

Clearinghouse Rule 17-072

DATCP Docket No. 16-R-04
Rules Clearinghouse No. ____

Proposed Hearing Draft
September 21, 2017

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

The Wisconsin department of agriculture, trade and consumer protection hereby proposes the following rule *to repeal* ATCP 55.02 (6) (Note), (21), and 55.03 (2) (e) 3. (Note); *to amend* ATCP 55 (Title), 55.01 (1), (2) (a) and (c), 55.02 (1), (1m), (2), (3), (5) and (5) (Note), (14), (16) to (20), (23) to (25), 55.03 (1), (2) (b), (c), (d) (intro.), (d) 1. to 3., (e) (intro.), (e) 1. to 3., (2) (e) 4., 5. and 6., (4) (intro.), (11) (a), (b) 2. and 4. to 7., (12) (title), (a), (b) 1. to 3., (c) (intro.) and (Note), and (d), 55.04 (Title), (1) (a), (1) (a) (Note) and (1) (c) 1. to 3., (1m), (2), (3) (a) 2., (4) (title) and (b), (5) (title), (6), and (8), 55.06 (2), (4) and (5) (a), (e), (f) and (g), 55.07 (Title), (1), (2) (Title) and (a) to (e), (3) (Title), (a), and (b), (4), (5), (6) (intro.), (d) and (Note), (9)(b), (e) 2., (Note), (10)(b), (d) and (e), 55.08 (Title), (1) (intro.), (d), (d) (Note) and (e), (1) (f) to (h), (2) (a) and (Note), (2) (c) and (3) (a) (intro.), 55.09 (Title), (1), (2) (a), (3) (a) and (b), (4) to (6), and (8) (b), 55.10 (1), (2), (3) (a), (b), and (d) 1., 3., and Note, (4), and (5) (a) and (b), (6), (7) (a) to (c) and (f), 55.11, 55.12 (6) (a), 55.13 (1), (3) and (4), 55.14 (2), (3), (5), and (6) (Title), and 55.15 (1) (b); *to repeal and recreate* ATCP 55.02 (6), (29), and (31); and *to create* ATCP 55.01 (2) (d), 55.02 (1g), (4g), (19m), (25m), 55.03 (4) (a) and (b), 55.04 (1) (d), (9), 55.06 (5) (k), 55.08 (1) (e) (Note), 55.10 (5) (d), and 55.13 (6) (f) *relating to* meat and poultry products, and affecting small business.

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

The Department of Agriculture, Trade and Consumer Protection (“Department”) operates the nation’s largest state meat and poultry inspection program, with approximately 260 meat establishments. State meat and poultry inspection programs operate under a cooperative agreement with United States Department of Agriculture (“USDA”) Food Safety and Inspection

Service (“FSIS”). State meat and poultry inspection programs provide unique and scale-appropriate services to small meat and poultry establishments.

Statutes Interpreted

Statute Interpreted: Wis. Stat. § 97.42

Statutory Authority

Statutory Authority: Wis. Stat. §§ 97.42 (4), 97.09 (4), and 93.07 (1).

Explanation of Statutory Authority

The Department has specific authority under Wis. Stat. § 97.42 (4), to establish rules to regulate the slaughter and processing of animals and poultry for human consumption. The Department also has general authority under Wis. Stat. § 97.09 (4), to adopt rules specifying standards to protect the public from the sale of adulterated or misbranded foods. Additionally, the Department has general authority, under Wis. Stat. § 93.07 (1), to adopt rules to implement programs under its jurisdiction.

Related Statutes and Rules

Wisconsin’s state meat and poultry inspection program is governed by Wis. Stat. ch. 97, Food, Lodging and Recreation, which includes Wis. Stat. § 97.42, compulsory inspection of livestock or poultry, and meat or poultry products. Wis. Admin. Code ch. ATCP 55 interprets and implements Wis. Stat. ch. 97, as it relates to Meat and Meat Food Products.

State meat and poultry inspection programs operate under a cooperative agreement with the USDA FSIS to provide inspection services to meat establishments not engaged in interstate commerce. These establishments are generally very small in size. State meat and poultry inspection programs were established by the Wholesome Meat Act of 1967 and the Wholesome Poultry Products Act of 1968, which amended the Federal Meat Inspection Act (“FMIA”) to create 21 USC 661 and the Poultry Products Inspection Act (“PPIA”) to create 21 USC 454. Section 11015 of Title XI of the Food, Conservation, and Energy Act of 2008 (the 2008 “Farm Bill”), enacted on June 18, 2008, amended FMIA and PPIA to establish a new voluntary program allowing certain selected state-inspected meat establishments to sell their products in interstate commerce.

Title 9, Animal and Animal Products, of the Code of Federal Regulations (“CFR”) interprets and implements the federal FMIA and PPIA. Wis. Stat. § 97.42 (4m) and Wis. Admin. Code ATCP 55.06 (2), (3), (4), and (5)(d), and 55.07 (1), (2), and (3), currently adopt certain relevant sections of Title 9, relating specifically to inspection of meat and meat food products, meat and poultry and food products, the cooperative interstate shipment program, and poultry and poultry products

inspection. Effective April 1, 2018, Wis. Stat. § 97.42(4m) will no longer cite the specific federal regulations. Instead, all specific federal regulations will be incorporated by reference in Wis. Admin. Code ch. ATCP 55.

Plain Language Analysis

Wisconsin operates the nation's largest state meat and poultry inspection program, with approximately 260 meat establishments. Twenty-seven states currently operate state meat and poultry inspection programs. All state-inspected Wisconsin meat and poultry establishments are very small (as defined by USDA) and fill an important niche in the State's economy. According to USDA, state meat and poultry inspection programs provide unique services to these very small establishments by "providing more personalized guidance to establishments in developing their food safety oriented operations." USDA provides half of the funding for state meat and poultry inspection programs.

State meat and poultry inspection programs operate under a cooperative agreement with USDA FSIS. Under this agreement, states must provide inspection services "at least equal to" federal meat and poultry inspection. Each state program conducts a self-assessment annually and USDA FSIS conducts an on-site audit every three years to determine whether the program meets federal "at least equal to" requirements. Wisconsin's program currently meets these "at least equal to" standards and has met them since the program's inception.

Revised Fee Structure

Currently, a licensed meat establishment is required to pay a \$200 annual license fee or an annual license fee of \$80 if the owner is solely engaged in custom processing at that establishment. After consultation with industry, the Department is replacing the \$200 annual fee with a new fee structure based on the activities done at the licensed meat establishment. The 260 official establishments each now pay \$200. The maximum fee for any single licensed meat establishment will not exceed \$200 in a year. Fees will not increase for any licensed meat establishment and may decrease for most establishments under the new fee structure.

