

Wisconsin Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis

Rule Subject: Buttermaker License Qualifications
Adm. Code Reference: ATCP 69
Rules Clearinghouse #: 10-106
DATCP Docket #: 09-R-17

Background

DATCP administers Wisconsin's buttermaker licensing program under s. 97.17, Stats. DATCP has adopted licensing rules under ch. ATCP 69, Wis. Adm. Code. There have been few changes in the current program since 1929.

Under current law, butter must be made by or under the supervision of a licensed buttermaker. However, there are currently only 49 licensed buttermakers in the state. There is a growing national market for butter. Without more licensed buttermakers, Wisconsin's butter industry will be at significant risk and may be unable to take advantage of new market opportunities.

This rule will provide more flexible training and examination options to facilitate the training and licensing of qualified buttermakers. DATCP is developing this rule in consultation with the Wisconsin dairy industry, including the emerging artisan and farmstead buttermaking industry. DATCP has also consulted with the University of Wisconsin. This rule may take advantage of new training resources and technologies that were not previously available.

This rule will promote the development and diversification of Wisconsin's dairy industry. It will allow more people to enter the industry as licensed buttermakers, including makers of artisan and farmstead butter. It will help relieve an acute shortage of licensed buttermakers, which is putting the state's entire butter industry at risk. It will also ensure the safety and quality of Wisconsin butter, and maintain Wisconsin's reputation as a dairy leader, by ensuring that buttermakers are adequately trained and qualified.

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DATCP licenses individuals as buttermakers under s. 97.17, Stats. DATCP has adopted licensing rules under ch. ATCP 69, Wis. Adm. Code. Currently, an applicant for a 2-year buttermaker license must pass an examination (required only for initial license) and must show that he or she has done at least one of the following (required for initial and renewal license):

- Been licensed as a buttermaker for at least 10 years.
- Worked directly under a licensed buttermaker for at least 24 months.

- Worked directly under a licensed buttermaker for at least 18 months and completed a DATCP-approved training course from an accredited post-secondary institution.
- Obtained a 4-year degree in food science (or an equivalent major) from an accredited post-secondary educational institution, and worked directly under a licensed buttermaker for at least 12 months.

Under this rule, an applicant may also qualify for licensing if either of the following apply, with the proviso that the applicant must also pass an examination for an *initial* license:

- The applicant holds a Wisconsin *cheesemaker* license and has done all of the following:
 - Completed a DATCP-approved buttermaker training course.
 - Worked in buttermaking operations for at least 40 hours under the direct personal supervision of a licensed buttermaker.
- The applicant has done all of the following:
 - Worked in the complete process of buttermaking for at least 120 hours under the direct personal supervision of a licensed buttermaker.
 - Completed DATCP-approved courses in all of the following:
 - Buttermaking.
 - Production of safe dairy foods.
 - Hazard analysis - critical control point (HACCP) process control.
 - Principles of milk pasteurization.
 - Dairy sanitation.

Business Impact

This rule will have a positive impact on the Wisconsin dairy industry, including Wisconsin's butter industry. The rule will promote the development and diversification of the dairy industry, and will not have any negative impact on business. The rule will:

- Provide more options for individuals who wish to be licensed as buttermakers.
- Help relieve a current acute shortage of licensed buttermakers, which is putting the state's butter industry at risk.
- Allow more people to enter the industry as licensed buttermakers, including makers of artisan and farmstead butter.
- Help ensure the safety and quality of Wisconsin butter, by ensuring that buttermakers are adequately trained and qualified.
- Make it easier for licensed *cheesemakers* to obtain a buttermaker license. That may give them more job flexibility, and provide more opportunities for value-added dairy enterprise.

This rule does not increase license fees, add new recordkeeping requirements, or require businesses to pay for additional professional services.

Accommodation for Small Business

The rule will assist small businesses in developing new products and obtaining required skills in an expedited manner. This rule does not have any significant adverse impact on small business, so there is no special accommodation for small business under this rule.

Conclusion

This will assist dairy businesses, including many small businesses. This rule will have no adverse impact on affected businesses. Because this rule has no significant adverse impact on small business, it is not subject to the small business delayed effective date under s. 227.22(2)(e), Stats.

Dated this _____ day of _____, 2011

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Steven C. Ingham, Administrator
Division of Food Safety