

Clearinghouse Rule 06-028

DATCP Docket No. 05-R-03
Rules Clearinghouse No. _____

Proposed Hearing Draft
January 27, 2006

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

1
2 The state of Wisconsin department of agriculture, trade and consumer protection proposes the
3 following order to repeal ATCP 13.01(2), 70.03(2)(note), (3)(note) and (4)(b)(note), 80.02(3)(e),
4 80.54(1)(a)(note), 155.01(1)(note), (3)(note) and (4)(note) and ch. ATCP 158; to renumber
5 ATCP 13.01(3) to (7); to amend ATCP 17.01(1)(c), 17.03(2)(note), (4)(b) and (4)(b)(note),
6 40.06(2)(f) and (3), 42.16(1)(b) and (2)(b), 42.32(2)(b), 42.40(4)(b), 42.44(6)(a), 42.54(1)(a),
7 55.14(2)(a) and (3)(a)(intro.), 69.02(1), 70.03(2), (3) and (4)(b), 70.22(1)(g)(intro.) and (2),
8 80.44(2) table 2, 80.50(2)(f) and (3)(d), 80.54(1)(a), 81.02(2) and (3), 82.06(1)(note), 85.01(3)
9 and (9), 88.02(4)(note) and (5)(note), 88.06(2)(note), 92.02(1) and (note), 92.06(1)(a), (1)(b), (2)
10 and (3)(note), 92.08(1), 92.22(1)(b) and (note), 105.07(1)(b)16., 111.06, 113.01(1) and (3),
11 113.02, 131.07(2)(a), 134.02(1m), 134.09(2)(c)(note), and 155.01(1), (3) and (4); to repeal and
12 recreate ch. ATCP 50 Appendix E, and ch. ATCP 80 Appendix A; and to create ch. ATCP 1
13 subch. VII, ATCP 29.26(1)(b)(note), 29.52 (9)(c)(note), and 97.04(4)(c) and 97.04(4)(c)(note);
14 relating to small business enforcement discretion and technical changes to various rules.

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

This rule makes technical changes to a number of current rules administered by the Department of Agriculture, Trade and Consumer Protection (“DATCP”), related to a variety of topics. This rule describes the discretion that DATCP may exercise in the enforcement of regulations against small business.

Statutory Authority

Statutory Authority: ss. 93.07(1), 92.05(3)(c), 92.14(8), 93.50(2)(f), 94.72(13)(a), 95.197(2), 95.71(8), 97.09(4), 97.20(4), 97.22(8), 97.41(2) and (5), 98.03(2), 98.18(2), and 895.59, Stats.

Statutes Interpreted: ss. 92.05, 92.14, 94.72, 95.197, 95.71, 97.20, 97.22, 97.41, 98.03, 98.18, 93.50, and 895.59, Stats.

DATCP has broad authority under 93.07(1) to adopt rules needed to implement laws under its jurisdiction. Under s. 895.59, Stats.(created by 2003 Wisconsin Act 145), DATCP is required to adopt rules describing the discretion that it may exercise in enforcement of its regulations against small businesses. DATCP has specific authority, under the provisions cited above, to adopt rules related to each of the topics addressed by this rule.

Rule Content

Small Business Enforcement Discretion

Under s. 895.59, Stats. (created by 2003 Wisconsin Act 145), state agencies are required to adopt rules describing the discretion they may exercise when enforcing regulations against small businesses. This rule describes the discretion that DATCP may exercise when enforcing regulations against small businesses. DATCP already exercises enforcement discretion, as described in this rule.

Technical Changes to Current Rules

This rule also makes minor technical changes to a number of rules administered by the DATCP. This rule does all of the following:

- Conforms fertilizer tonnage fee (agricultural chemical cleanup surcharge) to current statute. The department is currently charging the (lower) statutory fee, not the obsolete (higher) fee that appears in the current rule (ATCP 40).
- Updates technical standards that are incorporated by reference in current commercial feed rules (ATCP 42). The updates refer to the latest edition (2006) of the official publication of the Association of American Feed Control Officials.
- Updates current standards for the professional certification of agricultural engineering practitioners. The revised standards address new agricultural engineering practices, and the planning phases of engineering projects. The revisions also make minor changes to job class criteria for some existing practices, reflecting changes in technology and scale of current projects. DATCP coordinated these revisions with the United States Department of

Agriculture (NRCS) and county land conservation departments, including practitioners who serve federal, state and county conservation programs.

- Clarifies DATCP’s meat holding order and condemnation authority (ATCP 55).
- Corrects inconsistent rules related to the legal “shelf life” of smoked fish (one rule says 17 days, the other says 21 days). This rule says 21 days.
- Changes current dairy plant rules (ATCP 80) to make them consistent with current federal standards. This includes minor technical changes related to pasteurization standards, thermometers and temperature readings, as well as updates to technical standards incorporated by reference (ATCP 80 Appendix). The updates refer to the latest editions of the *3-A Sanitary Standards and Accepted Practices* published by the 3-A Sanitary Standards, Inc.
- Updates technical standards that are incorporated by reference in current weights and measures rules (ATCP 92). The updates refer to the latest editions (2006) of current weights and measures handbooks published by the National Institute of Standards and Technology.
- Clarifies, per current statutes, that local weights and measures inspectors must be civil service employees (conforms rule to current statute).
- Eliminates minor obsolete accounting provisions (in ATCP 105) related to the calculation of cigarette “cost” for purposes of the Unfair Sales Act (“minimum markup law”).
- Clarifies the relationship between DATCP’s home improvement code (ATCP 110) and basement waterproofing code (ATCP 111), both of which apply to basement waterproofing services.
- Clarifies prohibition against misleading charity claims in coupon book schemes (ATCP 131).
- Repeals current rules related to dairy cattle grades (ATCP 158), because the rules are obsolete and no longer used.
- Corrects typographical errors and cross-references, eliminates obsolete provisions, conforms rules to current statutes, creates clarifying notes, and makes other non-substantive drafting and organizational changes to current rules.

Pursuant to s. 227.21, Stats., DATCP will request permission from the Attorney General and the Revisor of Statutes to incorporate each updated technical standards by reference.

Fiscal Estimate

DATCP already exercises enforcement discretion, as described in this rule, so the effect will be minimal. Fines and forfeitures are paid to the state school fund, not DATCP. Other provisions

1 (b) The exercise of discretion, in favor of small businesses, is not prohibited by s.
2 895.59(2), Stats., or other applicable law.