- A person who is solely engaged in custom processing will continue to pay an \$80 annual license fee.
- A licensed meat establishment will pay annual fees, not to exceed \$200, of:
 - \$100 for processing cooked meat or poultry products or processing shelf-stable uncooked meat or poultry products,
 - \$100 for the slaughter of livestock other than poultry or rabbits,
 - \$50 for processing not shelf stable uncooked meat or poultry products,
 - \$50 for the slaughter of poultry unless exempt from the license fee, and/or
 - \$25 for the slaughter of more than 3,000 rabbits annually. All rabbit slaughter establishments must be licensed, but there shall be no charge for the slaughter of 3,000 or fewer rabbits annually.

Under the proposed rule, 76 establishments would still pay \$200, 88 establishments would pay \$150, 5 establishments would pay \$100, and 91 establishments would pay \$50. Based on the

establishments listed in the 2016-2017 Meat Establishment Directory (subtracting two establishments which are no longer in business), licensing fees charged to official establishments, industry-wide, would decrease by \$18,550.

Definition of Livestock

2015 Wisconsin Act 243 broadened the range of animals for which slaughter inspection is provided without fee by the department. Alpacas, bison, llamas, and rabbits are now considered “livestock” and the slaughter inspection fees are eliminated for alpaca, bison, and llama producers who previously had to pay for voluntary inspection of slaughter.

The Department recently learned that rabbit slaughter, done in uninspected facilities (often on-farm) rather than under voluntary for-fee inspection, has been fairly common practice in Wisconsin. This practice had uncertain legality before the passage of 2015 Wisconsin Act 243, and is now clearly prohibited by a statutory requirement that rabbits be slaughtered in a licensed establishment.

This rule legalizes the slaughter of rabbits for entry into commerce by creating a no-cost license category for the slaughter of 3,000 or fewer rabbits annually and instituting baseline sanitation and recordkeeping requirements to adequately safeguard public health while allowing low-volume rabbit producers to develop their businesses. The rule exempts low-volume rabbit slaughter from slaughter inspection requirements, provided the rabbits are slaughtered at the same premises where raised, and recordkeeping and licensing requirements are met.

Retail Food Exemptions

This rule revision ensures that exemptions from the requirement in rule to hold a meat establishment license are consistent with those created by 2015 Wisconsin Act 243. The exemptions affect a greater number of retail food establishments than were previously considered exempt, making the statutory and rule language consistent with USDA regulations.

Many licensed meat establishments operate a retail food establishment on the same premises. These licensed meat establishments may manufacture some meat products solely for the retail food establishment part of their business. The packages containing these products are not required to bear the inspection legend that is required for meat products being sold wholesale. However, the existing rule has long been interpreted as requiring that the formula and label of each of these products must be pre-approved by the Department before retail sale. Some business operators have questioned the fairness of this interpretation, as there are no such requirements for other, non-meat, potentially hazardous foods made for retail sale (i.e., fish sausage). In addition, retail food establishments not linked to a meat establishment commonly make and sell meat items without formula (recipe) or label approval, e.g. rotisserie chicken. This rule clarifies the retail meat and poultry products formula and labeling packaging exemptions.

Other Revisions

The rule makes other revisions to update terminology and add definitions to improve clarity. Some revisions are made to align the rule terminology with recent changes in state and federal law. Among these revisions are the following:

- The rule aligns the list of exemptions related to custom processing with statutes. The definition of custom processing is clarified to include both slaughter and processing of meat or poultry products. Currently, meat or poultry may be used for the owner's own consumption, consumption by members of the owner's immediate household, and nonpaying guests. The rule was revised to reflect statutory language that allows consumption by the owner, members of the owner's household, and the owner's nonpaying guests and employees.
- The rule adds the Martin Luther King, Jr. Day holiday to the list of holidays for the purposes of scheduling inspection.
- The rule incorporates 9 CFR 412, which relates to labeling requirements.
- The rule replaces the term "meat and meat food products" with "meat and poultry products" throughout to reflect modification of this definition.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

The FMIA and the PPIA gave USDA FSIS the responsibility for ensuring the safety and wholesomeness of meat and poultry distributed in commerce for use as human food. FSIS conducts ante mortem and post mortem slaughter inspection and inspection of meat and poultry food products and inspection of basic sanitation practices. FSIS also ensures that meat and poultry businesses follow labeling and humane handling procedures during slaughter, as required by federal law. The agency also reviews Hazard Analysis and Critical Control Point ("HACCP") systems. HACCP is a system employed by each establishment to ensure the safety of meat and poultry products.

Wisconsin's state meat and poultry inspection program operates under a cooperative agreement with FSIS. The Wholesome Meat Act of 1967 and the Wholesome Poultry Products Act of 1968 created state meat inspection programs under the authority of FSIS. FSIS ensures that state programs meet inspection standards that are "at least equal to" federal meat inspection standards. FSIS provides 50 percent of Wisconsin's program funding.

Until 2008, only meat and poultry establishments inspected by FSIS were allowed to sell products in interstate commerce. The 2008 Farm Bill authorized FSIS to create the Cooperative Interstate Shipment ("CIS") Program, allowing selected state-inspected meat and poultry establishments to sell their products in interstate commerce. FSIS published final rules for the voluntary program in May 2011 and Wisconsin participates in the program. FSIS provides states with 60 percent of the cost for inspecting those establishments that participate in the program.

Comparison with Rules in Adjacent States

Michigan currently does not operate a state meat and poultry inspection program and is not eligible to participate in the CIS program. Minnesota, Iowa, and Illinois operate state meat inspection programs similar to Wisconsin's program.

Illinois' state meat inspection program includes USDA's Federal-State Cooperative program (formerly known as the "Talmadge-Aiken" program). Under this program, state inspectors conduct federal inspections, and the inspected establishments are thereby allowed to sell their products in interstate commerce.

Summary of Factual Data and Analytical Methodologies

Input and analysis was provided by Department experts, but no other data collection was conducted. The Department reviewed statutory provisions and federal regulations and has gathered information over the last several years from stakeholders. This information was used in developing this rule. The Department solicited information from industry about the potential economic impact of the rule, but no comments were submitted.

Analysis and Supporting Documents used to Determine Effect on Small Business

The Department held a series of industry meetings in the recent past and collected information on the services provided by the Department. Many comments came from small, licensed establishments and the Department used those comments in developing this rule.

Effect on Small Business

The Department believes the changes being presented will have a beneficial impact on the license holder because of a potential reduction in fees based on product and process risk. The Department included provisions in order to make the rule more flexible and equitable for small rabbit processing establishments. In addition, several elements of the rule regarding retailing of meat and meat products may reduce the regulatory burden on some of the meat establishments that have these retail operations. As the Department concurrently revises ATCP 70 (Food Processing Plants) and ATCP 75 (Retail Food Establishments) to coordinate food business licensing requirements, some establishments may be required to obtain a retail food establishment license instead of, or in addition to, a meat establishment license. Retail food establishment license fees vary according to the scope and nature of processing done at the establishment. Finally, the rule is revised to ensure consistent inspection service to custom meat establishments.

