
State Capitol  
P. O. Box 7882  
Madison, WI 53707-7882

The Honorable Scott R. Jensen  
Speaker, Wisconsin State Assembly  
Room 211 West  
State Capitol  
P. O. Box 8952  
Madison, WI 53708 - 8952

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

SUBJECT: **Meat and Meat Food Products; Final Draft Rule  
(Clearinghouse Rule #01 - 042)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) is transmitting this rule for legislative committee review, as provided in s. 227.19(2) and (3), Stats. DATCP will publish a notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19(2), Stats.

### **Background**

The United States Department of Agriculture (USDA) administers the federal meat inspection program. That program is designed to ensure that meat used for human food is safe, wholesome and properly labeled. DATCP administers a similar meat inspection program for Wisconsin. USDA provides 50% of the funding for Wisconsin's program. In order to receive the federal funding, Wisconsin's program must be "at least equal to" the federal program.

Federal and state meat inspection programs have traditionally regulated the production and sale of meat from domesticated food animals such as cattle, swine and poultry. In recent years, they have also begun to regulate the production and sale of meat from other animals such as farm-raised deer, ratites (ostriches and emus), captive game animals and captive game birds. The federal program regulates meat sold in interstate commerce. The state program focuses on meat produced and sold within Wisconsin, often by smaller meat establishments.



Animals must be slaughtered under state or federal inspection if their meat is *sold* for human consumption. Inspection is not required for *custom slaughter* services provided to an animal owner. A person providing *custom slaughter* or *custom processing* service does not *sell* the meat, but merely provides a service to the animal owner (who uses the meat solely for household consumption, not sale).

Slaughter inspection includes ante mortem inspection of live animals and post mortem inspection of carcasses. Slaughter and processing operations must comply with sanitation standards. Inspected meat must bear official inspection marks or legends, and must comply with other labeling requirements.

Federally inspected meat may be sold between states. State-inspected meat may be sold in Wisconsin. Federal law prohibits the sale of state-inspected meat to other states. This prohibition does not apply to state-inspected meat from captive game animals or game birds.

Recently, Congress and USDA completely overhauled the federal meat inspection program. They replaced the old system, based almost entirely on visual inspection, with a new "hazard analysis and critical control point" (HACCP) system that includes pathogen testing and scientific validation of critical process methods. Wisconsin's meat inspection program must conform to the new federal standards. In 1999 Wis. Act 9, the Wisconsin Legislature incorporated the new federal standards by reference into the state's meat inspection law (see s. 97.42(4m), Stats.)

### **Rule Contents**

This rule repeals and recreates DATCP's current meat inspection rules, based on the new federal requirements. It also reorganizes and clarifies current rules. This rule updates current rules related to meat establishment licensing, slaughter inspection, slaughter and processing standards, custom slaughter and processing, mobile custom slaughter and processing, meat formulation and labeling, and the production of meat from non-traditional sources such as captive game animals and captive game birds. A complete summary analysis accompanies the rule.

### **Hearing Testimony and Rule Modifications**

DATCP held 3 public hearings on June 19, 2001 in Green Bay, June 20, 2001 in Eau Claire and June 22, 2001 in Madison. DATCP also accepted written comments for the hearing record.

Four persons attended the hearings. Two registered in favor of the rule. Two others gave no testimony, and registered no position. A hearing summary is attached as *Appendix A*. The following persons filed written comments for the hearing record:

- Sharon K. Beals, Assistant Vice-President, Fresh Meats Quality Assurance and Food Safety, IBP, Inc., Dakota Dunes, SD, commented on s. ATCP 55.06(2)(c) of the hearing draft. This required meat transportation vehicles to be constructed and maintained so that meat would be delivered at a temperature of no more than from 40° F. IBP commented that this provision was unnecessary, since another provision requires vehicles to be constructed and maintained to keep meat in a safe and wholesome condition. The department modified, but did not eliminate, this provision in response to IBP's comment. Under the final draft rule, meat transportation vehicles must be constructed and maintained so that meat will be delivered at a temperature of no more than from 41° F. This is consistent with other DATCP food safety rules as well as the United States Food and Drug Administration's food code.
- Dr. William F. Leese, Senior Policy Manager of the Federal, State & Local Government Relations Staff of the USDA's Food Safety and Inspection Service, made two comments:
  - He suggested that a reference to "rabbinical slaughter procedures" under s. ATCP 55.07(11)(g) be changed to "religious dietary law procedures," in order to include more than just the Kosher method. The department made this change in the final draft rule.
  - He also questioned whether the enforcement provisions identified in the rule were applicable in a HACCP environment. The department did not make any rule change in response to this comment. The rule merely recites the department's current statutory authority. The department can exercise that authority to protect public health and food safety, as necessary. The authority is not inconsistent with HAACP procedures. Wisconsin meat establishments and the department have implemented HAACP, and Wisconsin's program is "at least equal to" the federal program.

DATCP also modified the final draft rule in response to technical comments by the Legislative Council Rules Clearinghouse (see below).

### **Response to Rules Clearinghouse Comments**

The Legislative Council Rules Clearinghouse made a number of technical comments on the hearing draft rule. DATCP modified the final draft rule to address the Rules Clearinghouse comments, as appropriate. In some cases, DATCP determined that no changes were necessary. *Appendix B* summarizes DATCP's responses to the Rules Clearinghouse comments.

### **Fiscal Estimate**

This rule has no fiscal impact on DATCP or local units of government. A fiscal estimate is attached as *Appendix C*.

## **Small Business Analysis**

This rule will not, by itself, have any significant impact on small business. This rule merely codifies current legal requirements, including current federal requirements. DATCP has already trained meat establishments on these new federal requirements, and meat establishments have already implemented them. A small business analysis ("final regulatory flexibility analysis") is attached as *Appendix D*.



State of Wisconsin  
Scott McCallum, Governor

OCT 30 2001

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

## PUBLIC NOTICE

### FINAL DRAFT RULE TO LEGISLATURE

The Department of Agriculture, Trade and Consumer Protection announces that it is submitting the following rule for legislative committee review, pursuant to s. 227.19, Stats.:

CLEARINGHOUSE RULE #:           **01-042**

SUBJECT:                               **Meat and Meat Food Products**

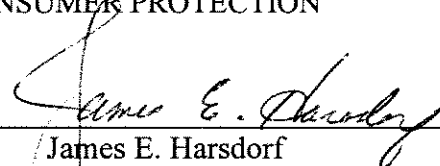
ADM. CODE REFERENCE:           **ATCP 55-56**

DATCP DOCKET #:                   **97-R-1**

Dated this 24<sup>th</sup> day of October, 2001.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND  
CONSUMER PROTECTION

By

  
James E. Harsdorf  
Secretary