3 **NOTE:** The department exercises enforcement discretion based on a wide variety of
4 variable factors that may be relevant to each case.

5
6 (2) The department may consider relevant factors in its exercise of discretion under sub.
7 (1), including any of the following that may be relevant:

8 (a) The nature and seriousness of the violation.

9 (b) The difficulty and cost of compliance for a small business, as compared to other
10 businesses.

11 (c) The financial capacity of a small business, as compared to other businesses.

12 (d) The compliance options available, including options for achieving voluntary
13 compliance.

14 (e) The nature, extent and seriousness of actual or potential harm to the public.

15 (f) The immediacy of potential harm, and the likelihood of continued harm if no action is
16 taken.

17 (g) The willfulness of the violation, and the likelihood that the violation will continue if
18 no action is taken.

19 (h) Past history of compliance or noncompliance by the small business.

20 (i) The level of public interest and concern.

21 (j) Whether the small business has had a reasonable opportunity to understand and
22 comply with the rules.

23 (k) Fairness to the small business and other persons, including competitors and the
24 public.

25 (L) Whether the small business has voluntarily disclosed the violation.

1 **(3)** An exercise of discretion under sub. (1) may include a decision to forego formal
2 sanctions, or to seek reduced sanctions for a small business as compared to other businesses.

3 **NOTE:** Fines and civil forfeitures are determined and imposed by courts, not by the
4 department.

5
6 **SECTION 2.** ATCP 13.01(2) is repealed.

7 **SECTION 3.** ATCP 13.01(3) to (7) are renumbered to (2) to (6):

8 **SECTION 4.** ATCP 17.01(1)(c) is amended to read:

9 ATCP 17.01(1)(c) ~~Global positioning system~~ Geographic coordinates, if the location has
10 no street address and no township, range and section numbers.

11 **SECTION 5.** ATCP 17.03(2)(note) is amended to read:

12
13 **NOTE:** For example, information that was required of license holders and was open to
14 public inspection prior to the effective date of the livestock ~~facility~~ premises
15 registration law, s. 95.51, Stats., remains open to public inspection. But premises
16 registration information required for the first time under s. 95.51, Stats., or this
17 chapter must be kept confidential.

18
19 **SECTION 6.** ATCP 17.03(4)(b) and (note) are amended to read:

20 ATCP 17.03(4)(b) The department may not disclose aggregate information under par. (a)
21 that does any of the following, unless that information qualifies for disclosure under sub. (2) or
22 (3).

23 1. Discloses the street address, section number, ~~global positioning system~~ geographic
24 coordinates of any premises, or the identity of any registrant.

25 2. Makes it possible to deduce with certainty the street address, section number, ~~global~~
26 ~~positioning system~~ or geographic coordinates of any premises, or the identity of any registrant.

27 **NOTE:** For example, the department may not disclose a detailed map that permits readers
28 to deduce with certainty the street addresses, section numbers or ~~global~~
29 ~~positioning system~~ geographic coordinates of any premises, or the identities of
30 registrants whose premises are portrayed by points on the map. However, the
31 department may disclose less detailed maps.

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SECTION 7. ATCP 29.26(1)(b)(note) is created to read:

NOTE: According to s. 94.715(2)(dm), Stats., school boards must ensure that persons making pesticide applications to public school grounds are certified under s. 94.705, Stats.

SECTION 8. ATCP 29.52(9)(c)(note) is created to read:

NOTE: According to s. 94.715(2)(g), Stats., school boards must ensure that warning signs are posted for pesticide applications to public school grounds.

SECTION 9. ATCP 40.06(2)(f) is amended to read:

ATCP 40.06(2)(f) An agricultural chemical cleanup surcharge of ~~86~~63 cents per ton.

SECTION 10. ATCP 42.06(3) is amended to read:

ATCP 42.06(3) SINGLE-INGREDIENT FEEDS. Product names for single-ingredient commercial feeds shall be consistent with the feed ingredient definitions specified in the ~~2004~~ 2006 official publication of the association of American feed control officials.

SECTION 11. ATCP 42.16(1)(b) is amended to read:

ATCP 42.16(1)(b) Paragraph (a) does not apply to a commercial feed which is defined as a single ingredient feed product by the ~~2004~~ 2006 official publication of the association of American feed control officials.

SECTION 12. ATCP 42.16(2)(b) is amended to read:

ATCP 42.16(2)(b) The official name of that ingredient as stated in the ~~2004~~ 2006 official publication of the association of American feed control officials.

SECTION 13. ATCP 42.32(2)(b) is amended to read:

ATCP 42.32(2)(b) The official name of that ingredient as stated in the ~~1998~~ 2006 official publication of the association of American feed control officials.

SECTION 14. ATCP 42.40(4)(b) is amended to read:

1 ATCP 42.40(4)(b) By a testing procedure published in the ~~2004~~ 2006 official publication
2 of the association of American feed control officials.

3 **SECTION 15.** ATCP 42.44(6)(a) is amended to read:

4 ATCP 42.44(6)(a) The dog or cat food, when fed in recommended amounts, meets all
5 nutrient requirements established in applicable pet nutrient profiles specified in the ~~2004~~ 2006
6 official publication of the association of American feed control officials.

7 **SECTION 16.** ATCP 42.54(1)(a) is amended to read:

8 ATCP 42.54(1)(a) The non-protein nitrogen ingredients are identified in the ~~2004~~ 2006
9 official publication of the association of American food control officials.