The Department solicited information about the potential economic impact of the rule from June 23 to July 22, 2017, and did not receive any comments.

DATCP Contact

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Where and When Comments May Be Submitted

Questions and comments related to this rule may be directed to:

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Comments will be accepted up to two weeks after the last public hearing is held on this rule. Hearing dates will be scheduled after this hearing draft rule is approved by the Board of Agriculture, Trade and Consumer Protection.

1 **SECTION 1.** ATCP 55 (Title) is amended to read:
2 **ATCP 55** (Title) ~~MEAT AND MEAT-FOOD~~ POULTRY PRODUCTS
3 **SECTION 2.** ATCP 55.01 (1), (2) (a) and (c) are amended to read:
4 **ATCP 55.01 (1) GENERAL.** Except as provided in sub. (2), this chapter applies to persons
5 who slaughter livestock, poultry, captive game animals, captive game birds, or other food
6 animals for human consumption, who submit livestock, poultry, captive game animals, captive
7 game birds, or other food animals for slaughter for human consumption, or who process, store,
8 transport, sell, or distribute meat or ~~meat-food~~ poultry products or edible food made from captive
9 game animals, captive game birds, or other food animals for human consumption. This chapter
10 applies to slaughter and other processing establishments, mobile ~~custom slaughterers and~~
11 processors, food warehouses and locker plants, meat distributors and transporters, meat brokers,

1 food retailers, and central restaurant commissaries that engage in activities covered by this
2 chapter.

3 (2) (a) A restaurant, vending machine commissary, or catering establishment licensed and
4 inspected by the department ~~of health services or its agent~~, provided that all the following apply:

5 1. The establishment processes no meat or poultry products other than ~~state or federally~~
6 ~~inspected~~ meat or poultry products previously subjected to state or federal inspection.

7 2. The establishment sells meat or poultry products only as part of a meal.

8 3. ~~Meat processing~~ Any processing of meat or poultry products is confined to the premises
9 where the meat or poultry product is served as part of a meal or, in the case of a vending machine
10 commissary or catering establishment, to the premises where ready-to-eat meals are prepared for
11 catered service or vending machine service to individual consumers.

12 (c) An individual slaughtering or transporting his or her own animals, or processing or
13 transporting his or her own meat, for ~~his or her own~~ the owner's consumption or consumption by
14 members of the owner's household and the owner's nonpaying guests and employees. ~~An~~
15 ~~individual's own consumption may include consumption by the individual's immediate family,~~
16 ~~immediate household, and nonpaying guests and employees.~~

17 **SECTION 3.** ATCP 55.01 (2) (d) is created to read:

18 **ATCP 55.01 (2)** (d) An individual processing poultry products who is exempted under
19 21 USC 464 (c)(1)(A) to (D) and 21 USC 464 (c)(4), which exempts certain personal and custom
20 poultry slaughter and processing from federal regulations.

21 **SECTION 4.** ATCP 55.02 (1) is amended to read:

22 **ATCP 55.02 (1)** "Adulterated" has the meaning given in ~~9 CFR 301.2 (2)(i)~~ 9 CFR 301.2.

23 **SECTION 5.** ATCP 55.02 (1g) is created to read:

1 **ATCP 55.02 (1g)** “Amenable to inspection” means subject to mandatory inspection under 21
2 USC 451 to 695 or this chapter.

3 **SECTION 6.** ATCP 55.02 (1m), (2), and (3) are amended to read:

4 **ATCP 55.02 (1m)** “Ante mortem inspection” means a pre-slaughter inspection of ~~a live food~~
5 ~~animal~~ animals and birds.

6 **(2)** “Captive game animals” means ~~bison~~, white-tailed deer and other animals of a normally
7 wild type that are produced in captivity for slaughter and consumption. “Captive game animals”
8 does not include farm-raised deer, ratites, captive game birds, fish, or animals kept solely for
9 hunting purposes at a hunting preserve.

10 **(3)** “Captive game ~~birds~~ bird” means ~~birds~~ a bird of a normally wild type, ~~such as pheasants~~
11 including pheasant, quail, wild ~~turkeys~~ turkey, or migratory wildfowl, ~~and exotic birds~~, that ~~are~~ is
12 produced in captivity for slaughter and consumption. “Captive game birds” ~~does~~ do not include
13 poultry, ratites, or birds kept solely for hunting purposes in a hunting preserve.

14 **SECTION 7.** ATCP 55.02 (4g) is created to read:

15 **ATCP 55.02 (4g)** “Community supported agriculture business” means a farm with which
16 individuals contract to regularly receive two or more different agricultural products, which may
17 include uncooked poultry products, originating from the farm.

18 **SECTION 8.** ATCP 55.02 (5) and (5) (Note) are amended to read:

19 **ATCP 55.02 (5)** “Custom processing” means slaughtering a food animal or processing meat
20 products as a custom service for an individual who owns ~~that~~ the animal or those meat products,
21 and who uses all the resulting meat ~~or meat food~~ products for his or her own consumption. An
22 individual’s own consumption may include consumption by the ~~individual’s immediate family~~

1 owner, immediate household members of the owner's household, and the owner's nonpaying
2 guests and employees. "Custom processing" includes mobile custom processing.

3 **Note:** A provider of custom slaughtering services does not "sell" the slaughtered food animal or the
4 resulting meat, but merely provides a service to the meat owner. An owner's nonpaying guests may
5 include nonpaying immediate family members.

6
7 **SECTION 9.** ATCP 55.02 (6) is repealed and recreated to read:

8 **ATCP 55.02 (6)** "Denature" means to intentionally make an item unfit for human
9 consumption by adding a substance to it to alter the item's appearance or other natural
10 characteristics.

11 **SECTION 10.** ATCP 55.02 (6) (Note) is repealed.

12 **SECTION 11.** ATCP 55.02 (14) and (16) to (19) are amended to read:

13 **ATCP 55.02 (14)** "Livestock" means domesticated food animals other than poultry.

14 Livestock includes bison, alpacas, llamas, and rabbits.

15 **(16)** "Meat broker" means a person who, without taking title to meat or ~~meat food~~ poultry
16 products, purchases, sells, or arranges the purchase or sale of meat or ~~meat food~~ poultry
17 products.

18 **(17)** "Meat distributor" means a person who distributes meat or ~~meat food~~ poultry products
19 at wholesale.

20 **(18)** "Meat establishment" means a permanent or mobile plant or fixed-premises used to
21 slaughter food animals for human consumption, or to process where meat or meat food poultry
22 products for human consumption are processed for entering commerce or where meat or poultry
23 processing services are provided.

