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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-167

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In the first paragraph of that part of the analysis relating to potentially hazardous foods, the word “as” should be inserted before the word “milk.”

b. In the first paragraph of that part of the analysis relating to facilities and equipment, the notation “s.” should be inserted before the notation “ILHR 64.67.”

c. In s. ATP 70.02 (12m), the cross-reference to s. 254.61, Stats., appears to be incorrect. This section of the statutes merely contains definitions. A more appropriate citation may be s. 254.64, Stats.

d. In SECTION 3, the title “ATCP 70.02” should precede “(17m).”

e. In s. ATP 70.02 (17n) (intro.), the phrase “both of the following” is used to introduce pars. (a) and (b). If additional paragraphs need to be added in the future, the introduction will also need to be amended to read “all of the following.” In order to avoid future amendments to the introduction, the word “all” could replace the word “both.” The entire rule may be reviewed for this usage.

f. In s. ATP 70.02 (22) (b) and (c), the terms “a_w” and “pH” should be defined as separate terms in order to avoid the use of parentheses.

g. The last sentence of s. ATP 70.07 (1) (c) and (2) (c) should be rewritten substantially as follows: “The operator shall have each sample tested by a laboratory certified under s.

252.22, Stats., for compliance with the microbiological standards under s. NR 809.30.” Note that the statutory cross-reference in these provisions is incorrect. The correct citation is s. 252.22, Stats. [See 1993 Wisconsin Act 27 and s. ATPCP 70.07 (3) (b) 5.]

h. Are the results to be kept on file under s. ATPCP 70.07 (2) (e) available for the department’s inspection? The operator’s duties with respect to inspections by the department should be made clear in the rule.

i. Section ATPCP 70.07 (2) (f) seems to be out of place. It would appear that the contents of par. (f) would be more appropriately placed in s. ATPCP 70.07 (3).

j. In s. ATPCP 70.09 (6) (a), the term “Reconditioned food” and its definition should precede the term “Reprocessed food.”

k. In s. ATPCP 70.09 (6) (c) 2., the period after the first sentence and the phrase “This includes” in the second sentence should be deleted and replaced by the word “including.”

l. In s. ATPCP 70.185 (1), the phrase “.... [revisor inserts date]” should be inserted after the word “chapter.”

m. In s. ATPCP 70.19 (5) and (8) (intro.), the word “subsection” should be inserted between the words “This” and “does” in the second sentence. Also, in sub. (8) (intro.), the phrase “to any of the following” should be inserted before the colon.

n. In s. ATPCP 70.21 (5), the phrase “not the body cavity” appears to be unnecessary and should be deleted. In addition, what is meant by the phrase “fish smoking operation”? Does this refer to each smokehouse, fish processing plant or some other term? Finally, in the last sentence, the terms “F.” and “C” should be replaced by the terms “Fahrenheit” and “Celsius,” respectively.

o. In s. ATPCP 70.21 (8), the word “not” should be deleted and the word “except” should be replaced by the word “only.”

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

a. In s. ATPCP 70.02 (22) (d), the term “unopened” should be deleted as it appears to be redundant when used with the term “hermetically sealed package.”

b. The terms “food safety variable,” “critical limits” and “unacceptable food safety risk” in s. ATPCP 70.02 (9m), are vague and, accordingly, should be defined in the rule or, in the alternative, an appropriate cross-reference to their meanings should be included. [See, also, s. ATPCP 70.185 (2) (c).]

c. In s. ATPCP 70.07 (2) (d) 1., what are “good manufacturing practices”?

d. In s. ATPCP 70.07 (2) (d) 2., the word “Document” should be replaced by the phrase “Provide documentation.”

e. Who is required to inspect the fish under s. ATPCP 70.19 (1)?

f. Is there a specified time period that qualifies as “just before processing” as it is used in s. ATCP 70.19 (6)?

g. In s. ATCP 70.19 (8) (intro.), what is the meaning of the phrase “parasites of public health significance”?

h. In s. ATCP 70.20 (1) (a), what is a “competent process authority”?

i. To whom does s. ATCP 70.225 (5) apply? Also, does this subsection apply only prior to sale to a consumer?