10 **SECTION 17.** ATCP 50, Appendix E is repealed and recreated to read:

**AGRICULTURAL ENGINEERING CERTIFICATION
APPENDIX E**

EMPLOYEE:		OFFICE:			Original		Revised		Revised
SIGNATURE:		TITLE:		DATE:					
CONCURRED BY:		TITLE:	Supervisor	DATE:					
DELEGATED BY:		TITLE:		DATE:					
CERTIFIED BY:		TITLE:	DATCP Agricultural Engineer	DATE:					

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS					MAX APPROVAL LIMIT and CERTIFICATION RATING			
					I	II	III	IV	V	PLNG	DESIGN	CONST	
560	ACCESS ROAD		GRADE	%	10	ALL							
		CULVERT	DRAINAGE AREA	ACRES	10	20	40	160	ALL				
		LIVESTOCK AND EQUIPMENT STREAM CROSSING	VELOCITY	F.P.S.	4	6	8	10	ALL				
575	ANIMAL TRAILS AND WALKWAYS		GRADE	%	ALL								
360	CLOSURE OF WASTE IMPOUNDMENT		NUMBER	EACH	ALL								
362	DIVERSION		DRAINAGE AREA	ACRES	10	20	40	160	ALL				
432	DRY HYDRANT		WATER SOURCE	--	POND	POND	STREAM	ALL					
			LIFT (STATIC HEAD)	FEET	5	10	15	ALL					
			NOMINAL DIAMETER	INCHES	4	4	6	ALL					
396	FISH PASSAGE	DAM REMOVAL		--	ALL								
410	GRADE STABILIZATION STRUCTURE	EARTHEN EMBANKMENTS (HAZARD CLASS "a" ONLY)	DRAINAGE AREA	ACRES	20	80	320	640	2000(c)				
			EFFECTIVE HEIGHT (a)	FEET	10	15	20	25	35				
350	SEDIMENT BASIN (EXCEPT FOR ANIMAL WASTE)	EARTHEN EMBANKMENTS (HAZARD CLASS "a" ONLY)	STORAGE (b)	AC. FT.	5	15	30	50	85				
378	POND (EMBANKMENT)		CONDUIT (SINGLE)	INCHES	12	18	24	36	48				
587	STRUCTURE FOR WATER CONTROL	BOX DROP TO CULVERT	(STOR. VOL.)x(EFF. HT.)	--	500	1000	1500	2000	3000				
			NET DROP	FEET	2*	3*	4*	4	6				
552	IRRIGATION REGULATING RESERVOIR	TOEWALLS	WEIR CAPACITY	C.F.S.	100*	200*	300*	400	500				
			NET DROP	FEET	2*	3*	4*	3	4				
		WEIR CAPACITY	C.F.S.	100*	200*	300*	300	300					
		NET DROP	FEET	4	6	8	10	12					
		CHUTES	CAPACITY	C.F.S.	50	100	200	250	300				
412	GRASSED WATERWAY		DRAINAGE AREA	ACRES	50	200	600	1300	ALL				
561	HEAVY USE AREA PROTECTION		AREA	SQ. FT.	10000	30000	ALL						
442	IRRIGATION SYSTEM, SPRINKLER		AREA IRRIGATED	ACRES	20	40	80	ALL					
449	IRRIGATION WATER MANAGEMENT												
447	IRRIGATION SYSTEM, TAILWATER RECOVERY		PUMP CAPACITY	GPM	300	500	1000	ALL					
430	IRRIGATION WATER CONVEYANCE AA (Aluminum) DD (Plastic)		CAPACITY (< 50 PSI)	GPM	500	1000	2500	5000					
			CAPACITY (≥ 50 PSI)	GPM	300	500	1500	3500					
468	LINED WATER OR OUTLET		DESIGN CAPACITY (d)	C.F.S.	10	30	100	150	ALL				

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS					MAX APPROVAL LIMIT		
					I	II	III	IV	V	PLNG	DESIGN	CONST
634	MANURE TRANSFER	PUMPED	A.U.	100	300	ALL						
		GRAVITY	A.U.	100	300	ALL						
			FEET	150	250	400						
		RECEPTION TANK (e)	EACH	STAND DRAW	ALL							
719	MILKING CENTER WASTEWATER TREATMENT SYSTEM	FREQUENT HAUL	EACH	ALL								
		RIDGE AND FURROW	EACH	ALL								
		CONSTRUCTED WETLAND	EACH	ALL								
		SUBSURFACE ABSORPTION	EACH	ALL								
		BUFFER	EACH	ALL								
500	OBSTRUCTION REMOVAL	OBSTRUCTION LOCATION	EACH	LAND	STREAM	ALL						
582	OPEN CHANNEL	DESIGN VELOCITY	F.P.S.	2	4	6	8	10				
584	CHANNEL STABILIZATION	DESIGN CAPACITY	C.F.S.	100	200	300	500	1000				
516	PIPELINE	LENGTH	FEET	300	1000	2500	5000	ALL				
		PRESSURE	P.S.I.	25	50	100	200	300				
378	POND (EXCAVATED)	SURFACE AREA	ACRES	1/2	1	ALL						
521A	POND SEALING OR LINING, FLEX., MEM. LINING	AREA TREATED	ACRES	1/4	1/2	1	2	ALL				
521C	POND SEALING OR LINING, BENTONITE TREAT.	AREA TREATED	ACRES	1/4	1/2	1	2	ALL				
533	PUMPING PLANT	PROPELLER	CAPACITY	GPM	500	2000	7500					
			STATIC HEAD	Ft.	5	10	15					
		CENTRIFUGAL	CAPACITY	GPM	500	1000	1500	2000	3500			
			STATIC HEAD	Ft.	50	100	200	300	350			
		TURBINE	CAPACITY	GPM	500	1000	1500	2000	3000			
			STATIC HEAD	Ft.	50	100	200	350	500			
568	RECREATION TRAIL AND WALKWAY	LENGTH	MILES	0.5	ALL							
558	ROOF RUNOFF STRUCTURE	ROOF SIZE (EACH)	SQ. FT.	1500	300	ALL						
350	SEDIMENT BASIN, LIVESTOCK	WALL HT. (STANDARD)	FEET	2*	4*	5*	6*	8*				
		WALL HT. (NON-STD.)	FEET	2	4	5	6	8				
		CONTRIBUTING AREA	SQ. FT.	10000	30000	ALL						
725	SINKHOLE TREATMENT	NUMBER	EACH	ALL								
572	SPOIL SPREADING	AREA	ACRES	0.5	ALL							
574	SPRING DEVELOPMENT	ESTIMATED FLOW	G.P.M.	ALL								
580	STREAMBANK AND SHORELINE PROTECTION	LAKESHORES	WAVE HEIGHT	FEET	0	0	1	2	3			
		STREAMBANK PROTECTION	CAPACITY (f)	C.F.S.	100	300	1000	2000	5000			
			VELOCITY (f)	F.P.S.	2	4	6	8	10			
			CHANNEL MODIFICATION	FEET	100	300	500	1000	ALL			
			FISH HABITAT	FEET	100	300	500	1000	ALL			
606	SUBSURFACE DRAIN	PIPE SIZE	INCHES	4	6	8	12	ALL				
607	SURFACE DRAINAGE; FIELD DITCH	DRAINAGE AREA	ACRES	10	20	50	100	ALL				
608	SURFACE DRAINAGE, MAIN OR LATERAL	DESIGN CAPACITY	C.F.S.	2	4	6	8	10				
		DESIGN VELOCITY	F.P.S.	100	200	300	5000	1000				
600	TERRACE	GRADIENT	EMBANKMENT HEIGHT	FEET	2	3	ALL					
		UNDERGROUND OUTLET	EMBANKMENT HEIGHT	FEET	3	4	6	8	ALL			