1 (19) "~~Meat food or poultry~~ product" means any ~~edible product derived in whole or in~~
2 ~~substantial and definite part from meat~~ parts, including the viscera, of slaughtered livestock or
3 poultry that are capable of use for human food.

4 **SECTION 12.** ATCP 55.02 (19m) is created to read:

5 **ATCP 55.02 (19m)** "Misbranded" has the meaning given in 9 CFR 301.2.

6 **SECTION 13.** ATCP 55.02 (20) is amended to read:

7 **ATCP 55.02 (20)** "Mobile custom processing" means conducting slaughter or otherwise
8 custom processing meat or poultry products for another person at that person's premises.

9 **SECTION 14.** ATCP 55.02 (21) is repealed.

10 **SECTION 15.** ATCP 55.02 (23) to (25) are amended to read:

11 **ATCP 55.02 (23)** "Post mortem inspection" means the ~~post-slaughter~~ inspection of a
12 slaughtered food animal's carcass and parts thereof.

13 **(24)** "Poultry" means domesticated ~~fowl commonly used for human food,~~ birds including
14 domesticated chickens, turkeys, geese, ducks, ~~guinea fowl,~~ and guineas squab. "Poultry" does
15 not include captive game birds or ratites.

16 **(25)** "Process" means to slaughter a food animal, cut, grind, manufacture, compound,
17 intermix, or otherwise prepare meat or ~~meat food~~ poultry products.

18 **SECTION 16.** ATCP 55.02 (26m) is created to read:

19 **(26m)** "Retail" means selling meat or poultry products directly to any consumer only for
20 consumption by the consumer or the consumer's immediate family or non-paying guests.

21 **SECTION 17.** ATCP 55.02 (29) is repealed and recreated to read:

22 **ATCP 55.02 (29)** "Specified risk materials" means tonsils and the distal ileum of the small
23 intestine from cattle of any age. For cattle 30 months of age or older, specified risk materials also

1 means the skull, brain, trigeminal ganglia (nerves attached to the brain), eyes, spinal cord,
2 vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and
3 lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (nerves attached to the
4 spinal cord).

5 **SECTION 18.** ATCP 55.02 (31) is repealed and recreated to read:

6 **ATCP 55.02 (31)** “Wholesale” means the sale of any meat or poultry product to a person or
7 commercial entity who will either re-sell it or use it as an ingredient in a product that will be then
8 offered for sale. Wholesale includes meat or poultry products transported from the point of
9 production to another location for sale, even if the other location is located adjacent to the point
10 of production, if the processor relinquishes control of the product.

11 **SECTION 19.** ATCP 55.03 (1), (2) (b), (c), (d) (intro.), (d) 1. to 3., (e) (intro.) and (e) 1. to 3.
12 are amended to read:

13 **ATCP 55.03 (1) ANNUAL LICENSE REQUIRED.** Except as provided in sub. (2), no person may
14 operate a meat establishment without a current annual license from the department. A license
15 expires on June 30 of each year. A person who operates more than one meat establishment shall
16 hold a current annual license for each meat establishment. ~~Each slaughter~~ The license, for each
17 licensed meat establishment license conducting slaughter, shall bear a livestock premises code
18 issued under s. ATCP 17.02 (7). A license may not be transferred between persons or meat
19 establishments.

20 **ATCP 55.03 (2) (b)** Mobile custom ~~slaughter or mobile custom~~ processing operations.

21 (c) The custom ~~slaughter or custom~~ processing of captive game animals or captive game
22 birds.

1 (d) A person slaughtering and otherwise processing poultry produced on that person's ~~farm~~
2 premises, provided that all the following apply:

3 1. The person slaughters and otherwise processes no more than 1,000 poultry ~~per year~~
4 annually.

5 2. The person slaughters, otherwise processes, and sells the poultry at the ~~farm~~ premises
6 where they are produced.

7 3. The person clearly and conspicuously labels each package or container of poultry meat
8 with the ~~person's-processor's~~ name and address and the words "NOT INSPECTED."

9 (e) A retail food establishment licensed under s. 97.30 (2), Stats., that processes meat or
10 ~~meat-food~~ poultry products primarily for sale to individual consumers at the retail food
11 establishment, provided that all the following apply:

12 1. The retail food establishment is not engaged in slaughter operations that are amenable to
13 inspection.

14 2. The retail food establishment sells the processed meat ~~and meat-food~~ or poultry products
15 only to individual consumers at the retail food establishment, or to hotels, restaurants, or
16 institutions for use in meals served at those hotels, restaurants, or institutions.

17 3. The retail food establishment's gross annual value of sales of its ~~processed~~ meat and ~~meat~~
18 ~~food~~ poultry products to hotels, restaurants, or institutions ~~do~~ does not exceed \$28,800 annually,
19 the adjusted dollar limits published by the United States department of agriculture in 9 CFR
20 303.1 (d) (2) (iii) (b) and 9 CFR 381.10 (d)(2)(iii)(b) or 25% by dollar volume of all meat sales
21 from the retail establishment, whichever is less. No person exempt from licensure under this
22 paragraph may sell any cured, smoked, canned, or cooked meat or poultry products produced by
23 the person to hotels, restaurants, or institutions.

1 **SECTION 20.** ATCP 55.03 (2) (e) 3. (Note) is repealed.

2 **SECTION 21.** ATCP 55.03 (2) (e) 4., 5. and 6., and (4) (intro.) are amended to read:

3 **ATCP 55.03 (2) (e) 4.** The retail food establishment receives meat only from meat
4 establishments licensed under this section or inspected by the United States department of
5 agriculture under 21 USC 451 to 695.

6 5. The operator of the retail food establishment does not sell, to any person other than an
7 individual consumer, any meat or meat food product that is cured, smoked, ~~seasoned~~, canned, or
8 cooked at the retail establishment.

9 6. The operator of the retail food establishment does not sell, to any person other than an
10 individual consumer, any meat food product made by combining meat from different animal
11 species at the retail establishment.

12 **(4) LICENSE FEES.** A person shall pay a ~~\$200~~ an annual license fee for each licensed meat
13 establishment, ~~except that the person shall pay an annual license fee of \$80 if the person is solely~~
14 ~~engaged in custom slaughtering or custom processing operations at that meat establishment.~~ as
15 follows:

16 **SECTION 22.** ATCP 55.03 (4) (a) and (b) are created to read:

17 **ATCP 55.03 (4) (a)** A person shall pay an annual license fee of \$80 if the person is solely
18 engaged in custom processing operations.

19 (b) A person shall pay an annual license fee for each of the following activities up to a
20 maximum of \$200:

21 1. \$100 for processing cooked meat or poultry products or processing shelf-stable uncooked
22 meat or poultry products.