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS					MAX APPROVAL LIMIT			
					I	II	III	IV	V	PLNG	DESIGN	CONST	
620	UNDERGROUND OUTLET		PIPE SIZE	INCHES	4	6	8	12	ALL				
313	WASTE STORAGE FACILITY	STRUCTURAL FACILITIES	DESIGN STORAGE VOLUME	CU. FT.	5000	25000	75000	150000	3000000				
			PREQUALIFIED (g)	EACH	ALL, subject to design capacity								
			WALL HT. (STANDARD)	FEET	2*	4*	6*	8*	10*				
				WALL HT. (NON-STD.)(e)	FEET	2	4	6	8	10			
				EARTHEN EMBANKMENT	EFFECTIVE HEIGHT (a)	FEET	10	15	20	25	ALL		
				IN-PLACE EARTH POND	DESIGN CAPACITY	CU.FT.	60000	200000	500000	1M	2M		
				CLAY LINER	DESIGN CAPACITY	CU.FT.	60000	200000	500000	1M	2M		
		GEO-MEMBRANE & GEO-SYNTHETIC CLAY LINER	DESIGN CAPACITY	CU.FT.	60000	200000	500000	1M	2M				
		CONCRETE LINER	DESIGN CAPACITY	CU.FT.	60000	200000	500000	1M	2M				
635	WASTEWATER TREATMENT STRIP	INFILTRATION	CONTRIBUTING AREA	SQ. FT.	5000	10000							
		OVERLAND	CONTRIBUTING AREA	SQ. FT.	5000	10000							
		BUFFERS	CONTRIBUTING AREA	SQ. FT.	5000	10000	30000	ALL					
		MILKING CENTER	VOLUME	G.P.D.	200	300							
638	WATER AND SEDIMENT CONTROL BASIN	EMBANKMENT HEIGHT	FEET	5	10	15							
		STORAGE (b)	AC. FT.	5	10	15							
642	WATER WELL	DIAMETER	INCHES	4	6	8	12	ALL					
		ESTIMATED DEPTH	FEET	--	100	200	300	ALL					
614	WATERING FACILITY (4/02)		NUMBER	EACH	ALL								
351	WELL DECOMMISSIONING	DRILLED WELL	ESTIMATED DEPTH	FEET	100	300	500	ALL					
		DRIVEN WELL POINT	ESTIMATED DEPTH	FEET	10	25	ALL						
		DUG WELL		EACH	ALL								
657	WETLAND RESTORATION	SCRAPE	SURFACE AREA	ACRE	1/2	1	ALL						
		TILE BREAK	DRAIN DIAMETER	INCHES	6	12	ALL						
		DITCH PLUG	DEPTH	FEET	4	6	ALL						
			DRAINAGE AREA	ACRES	80	160	320	640	ALL				
		EMBANKMENT	EFFECTIVE HEIGHT (a)	FEET	4	6	10	ALL					
			DRAINAGE AREA	ACRES	20	40	80	160					
			STORAGE (b)	AC. FT.	5	15	30	50					

*STANDARD DETAIL DRAWINGS

NOTES:

1. CERTIFICATION IS NOT GRANTED FOR PRACTICES NO SHOWN.
2. OTHER RESTRICTIONS MAY APPLY AS NOTED
3. TO OBTAIN COPIES OF THE ABOVE REFERENCED PRACTICE STANDARDS, SEE THE USDA-NRCS-WISCONSIN TECHNICAL GUIDE, OR APPENDIX E OF ATCP 50, WISCONSIN ADMINISTRATIVE CODE

FOOTNOTES

- a. DIFFERENCE IN ELEVATION IN FEET BETWEEN THE AUXILIARY SPILLWAY CREST (TOP OF EMBANKMENT IF NO AUXILIARY SPILLWAY) AND THE LOWEST POINT IN THE CROSS SECTION TAKEN ALONG THE CENTERLINE OF THE EMBANKMENT
- b. STORAGE – TOTAL STORAGE CAPACITY AT TOP OF THE DAM IN ACRE-FEET.
- c. EFFECTIVE HEIGHT MUST BE LESS THAN 6 FEET
- d. LINED WATERWAY OR OUTLET (468) – THE JOB CLASS WILL BE BASED ON THE 10 YEAR 24 HOUR DURATION PEAK DISCHARGE.
- e. THE MNTC DRAWING Nos. 5.E-33,001 AND 5.E-33,002 AND WISCONSIN STANDARD DRAWINGS IN THE 740 SERIES ARE CLASSIFIED AS NON-STANDARD DRAWINGS.
- f. MAXIMUM DESIGN VELOCITY, AND THE CHANNEL CAPACITY AT THE DESIGN VELOCITY.
- g. PREQUALIFIED STRUCTURES CAN BE FOUND IN CHAPTER 17 OF THE ENGINEERING FIELD HANDBOOK.

1 **SECTION 18.** ATCP 55.14(2)(a) is amended to read:

2 ATCP 55.14(2)(a) The department may issue a holding order to prohibit the sale or
3 movement of any meat or meat food product if the department has reasonable grounds to suspect
4 that the meat or meat food product is unwholesome, adulterated, ~~or misbranded~~ or otherwise fails
5 to meet the standards or requirements of this chapter or ch. 97, Stats. The department may issue
6 a holding order pending further examination or analysis to determine whether the meat or meat
7 food product is unwholesome, adulterated or misbranded, or otherwise fails to meet the standards
8 or requirements of this chapter or ch. 97, Stats.