23 2. \$100 for the slaughter of livestock other than poultry or rabbits.

- 1 3. \$50 for processing not shelf stable uncooked meat or poultry products.
- 2 4. \$50 for the slaughter of poultry unless exempt under ATCP 55.03 (2)(d).
- 3 5. \$25 for the slaughter of more than 3,000 rabbits annually. A rabbit slaughter
- 4 establishment shall be licensed except there shall be no license fee for the slaughter of 3,000 or
- 5 fewer rabbits annually.

6 **SECTION 23.** ATCP 55.03 (11) (a), (b) 2. and 4. to 7., (12) (title), (a), (b) 1. to 3., (c) (intro.)

7 and (Note), and (d) are amended to read:

8

9 **ATCP 55.03 (11)** (a) Except as provided in par. (b), no person may slaughter or otherwise

10 process any animals other than food animals at a meat establishment.

11 (b) 2. The operator accepts only clean and apparently ~~wholesome~~ unadulterated wild game

12 carcasses for custom processing.

13 4. The operator custom processes wild game only at times when the operator is not engaged

14 in slaughtering or processing food animals. The operator shall thoroughly clean and sanitize

15 equipment and utensils used to process wild game before using the same equipment or utensils to

16 slaughter food animals or otherwise process food animals or the meat of food animals.

17 5. The operator keeps wild game and wild game products separate from all other meat ~~and~~

18 ~~meat food~~ poultry products in the meat establishment.

19 6. The operator clearly labels wild game products, so they cannot be confused with other

20 meat or ~~meat food~~ poultry products. Wild game products shall be clearly identified by species.

21 7. The operator handles, processes, and stores wild game and wild game products in a

22 manner that prevents contamination of other meat ~~and meat food~~ poultry products.

23 **(12) SLAUGHTER AND OTHER PROCESSING SCHEDULE.** (a) A person applying for a meat

24 establishment license shall include, with the license application, a proposed schedule for

25 slaughter and other processing ~~schedule~~. A meat establishment operator need not include a

1 schedule with a license renewal application if there has been no change in the schedule last
2 established for the meat establishment under this subsection.

3 (b) A schedule under par. (a) shall specify the days of each week, and the hours of each day,
4 during which the applicant proposes to engage in each of the following activities at the meat
5 establishment:

- 6 1. Slaughter food animals to produce meat or ~~meat-food~~ poultry products for sale.
- 7 2. Process, by means other than slaughtering, meat or ~~meat-food~~ poultry products for sale.
- 8 3. Custom slaughter food animals, or otherwise custom process meat or ~~meat-food~~ poultry
9 products.

10 (c) The department may require a change in a schedule for slaughtering and other processing
11 ~~schedule~~ under this subsection if any of the following apply:

12 **Note:** A meat establishment operator may not engage in custom slaughter or other custom processing
13 operations while the operator is simultaneously otherwise slaughtering food animals for sale, or
14 simultaneously processing the meat of food animals for sale. There are exceptions for *inspected* custom
15 operations, and for simultaneous operations that are physically separated to prevent cross-contamination
16 and commingling. The department may disapprove a simultaneous schedule if these exceptions do not
17 apply. See s. ATCP 55.08 (3).

18
19 (d) A meat establishment operator may not deviate from a schedule established under this
20 subsection, without prior written department approval.

21 **SECTION 24.** ATCP 55.04 (Title), (1) (a), (1) (a) (Note) and (1) (c) 1. to 3. are amended to
22 read:

23 **ATCP 55.04 (Title) Slaughter and other processing inspection; general.**

24 (1) (a) Except as provided in par. (b) ~~or (e)~~ to (d), no person may sell any meat from any food
25 animal for human consumption unless the department or the United States department of
26 agriculture has conducted a slaughter inspection of that food animal. The slaughter inspection

1 shall include an ante mortem inspection of the live food animal, and a post mortem inspection of
2 the food animal carcass.

3 **Note:** Slaughter inspection is not required for custom slaughtered animals, because there is no sale of
4 meat. ~~Federal~~ Except as allowed under the cooperative interstate shipment program, federal law prohibits
5 the interstate sale of meat from animals slaughtered under state (rather than federal) inspection. But this
6 federal prohibition does not apply to meat from farm-raised deer, captive game animals, ~~or~~ captive game
7 birds, bison, alpacas, llamas, or rabbits.

8

9 (c) Paragraph (a) does not apply to a person selling meat from not more than 1,000 poultry
10 ~~per year~~ annually, provided that all the following apply:

11 1. The person produces all ~~of these~~ poultry on his or her ~~farm~~ premises.

12 2. The person slaughters, otherwise processes, and sells the poultry at the ~~farm~~ premises
13 where they are produced or directly to consumers contracting with the person's community
14 supported agriculture business, or has them slaughtered and otherwise processed at a licensed
15 meat establishment.

16 3. The person clearly and conspicuously labels each package or container of poultry meat
17 with the ~~person's~~ processor's name and address and the words "NOT INSPECTED."

18 **SECTION 25.** ATCP 55.04 (1) (d) is created to read:

19 **ATCP 55.04 (1)** (d) Par. (a) does not apply to a person selling meat from rabbits, provided
20 that all the following apply:

21 1. The person only slaughters and otherwise processes rabbits produced on that person's
22 premises.

23 2. The person slaughters and otherwise processes not more than 3,000 rabbits annually.

24 3. The person keeps a record of the number of rabbits slaughtered, retains that record for at
25 least 3 years, and makes the record available for inspection and copying by the department upon
26 request.

1 4. The person slaughtering and otherwise processing rabbits complies with the requirements
2 of s. ATCP 55.07 (4).

3 5. The person holds an establishment license under s. 55.03.

4 **SECTION 26.** ATCP 55.04 (1m), (2), (3) (a) 2., (4) (title) and (b), (5) (title), (6), and (8) are
5 amended to read:

6 **ATCP 55.04 (1m)** Processing inspection required. (a) No person operating a licensed meat
7 establishment may sell any meat ~~food~~ or poultry product unless that meat ~~food~~ or poultry product
8 is labeled as provided in s. ATCP 55.10 (3).

9 (b) Paragraph (a) does not apply to meat ~~food~~ or poultry products processed at a retail food
10 establishment licensed under s. 97.30, Stats., and sold only to individual consumers at that
11 establishment.

12 **(2) SLAUGHTER AND OTHER PROCESSING INSPECTION PROVIDED TO LICENSED MEAT**
13 **ESTABLISHMENTS.**

14 (a) The department shall provide required ante mortem and post mortem slaughter inspection
15 services and processing inspection services to operators of meat establishments licensed under s.
16 ATCP 55.03. The department shall specify the minimum frequency at which custom slaughter
17 and other custom processing activities in a licensed meat establishment are to be inspected. This
18 inspection frequency shall be at least once every three months during which custom processing
19 activities or transactions occur. The department may not provide slaughter or other processing
20 inspection services to other persons.