9 **SECTION 19.** ATCP 55.14(3)(a)(intro.) is amended to read:

10 ATCP 55.14(3)(a)(intro.) If the department finds that meat or a meat food product is
11 unwholesome, adulterated, ~~or misbranded~~, not inspected and approved according to this chapter
12 and s. 97.42, Stats., or not processed according to this chapter and s. 97.42, Stats., the department
13 may order the owner or custodian to do any of the following:

14 **SECTION 20.** 69.02(1) is amended to read:

15 ATCP 69.02(1) EXPERIENCE. An applicant for a cheesemaker's license under s. 97.17,
16 Stats., shall submit proof that the applicant has done at least one of the following:

17 (a) Completed an 18-month cheesemaking ~~apprenticeship~~ internship under a licensed
18 cheesemaker, including at least one month's experience in the complete process of
19 cheesemaking.

20 (b) Completed a 12-month cheesemaking ~~apprenticeship~~ internship under a licensed
21 cheesemaker, including at least one month's experience in the complete process of
22 cheesemaking, and complete at least one of the following:

1 1. A cheesemaking short course at a college of agriculture and life sciences, university of
2 Wisconsin or an equivalent course from another accredited college or university.

3 2. A dairy-related associate degree at an accredited school of vocational, technical and
4 adult education.

5 (c) Completed a 6-month cheesemaking ~~apprenticeship~~ internship under a licensed
6 cheesemaker, including at least one month's experience in the complete process of
7 cheesemaking, and completed a 4-year dairy-related degree program at an accredited college or
8 university.

9 (d) Completed an ~~apprenticeship~~ internship under a licensed cheesemaker, including at
10 least 240 hours experience in the complete process of cheesemaking, and completed department-
11 approved courses in all the following:

- 12 1. Cheesemaking.
- 13 2. Production of safe dairy foods.
- 14 3. Hazard analysis critical control point (HACCP) process control.
- 15 4. Principles of milk pasteurization.
- 16 5. Dairy sanitation.

17 **SECTION 21.** ATCP 70.03(2) is amended to read:

18 ATCP 70.03(2) LICENSE APPLICATION. Application for an annual food processing plant
19 license shall be made on a form provided by the department. The application shall be
20 accompanied by the fees required under subs. (2m) and (2n); and, if applicable, by the sworn
21 statement required under s. ~~100.03(2)~~ 126.56 (9), Stats.

22 **SECTION 22.** ATCP 70.03(2)(note) is repealed.

23 **SECTION 23.** ATCP 70.03(3) is amended to read:

1 ATCP 70.03(3) ACTION ON LICENSE APPLICATION. The department shall grant or deny a
2 license application within 40 business days after a complete license application, including all
3 information required under subch. VI of s. 100.03 ch. 126, Stats., is received by the department.
4 If the license application is denied, the department shall notify the applicant, in writing, of the
5 reasons for the denial. If the operator of a food processing plant procures farm products from
6 producers, either directly or through its affiliate as defined under s. 100.03 (1) (a) 126.01 (1),
7 Stats., the department shall not issue or renew an annual license for that food processing plant
8 unless the operator complies with subch. VI of s. 100.03, ch. 126, Stats. Except as provided
9 under sub. (5), the department may conditionally grant a license application by issuing a
10 temporary license number sub. (4).

11 **SECTION 24.** ATCP 70.03(3)(note) is repealed.

12 **SECTION 25.** ATCP 70.03(4)(b) is amended to read:

13 ATCP 70.03(4)(b) The holder of a temporary license may not procure farm products
14 from producers, except as specifically authorized by the department in writing. The department
15 may not authorize a food processing plant operator to procure farm products from producers
16 unless the food processing plant operator complies with subch. VI of s. 100.03 ch. 126, Stats.

17 **SECTION 26.** ATCP 70.03(4)(b)(note) is repealed.

18 **SECTION 27.** ATCP 70.22(1)(g)(intro.) is amended to read:

19 ATCP 70.22(1)(g)(intro.) The last date on which the smoked fish may be sold at retail,
20 which shall be not more than ~~17~~21 days after the processing date under par. (f). This paragraph
21 does not apply to any of the following:

1 **SECTION 28.** ATCP 70.22(2) is amended to read:
2 ATCP 70.22 (2) Smoked fish shall not be sold more than ~~17~~ 21 days after the date of
3 processing unless the smoked fish are exempt under sub. (1)(g).
4 **SECTION 29.** ATCP 80.02(3)(e) is repealed.
5 **SECTION 30.** ATCP 80.44(2), table 2 is amended to read:

**TABLE 2
PASTEURIZATION REQUIREMENTS FOR
SELECTED DAIRY PRODUCTS**

Product Group	Batch Pasteurization	HTST Pasteurization
(a) Milk, skim milk, or buttermilk	145°F. (63°C.) for 30 minutes	161°F. (72°C.) for 15 seconds
(b) Cream and fluid dairy products having more than 10% milk-fat	150°F. (66°C.) for 30 minutes	166°F. (75°C.) for 15 seconds
(c) Cream for butter	165°F. (74°C.) for 30 minutes	185°F. (85°C.) for 15 seconds
(d) Condensed dairy products including condensed products in group (a) and blends of those products	150°F. (66°C.) for 30 minutes	166°F. (75°C.) for 15 seconds
(e) High total solids products (>16%)	155 <u>150</u> °F. (69 <u>6</u> °C.) for 30 minutes	166°F. (75°C.) for 15 seconds
(f) Frozen dessert mixes	155°F. (69°C.) for 30 minutes	175°F. (80°C.) for 25 seconds or 180°F. (83°C.) for 15 seconds
(g) Egg nog	155°F. (69°C.) for 30 minutes	175°F. (80°C.) for 25 seconds or 180°F. (83°C.) for 15 seconds
(h) Process cheese	150°F. (66°C.) for 30 seconds	-----

1 **SECTION 31.** ATCP 80.50(2)(f) is amended to read:

2 ATCP 80.50(2)(f) The temperature reading on the indicating thermometer at the start ~~and~~
3 ~~end~~ of the pasteurization holding period, and at a specific times time identified as a points point
4 on the ~~recorder~~ temperature recording chart.

5 **SECTION 32.** ATCP 80.50(3)(d) is amended to read:

6 ATCP 80.50(3)(d) The temperature reading on the indicating thermometer at the start
7 ~~and end~~ of each pasteurization run, and at a specific times time identified as a points point on the
8 ~~controller~~ temperature recording chart.

9 **SECTION 33.** ATCP 80.54(1)(a) is amended to read:

10 ATCP 80.54(1)(a) Records related to milk receipts and producer payrolls, as required by
11 s. ATCP 100.7632(1). Records under this paragraph shall include milk collection records
12 received from milk haulers under s. ATCP 82.10(10). Records under this paragraph shall be
13 retained for at least 3 years.

14 **SECTION 34.** ATCP 80.54(1)(a)(note) is repealed

15 **SECTION 35.** ATCP 80, Appendix A is repealed and recreated to read:

Chapter ATCP 80

APPENDIX A

3-A SANITARY STANDARDS AND ACCEPTED PRACTICES

The following 3-A standards and 3-A accepted practices establish criteria for the sanitary construction and operation of dairy handling and processing equipment. These standards are published by the “3-A Sanitary Standards, Inc., 1451 Dolley Madison Boulevard, Suite 210, McLean, VA 22101-3850, website www.3-A.org, Telephone: (703) 790-0295, Fax: (703) 761-6284. Copies are on file with the department, the secretary of state and the revisor of statutes. Copies may be obtained from “3-A Sanitary Standards, Inc. Online Store” at <http://www.techstreet.com>.

You may also search, order and download standards (in PDF format) by visiting <http://www.3-A.org>.

3-A SANITARY STANDARDS

<u>Doc. No.</u>	<u>Title (3-A Sanitary Standards for:)</u>	<u>Effective</u>
01-08	Storage Tanks	11/2001
02-09	Centrifugal and Positive Rotary Pumps	11/1996
04-04	Homogenizers and Reciprocating Pumps	11/1996
05-15	Stainless Steel Automotive Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service	11/2002
10-04	Milk and Milk Products Filters Using Single Service Filter Media	11/2000
11-06	Plate Type Heat Exchangers	11/2001
12-07	Tubular Heat Exchangers	11/2003
13-10	Farm Milk Cooling and Holding Tanks	11/2003
16-05	Milk and Milk Products Evaporators and Vacuum Pans	8/1997
17-10	Formers, Fillers, and Sealers of Containers for Fluid Products	11/2002
18-03	Multiple-Use Rubber and Rubber-Like Materials Used as Product Contact Surfaces	8/1999
19-05	Batch and Continuous Freezers for Frozen Foods	11/1999
20-23	Multiple-Use Plastic Materials Used as Product Contact Surfaces	11/2004

21-00	Centrifugal Separators and Clarifiers	11/2002
22-08	Silo-Type Storage Tanks	11/2004
23-04	Equipment for Packaging Viscous Products	11/2002
24-02	Non-Coil Type Batch Pasteurizers	11/1989
25-03	Non-Coil Type Batch Processors	11/2002
26-04	Sifters for Dry Products	11/2001
27-05	Equipment for Packaging Dry Products	11/2002
28-03	Flow Meters	11/1995
29-02	Air Eliminators	11/2000
30-01	Farm Milk Storage Tanks	9/1984
31-03	Scraped Surface Heat Exchangers	11/2000
32-02	Uninsulated Tanks	8/1994
33-01	Polished Metal Tubing	11/1994
34-02	Portable Bins for Dry Products	09/1992
35-01	Blending Equipment	11/2003
36-01	Inline Rotor-Stator Mixers	11/2003
38-00	Cottage Cheese Vats	8/1997
39-01	Pneumatic Conveyors for Dry Products	11/2003
40-02	Bag Collectors	11/2002
41-01	Mechanical Conveyors for Dry Products	11/1996
42-01	In-Line Strainers	11/1997
43-00	Wet Collectors for Dry Products	9/1997
44-03	Diaphragm Pumps	11/2001
45-02	Crossflow Membrane Modules	11/2003
46-03	Refractometers and Energy-Absorbing Optical Sensors	11/2002
47-00	Centrifugal and Positive Rotary Pumps for Pumping Cleaning and Sanitizing Solutions	11/1996
49-01	Air Driven Sonic Horns for Dry Products	11/2001

50-01	Level Sensing Devices for Dry Products	11/2001
51-01	Plug-Type Valves	11/1998
52-02	Plastic Plug-Type Valves	11/1998
53-02	Compression-Type Valves	01/2002
54-02	Diaphragm-Type Valves	11/1997
55-01	Boot Seal-Type Valves	11/1996
56-00	Inlet and Outlet Leak-Protector Plug-Type Valves	5/1993
57-01	Tank Outlet Valves	11/1996
58-00	Vacuum Breakers and Check Valves	6/1992
59-00	Automatic Positive Displacement Samplers	11/1993
60-00	Rupture Discs	9/1983
61-00	Steam Injection Heaters	11/1994
62-01	Hose Assemblies	11/1996
63-03	Sanitary Fittings	11/2002
64-00	Pressure Reducing and Back Pressure Regulating Valves	11/1993
65-00	Sight and/or Light Windows and Sight Indicators	11/1994
66-00	Caged-Ball Valves	11/1995
68-00	Ball-Type Valves	11/1996
70-01	Italian-Type Pasta Filata Style Cheese Cookers	11/2002
71-01	Italian-Type Pasta Filata Style Cheese Moulders	11/2002
72-01	Italian-Type Pasta Filata Style Moulded Cheese Chillers	11/2002
73-00	Shear Mixers, Mixers, and Agitators	11/1996
74-02	Sensors and Sensor Fittings and Connections	11/2002
75-00	Belt-Type Feeders	11/1998
78-01	Spray Devices to Remain in Place	11/2003
81-00	Auger-Type Feeders	11/1998

82-00	Pulsation Dampening Devices	11/2002
83-00	Enclosed Cheese Vats and Tables	11/2003
84-00	Personnel Access Ports for Wet Applications	11/2003
85-00	Double-Seat Mixproof Valves	11/2004

3-A ACCEPTED PRACTICES

<u>Doc. No.</u>	<u>Title (3-A Accepted Practices for:)</u>	<u>Effective</u>
603-06	Sanitary Construction, Installation, Testing, and Operation of High-Temperature Short-Time and Higher-Heat Shorter-Time Pasteurizer Systems	12/1992
604-05	Supplying Air Under Pressure for Contact with Product or Product Contact Surfaces	11/2004
605-04	Permanently Installed Product and Solution Pipelines and Cleaning Systems	8/1994
606-05	Design, Fabrication, and Installation of Milking and Milk Handling Equipment	11/2002
607-05	Milk and Milk Products Spray Drying Systems	11/2004
608-02	Instantizing Systems	11/2001
609-03	Method of Producing Steam of Culinary Quality	11/2004
610-01	Sanitary Construction, Installation, and Cleaning of Crossflow Membrane Processing Systems	11/2003
611-00	Farm Milk Cooling and Storage Systems	11/1994

1 ATCP 81.02(2) LICENSE APPLICATION. Application for a biennial cheese grader license
2 shall be made on a form provided by the department. The application shall be accompanied by
3 ~~each applicable the fee and surcharge~~ required under (3). An application shall include all of the
4 information required under this section for licensing purposes.