21 (b) A meat establishment operator requesting slaughter or other processing inspection
22 services shall submit the request to the department in writing, and shall specify a proposed
23 schedule of slaughter or other processing schedule—according to s. ATCP 55.03 (12) (b). The

1 department may require a different schedule, as provided in s. ATCP 55.03 (12) (c). The meat
2 establishment operator may not deviate from the specified schedule without prior department
3 approval, as provided in s. ATCP 55.03 (12) (d).

4 (3) (a) 2. Apparently healthy ~~domesticated food animals~~ livestock, if special circumstances
5 prevent the transportation of those animals to a licensed meat establishment for ante mortem
6 inspection.

7 (4) ~~SLAUGHTER-INSPECTION CHARGES; WHEN REQUIRED.~~

8 (b) The department performs the inspection on any of the following days, or at any of the
9 following times:

10 1. Days or times not included in the normal schedule of slaughter or other processing
11 ~~schedule~~ under sub. (2).

12 2. Before 6:00 a.m. or after 6:00 p.m.

13 3. Any inspection time in excess of 40 hours in any calendar week.

14 4. Saturday or Sunday.

15 5. The holidays of New Year's Eve, New Year's Day, Martin Luther King, Jr. Day,
16 Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, or Christmas
17 Day. If any of these holidays falls on Sunday, the following Monday is considered the holiday.

18 6. Any day that is an official holiday for state employees.

19 (5) ~~SLAUGHTER-INSPECTION CHARGES; AMOUNT.~~

20 (6) ~~SLAUGHTER AND OTHER PROCESSING INSPECTION PROCEDURES.~~ Slaughter and other
21 processing inspection procedures shall comply with this chapter, including ss. ATCP 55.05 to
22 55.07 and applicable federal requirements as specified in 9 CFR ~~305, 309, 310, 316, 318, 321,~~

1 ~~329, 332, 416, 417, and 500, and 9 CFR 381, Subparts E, J, K, M, O, R, U, Y, and Z Chapter III,~~
2 Subchapters A and E.

3 (8) ~~WITHDRAWING SLAUGHTER INSPECTION.~~ The department may, upon written notice,
4 withdraw inspection of slaughter or other processing inspection for cause, including violations of
5 this chapter. No person may conduct slaughter operations for which department inspection is
6 required under this chapter while those services are withdrawn.

7 **SECTION 27.** ATCP 55.04 (9) is created to read:

8 **ATCP 55.04 (9) INSPECTION EFFICIENCY.** All animal slaughter or other processing shall be
9 conducted with sufficient staffing to attain a reasonable rate of operation, considering the meat
10 establishment's size and scope of operations. Ante mortem and post mortem inspection shall be
11 conducted continuously throughout slaughter with one lunch period of between 30 and 45
12 minutes beginning between four and five hours after slaughter operations begin.

13 **SECTION 28.** ATCP 55.06 (2), (4) and (5) (a), (e), (f) and (g) are amended to read:

14 **ATCP 55.06 (2) DOMESTICATED FOOD ANIMALS.** Post mortem inspections of domesticated
15 food animals, other than poultry, shall comply with 9 CFR 310. Post mortem inspection
16 procedures for farm-raised deer shall be the same as for sheep.

17 **ATCP 55.06 (4) CAPTIVE GAME ANIMALS, RABBITS, ALPACAS, AND LLAMAS.** The department
18 may specify post mortem inspection procedures for captive game animals, rabbits, alpacas, and
19 llamas. Post mortem inspections of captive game animals, rabbits, alpacas, and llamas shall
20 comply with 9 CFR 310, as applicable. Post mortem inspection procedures for bison shall be the
21 same as for cattle.

22 (5) (a) ~~The~~ Except as produced under par. (k), the department shall apply official inspection
23 marks to each carcass that the department finds, after post mortem inspection, to be ~~wholesome~~

1 unadulterated and fit for human food. The department shall mark each primal part of the carcass,
2 each detached organ and each detached part that the department finds to be ~~wholesome~~
3 unadulterated and fit for use as human food.

4 (e) If the department finds upon post mortem inspection that any part of a carcass is
5 ~~unwholesome~~ adulterated or unfit for human food, the department shall mark that part "WIS.
6 INSPECTED AND CONDEMNED." If space is limited, the phrase may be abbreviated "WIS.
7 INSP'D AND CONDEMNED."

8 (f) If the department finds that further inspection is needed to determine whether any part of
9 a carcass is ~~wholesome~~ unadulterated and fit for human food, the department may tag that part
10 "WIS. RETAINED." The tagged part is deemed to be covered by a department holding order
11 under s. ATCP 55.14 (2). The department may specify retention conditions, including
12 refrigeration requirements. No person may discard, process or sell any of the affected meat for
13 human consumption unless the department completes its inspection and passes the meat.

14 (g) The department may stamp carcass parts with the appropriate marks under pars. (a) to
15 (e). If an organ or other carcass part is not ~~susceptible to~~ suitable for stamping, the department
16 may apply the mark by other means such as tagging.

17 **SECTION 29.** ATCP 55.06 (5) (k) is created to read:

18 **ATCP 55.06 (5) (k)** The official inspection mark shall be applied to the label of packages
19 containing rabbit carcasses or rabbit meat processed under required or voluntary inspection.

20 **SECTION 30.** ATCP 55.07 (Title), (1), (2) (Title) and (a) to (e), (3) (Title), (a), and (b), (4),
21 (5), (6) (intro.), (d) and (Note), (9) (b), (e) 2., (Note), (10) (b), (d) and (e) are amended to read:

22 **ATCP 55.07 Slaughter and other processing standards; general. (1) SLAUGHTER AND**
23 **OTHER PROCESSING STANDARDS; ~~DOMESTICATED FOOD ANIMALS~~ LIVESTOCK.** (a) A meat
24 establishment operator who does any of the following shall comply with applicable federal
25

1 standards under 9 CFR 307, 309, 310, 311, 313 to 315, 317, 318, 319, ~~to 320, 325, 412, 416 to,~~
2 417, 418, 424, 430, 441, 442, and 500 Chapter III, Subchapters A and E:

3 1. Slaughters ~~domesticated food animals~~ livestock, other than poultry, for human
4 consumption.

5 2. Processes the meat of ~~domesticated food animals~~ livestock, other than poultry, for human
6 consumption.

7 (b) Paragraph (a) does not apply to mobile custom ~~slaughter or mobile custom~~ processing.