5 (3) LICENSE FEE. A person applying for a license under sub. (1) shall pay ~~an annual a~~
6 license fee of \$60.

7 **SECTION 37.** ATCP 82.06(1)(note) is amended to read:

8 **NOTE:** Copies of the “3-A Standards” are on file with the department, the secretary of
9 state, and the revisor of statutes. Copies may be purchased from the ~~International~~
10 Association of Milk, Food and Environmental Sanitarians International
11 Association for Food Protection, 6200 Aurora Avenue, Suite 200 W., Des
12 Moines, IA 50322.

13 **SECTION 38.** ATCP 85.01(3) is amended to read:

14 ATCP 85.01(3) “Butter” means the dairy product defined in s. 97.01~~(42)~~(1), Stats.

15 **SECTION 39.** ATCP 85.01(9) is amended to read:

16 ATCP 85.01(9) “Milk” means the dairy product defined in s. 97.01~~(43)~~(10)(a), Stats.

17 **SECTION 40.** ATCP 88.02(4)(note) is amended to read:

18 **NOTE:** The “List of Proprietary Substances and Nonfood Compounds,” published
19 semiannually by the United States department of agriculture, is on file with the
20 department and may be obtained from the United States department of agriculture,
21 agricultural marketing service, poultry ~~division, grading branch, 100 stockyards~~
22 road, room 209, South St. Paul, MN 55075 programs, grading branch, 1400
23 Independence Avenue, S.W., Room 3938-South Building, Washington, D.C.
24 20250, STOP 0256.

25 **SECTION 41.** ATCP 88.02(5)(note) is amended to read:

26 **NOTE:** The “List of Proprietary Substances and Nonfood Compounds,” published
27 semiannually by the United States department of agriculture, is on file with the
28 department and may be obtained from the United States department of agriculture,
29 agricultural marketing service, poultry ~~division, grading branch, 100 stockyards~~
30 road, room 209, South St. Paul, MN 55075 programs, grading branch, 1400

1 Independence Avenue, S.W., Room 3938-South Building, Washington, D.C.
2 20250, STOP 0256.

3 **SECTION 42.** ATCP 88.06(2)(note) is amended to read:

4 **NOTE:** United States consumer grades and sizes are described in “United States
5 Standards, Grades, and Weight Classes for Shell Eggs” under ~~title 7, code of~~
6 ~~federal regulations part 56, subpart C-7~~ CFR 56 (c). A copy may be purchased
7 from the United States department of agriculture, agricultural marketing service,
8 poultry ~~division, grading branch, room 209, 100 stockyards road, South St. Paul,~~
9 MN-55075 programs, grading branch, 1400 Independence Avenue, S.W., Room
10 3938-South Building, Washington, D.C. 20250, STOP 0256.

11 **SECTION 43.** ATCP 92.02(1) is amended to read:

12 ATCP 92.02(1) Except as provided in this chapter, weighing and measuring devices
13 shall comply with applicable specifications, tolerances and other technical requirements set forth
14 in the national institute of standards and technology handbook 44 (specification, tolerances and
15 other technical requirements for weighing and measuring devices), ~~2004~~ 2006 edition.

16 **SECTION 44.** ATCP 92.02(1)(note) is amended to read:

17 **NOTE:** See s. 98.03 (2), Stats. The current edition of the National Institute of Standards
18 and Technology Handbook 44 (Specifications, Tolerances and Other Technical
19 Requirements for Weighing and Measuring Devices) is on file with the
20 department, the secretary of state and the revisor of statutes. Copies may be
21 purchased from the U.S. ~~government~~ Government printing Printing office Office,
22 Washington, D.C. 20402-9325 Superintendent of Documents, P.O. Box 371954,
23 Pittsburgh, PA 15250-7954.

24 **SECTION 45.** ATCP 92.06(1)(a) is amended to read:

25 ATCP 92.06(1)(a) The national institute of standards and technology handbook 44
26 (specifications, tolerances, and other technical requirements for weighing and measuring
27 devices), ~~2004~~ 2006 edition.

28 **SECTION 46.** ATCP 92.06(1)(b) is amended to read:

29 ATCP 92.06(1)(b) The national institute of standards and technology handbook 133
30 (checking the net contents of packaged goods), ~~2003~~ 2005 edition.

1 **SECTION 47.** ATCP 92.06(2) is amended to read:

2 ATCP 92.06(2) PRICE VERIFICATION SYSTEMS. Inspections of price verification systems
3 shall comply with section 7 “test procedures” from the chapter titled “Examination procedure for
4 price verification,” national institute of standards and technology handbook 130 (uniform laws
5 and regulation in the areas of legal metrology and engine fuel quality), ~~2004~~ 2006 edition.

6 **SECTION 48.** ATCP 92.06(3)(note) is amended to read:

7 **NOTE:** The standards incorporated by reference in subs. (1) and (2) are on file with the
8 department, the secretary of state and the revisor of statutes. Copies may be
9 ~~obtained~~ purchased from the U.S. Government Printing Office, ~~Stop SSOP,~~
10 Washington, D.C. 20402-0004 Superintendent of Documents, P.O. Box 371954,
11 Pittsburgh, PA 15250-754.

12 **SECTION 49.** ATCP 92.08(1) is amended to read:

13 ATCP 92.08(1) HIRING. A municipality that has a weights and measures program under
14 s. 98.04, Stats., shall hire its inspectors from a list of applicants whose qualifications have been
15 certified by the state or local civil service agency under the rules of the agency. ~~A municipality~~
16 ~~may hire or contract with an inspector who is not a permanent civil service employee, provided~~
17 ~~that an open recruitment or bidding process is used to recruit, evaluate or certify the~~
18 ~~qualifications of prospective inspectors.~~

19 **SECTION 50.** ATCP 92.22(1)(b) is amended to read:

20 ATCP 92.22(1)(b) Comply with applicable requirements contained in the national
21 institute of standards and technology handbook 44 (specifications, tolerances, and other technical
22 requirements for weighing and measuring devices), ~~2004~~ 2006 edition.