8 **(2) SLAUGHTER AND OTHER PROCESSING STANDARDS; POULTRY AND CAPTIVE GAME BIRDS.**

9 (a) A meat establishment operator who does any of the following shall comply with applicable
10 requirements under 9 CFR 416, 417, 418, 424, 430, 441, 442, and 500, and 9 CFR 381, ~~Subparts~~
11 ~~G, I, J, K, L, N, O, P, Q, R, S, X, Y, and Z~~ Chapter III, Subchapters A and E.

12 1. Slaughters poultry or captive game birds for human consumption.

13 2. ~~Processes~~ Otherwise processes the meat of poultry or captive game birds for human
14 consumption.

15 (b) Paragraph (a) does not apply to mobile custom ~~slaughter or mobile custom~~ processing.

16 (c) Paragraph (a) does not apply to a person slaughtering and otherwise processing not more
17 than 1,000 poultry ~~per year~~ annually, provided that all the following apply:

18 1. The person produces all of those poultry on his or her ~~farm~~ premises.

19 2. The person slaughters, otherwise processes, and sells the poultry at the ~~farm~~ premises
20 where they are produced or directly to consumers contracting with the person's community
21 supported agriculture business.

22 3. The person clearly and conspicuously marks each package or container of poultry meat
23 with the person's name and address, and the words "NOT INSPECTED."

1 **Note:** See ss. 97.42 (4m) and 97.42 (11), Stats.

2 **(3) SLAUGHTER AND OTHER PROCESSING STANDARDS: RATITES.** (a) A meat establishment
3 operator who does any of the following shall comply with applicable requirements under 9 CFR
4 416, 417, 418, 424, 430, 441, 442, and 500, and ~~9 CFR 381, Subparts G, I, J, K, L, N, O, P, Q,~~
5 ~~R, S, X, Y, and Z~~ Chapter III, Subchapters A and E:

6 1. Slaughters ratites for human consumption.

7 2. ~~Processes~~ Otherwise processes the meat of ratites for human consumption.

8 (b) Paragraph (a) does not apply to mobile custom ~~slaughter or mobile custom~~ processing.

9 **(4) SLAUGHTER AND OTHER PROCESSING STANDARDS; RABBITS AND CAPTIVE GAME ANIMALS.**

10 (a) A person slaughtering rabbit or a captive game animal for human consumption shall do so in
11 a humane and sanitary manner. If the department provides ante mortem and post mortem
12 slaughter inspection, the person shall comply with procedures specified by the department. The
13 procedures shall be consistent with applicable procedures specified by the United States
14 department of agriculture.

15 **(5) CUSTOM ~~SLAUGHTER AND~~ PROCESSING; STANDARDS.** Custom ~~slaughter and custom~~
16 processing operations shall comply with applicable requirements under this section and ss.
17 ATCP 55.08 and 55.09.

18 **(6) ANIMALS THAT ARE DISEASED, INJURED, OR WILL YIELD AN ADULTERATED CARCASS;**
19 **GENERAL.** No person may slaughter a food animal for human consumption, or submit a food
20 animal for slaughter for human consumption, if the person knows or has reason to know that the
21 animal is diseased, injured, or will yield ~~an adulterated~~ a carcass that is adulterated as defined in 9
22 CFR 301.2 (2) (i). This subsection does not prohibit any of the following:

1 (d) The slaughter of an animal presented by a producer listed in the U.S. department of
2 ~~Agriculture~~ agriculture Residue Repeat Violator List for Use by Livestock Markets and
3 Establishments if the producer, in collaboration with a licensed veterinarian, provides to the
4 department written evidence of enrollment and completion of a course on proper administration
5 of animal medications, approved by the department. Certification of course enrollment and
6 completion shall be provided on a form prescribed by the department. Enrollment in the course
7 shall occur not more than 30 days after the producer is listed on the U.S. department of
8 ~~agriculture~~ Residue Repeat Violator List for Use by Livestock Markets and Establishments, and
9 completion of the course shall occur not more than 180 days after enrollment.

10 **Note:** The U.S. department of ~~Agriculture~~ agriculture Residue Repeat Violator List for Use by
11 Livestock Markets and Establishments may be accessed at the following website:
12 <http://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/chemistry/residue-chemistry>
13 and selecting the link to the USDA Residue Repeat Violator List for Use by Livestock Markets and
14 Establishments.

15
16 (9) (b) A meat establishment operator may not receive, into any processing or storage area,
17 any unclean or apparently ~~unwholesome~~ adulterated carcass or meat. The operator shall handle,
18 store, and prepare carcasses and meat to prevent contamination of other carcasses, meat and
19 food.

20 (e) 2. A licensed practicing veterinarian performed an ante mortem and post mortem
21 inspection on the slaughtered animal, and certified in writing that the carcass was ~~wholesome~~
22 unadulterated and free of disease.

23 **Note:** The department may retain or condemn ~~unwholesome~~, adulterated or misbranded meat or meat
24 food products, including those produced by custom slaughter or processing (see s. ATCP 55.14). If the
25 department inspects a custom slaughter, the department will follow applicable inspection procedures under
26 this chapter.

27
28 (10) (b) No person may slaughter, for human consumption, any food animal that the
29 department has condemned as being ~~unwholesome~~ adulterated or unfit for human consumption.

1 The animal owner or meat establishment operator shall dispose of the condemned animal in a
2 manner directed by the department.

3 (d) No person may process for human consumption, or sell or distribute for human
4 consumption, any meat that the department has condemned as being ~~unwholesome or unfit for~~
5 ~~human consumption~~ adulterated. The meat establishment operator shall denature or de-
6 characterize the condemned meat so that the meat is no longer naturally edible by humans.
7 Containers used for condemned meat shall be conspicuously marked "INEDIBLE."

8 (e) If the department orders a meat establishment operator to trim any carcass to remove
9 ~~unfit or unwholesome~~ adulterated meat, the operator shall complete the trimming before placing
10 the carcass in a cooler.

11 **SECTION 31.** ATCP 55.08 (Title), (1) (intro.), (d), (d) (Note) and (e) are amended to read:

12 **ATCP 55.08 Custom ~~slaughter and~~ processing.** (1) GENERAL. A person providing a
13 custom ~~slaughter or custom~~ processing service shall do all the following:

14 (d) Mark or label all the resulting meat ~~and meat food~~ products "NOT FOR SALE," and all
15 the resulting poultry products "NOT INSPECTED" as provided in sub. (2). A person providing
16 a custom ~~slaughter or custom~~ processing service shall keep the service recipient's meat and ~~meat~~
17 ~~food~~ poultry products separate from all other food that the service provider holds for others or
18 offers for sale. The person may not sell any of the service recipient's meat or ~~meat food~~ poultry
19 products, or commingle them with any food that the person holds for others or sells.