23 **SECTION 51.** ATCP 92.22(1)(b)(note) is amended to read:

24 **NOTE:** The national institute of standards and technology handbook 44, ~~2004~~ 2006
25 edition, is on file with the department, the secretary of state and the revisor of
26 statutes. You may purchase copies of this handbook from the U.S. Government

1 Printing Office, ~~Stop SSOP, Washington, D.C. 20402-0001~~ Superintendent of
2 Document Sales, P.O. Box 371954, Pittsburgh, PA 15250-7954.

3 **SECTION 52.** ATCP 97.04(4)(c) and (note) are created to read:

4 ATCP 97.04(4)(c) An applicant for a public warehouse keeper's license shall pay a
5 license fee surcharge of \$100 if the department determines that, within one year before
6 submitting the license application, the applicant operated the public warehouse without a license
7 in violation of subs. (1) and (3). Payment of this license fee surcharge does not relieve the
8 applicant of any other civil or criminal liability that results from the unlicensed operation of the
9 public warehouse, but does not constitute evidence of any other violation of law.

10 **NOTE:** The surcharge in par. (c) is based on s. 99.02(3)(e), Stats.

11 **SECTION 53.** ATCP 105.07(1)(b)16. is amended to read:

12 ATCP 105.07(1)(b)16. Salaries, fringe benefits and other remuneration, including
13 officers' salaries and payroll taxes, except as allocated under subs. (2)(b)13. and (3)(b)1. and 2.a.
14 ~~If officers or other management personnel receive no remuneration or token remuneration, a~~
15 ~~value shall be placed on their services at a rate no lower than the average labor rate paid in~~
16 ~~Wisconsin by the "Food and Kindred Products Industry", reported by the Wisconsin department~~
17 ~~of workforce development as part of its published earnings and hours data.~~

18 **SECTION 54.** ATCP 111.06 is amended to read:

19 **ATCP 111.06 Interpretation.** A seller under this chapter is also a seller under s. ATCP
20 110.01(4)(5) and is subject to ch. ATCP 110 ~~home improvement trade practice rules.~~ In the
21 event of any conflict between this chapter and ch. ATCP 110, such that a seller cannot comply
22 with one chapter without violating the other, the provisions of ch. ATCP 111 this chapter shall
23 prevail.

24 **SECTION 55.** ATCP 113.01(1) is amended to read:

1 ATCP 113.01(1) To state or otherwise represent that the gasoline has a specified octane
2 value or rating when such value or rating has been determined by a test method other than one
3 which is recognized by the American Society for Testing Materials International as standard for
4 the industry.

5 **SECTION 56.** ATCP 113.01(3) is amended to read:

6 ATCP 113.01(3) To use any statement, design or device which may induce prospective
7 purchasers to believe that such gasoline is of greater value for motor car use because it contains
8 high octane value components without clearly stating the octane value or rating of the total
9 product advertised, as determined by a method which is recognized by the American Society for
10 Testing Materials International as standard for the industry.

11 **SECTION 57.** ATCP 113.02 is amended to read:

12 **ATCP 113.02 Test methods, standards.** The test methods prescribed in s. ATCP
13 113.01(1) and (3) are set forth in the book “ASTM Manual for Rating Motor Fuels by Motor and
14 Research Methods”, published 1956, copies of which are on file at the offices of the state
15 department of agriculture, trade and consumer protection, secretary of state and revisor of
16 statutes, and which may be obtained from American Society for Testing Materials, ~~1916 Race~~
17 ~~Street, Philadelphia, Pennsylvania.~~ International, 100 Barr Harbor Dr., P.O. Box C700, West,
18 Conshohocken, PA 19428-2959.

19 **SECTION 58.** ATCP 131.07(2)(a) is amended to read:

20 ATCP 131.07(2)(a) That proceeds from the sale of any coupon will be donated to any
21 charity, civic or religious group, or other nonprofit organization unless such representation is
22 true, and the amount to be donated is disclosed ~~as required by s. 100.18 (4), Stats.~~ as one of the

1 following forms:

2 1. The minimum amount stated in dollars.

3 2. The minimum percentage of the gross income.

4 3. The minimum percentage of the net income.

5 **SECTION 59.** ATCP 134.02(1m) is amended to read:

6 ATCP 134.02(1m) “Consumer credit report” has the meaning given for “consumer
7 report” in 15 USC 1681a(d).

8 **SECTION 60.** ATCP 134.09(2)(c)(note) is amended to read:

9 **NOTE:** The separate written document under par. ~~(b)~~ (c) may be pre-printed.

10 **SECTION 61.** ATCP 155.01(1) is amended to read:

11 ATCP 155.01(1) “Contractor” ~~has the meaning specified~~ means a vegetable contractor as
12 defined in s. ~~400.03 (1)(f)~~ 126.55 (14), Stats.

13 **SECTION 62.** ATCP 155.01(1)(note) is repealed.

14 **SECTION 63.** ATCP 155.01(3) is amended to read:

15 ATCP 155.01(3) “Procurement contract” ~~has the meaning specified~~ means a vegetable
16 procurement contract as defined in s. ~~400.03 (1)(vm)~~ 126.55 (15), Stats.

17 **SECTION 64.** ATCP 155.01(3)(note) is repealed.

18 **SECTION 65.** ATCP 155.01(4) is amended to read:

19 ATCP 155.01(4) “Producer” ~~has the meaning specified~~ means a vegetable producer as
20 defined in s. ~~400.03(1)(w)~~ 126.55 (16), Stats.

21 **SECTION 66.** ATCP 155.01(4)(note) is repealed.

22 **SECTION 67.** ch. ATCP 158 is repealed.

1 **EFFECTIVE DATE AND INITIAL APPLICABILITY:** This rule takes effect on the first day of
2 the month following publication in the Wisconsin administrative register, as provided under s.
3 227.22 (2) (intro), Stats.

Dated this _____ day of _____, 2006

STATE OF WISCONSIN

DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Rodney J. Nilsestuen,
Secretary