20 **Note:** For example, a person providing custom ~~slaughter or custom~~ processing services may not
21 combine saved carcass parts, such as head meat, tongues, hearts, fat, or trimmings, with meat or ~~meat~~
22 ~~food~~ poultry products processed for other service recipients or purchasers.

23
24 (e) Return all of the resulting meat and ~~meat food~~ poultry products to the service recipient.

25 The service recipient may use them only for the service recipient's personal consumption, which

1 may include consumption by members of the service recipient's ~~immediate family, immediate~~
2 household, and the service recipient's nonpaying guests and employees.

3 **SECTION 32.** ATCP 55.08 (1) (e) (Note) is created to read:

4 **Note:** An owner's nonpaying guests may include nonpaying immediate family members.

5 **SECTION 33.** ATCP 55.08 (1) (f) to (h), (2) (a) and (Note), (2) (c) and (3) (a) (intro.) are
6 amended to read:

7 **ATCP 55.08 (1) (f)** Comply with s. ATCP 55.09 if the person engages in mobile custom
8 ~~slaughter or mobile custom~~ processing.

9 (g) Conduct custom ~~slaughter and~~ processing operations in a sanitary manner.

10 (h) Keep complete and accurate records of all custom ~~slaughter and~~ processing transactions.

11 The service provider shall keep the records for at least 3 years, and shall make the records
12 available to the department for inspection and copying upon request.

13 **(2)(a)** A person providing a custom ~~slaughter or custom~~ processing service shall mark or
14 label the resulting meat and ~~meat food~~ poultry products with all the following information:

15 1. The words "NOT FOR SALE" for meat products or "NOT INSPECTED" for poultry
16 products in block letters at least $\frac{3}{8}$ " high.

17 2. The name or commonly recognized trade name of the person providing the custom
18 ~~slaughter or custom~~ processing service. If the person performs the service at a meat
19 establishment licensed under s. ATCP 55.03, the person may use the meat establishment number
20 assigned under s. ATCP 55.03 (10) instead of the person's name. If the person provides the
21 service as a mobile custom ~~slaughter or mobile custom~~ processing service, the person may use
22 the registration number assigned under s. ATCP 55.09 (2) (g) instead of the person's name.

1 **Note:** The following examples illustrate possible label formats under par. (a):

2 **NOT FOR SALE** **NOT FOR SALE** **NOT INSPECTED**
3 **XYZ Market** **WIS 000** **ABC FARMS**

4
5 (c) A person providing a custom processing service shall apply the label under par. (a) to all
6 packages and containers of custom processed meat and ~~meat food~~ poultry products when ~~that~~
7 ~~meat or~~ those meat ~~food~~ or poultry products are packaged or placed in those containers. The
8 person shall individually label sausages that have a diameter of more than 1 1/2" if those sausages
9 are individually packaged, or if they are shipped or stored in unsealed containers.

10 (3)(a) Except as provided in par. (b), a meat establishment operator may not engage in
11 custom slaughter or ~~custom~~ other processing operations at a meat establishment while the
12 operator is simultaneously doing any of the following at that establishment:

13 **SECTION 34.** ATCP 55.09 (Title), (1), (2) (a), (3) (a) and (b), (4) to (6), and (8) (b) are
14 amended to read:

15 **ATCP 55.09 Mobile custom ~~slaughter and~~ processing.** (1) GENERAL. A person engaged
16 in mobile custom ~~slaughter or mobile custom~~ processing shall comply with ss. ATCP 55.07 and
17 55.08 and this section.

18 (2) (a) No person may receive any compensation, other than bartered services, for providing
19 mobile custom ~~slaughter or mobile custom~~ processing services unless that person holds a current
20 annual registration certificate from the department. No registration certificate is required if the
21 person holds a meat establishment license under s. ATCP 55.03.

22 (3) (a) Mobile custom ~~slaughter and mobile custom~~ processing operations shall be conducted
23 under clean and sanitary conditions.

1 (b) Vehicles and facilities used in mobile custom ~~slaughter and mobile custom~~ processing
2 operations shall be designed and constructed so ~~they can be kept~~ that clean and sanitary
3 conditions are maintained.

4 (4) EQUIPMENT AND UTENSILS. Equipment and utensils used in mobile custom ~~slaughter and~~
5 ~~mobile custom~~ processing operations shall be of sanitary design and construction, and shall be
6 kept clean and sanitary. Meat or poultry product contact surfaces of equipment and utensils shall
7 be cleaned and sanitized after each use, and more frequently as necessary, to keep them clean
8 and sanitary.

9 (5) PERSONNEL. Personnel engaged in mobile custom ~~slaughter or mobile custom~~
10 processing operations shall wear clean and washable outer clothing, and shall wash and rinse
11 their hands sufficiently during the operations to prevent contamination of carcasses, and meat,
12 ~~and meat food~~ or poultry products.

13 (6) WATER SUPPLY. Potable water shall be available for all mobile custom ~~slaughter and~~
14 ~~mobile custom~~ processing operations. There shall be enough water for thorough cleaning of all
15 carcasses, equipment, and utensils. Water shall be available during all slaughtering, other
16 processing, and cleanup operations.

17 (8) (b) The number and type of animals slaughtered for each service recipient, including
18 indication of whether cattle are less than 30 months of age or 30 months of age or greater, and if
19 the specified risk materials were removed.

20 **SECTION 35.** ATCP 55.10 (1), (2), (3) (a), (b) and (d) 1., 3., and Note, (4), and (5) (a) and (b)
21 are amended to read:

22 **ATCP 55.10 (1) GENERAL.** Meat ~~and meat food~~ or poultry products sold in this state shall
23 be labeled according to this chapter and ch. ATCP 90. No person may sell any misbranded meat

1 or ~~meat-food~~ poultry products, or make any false, deceptive, or misleading representation in
2 connection with the sale of meat or ~~meat-food~~ poultry products.

3 (2) MEAT LABELS; GENERAL. No person may sell any meat or ~~meat-food~~ poultry product
4 unless that meat or ~~meat-food~~ poultry product is clearly labeled with all the following:

5 (a) The name of the meat or ~~meat-food~~ poultry product.

6 (b) The net weight of the meat or ~~meat-food~~ poultry product.

7 (c) The name and address of the person who last processed the meat or poultry product, or
8 the name and address of the legally responsible distributor for whom the meat or poultry product
9 was last processed.

10 (d) An inspection legend if required under sub. (3), ~~or 9 CFR 317.2,~~ or 9 CFR 381.96.

11 (e) An ingredient statement if the product contains 2 or more ingredients. The ingredient
12 statement shall contain the word "INGREDIENTS:" followed by a listing of ingredients in order
13 of decreasing predominance by weight.

14 (f) Safe handling instructions if required under 9 CFR 317.2(l) or 9 CFR 381.125.

15 (g) One of the following statements if the meat or ~~meat-food~~ poultry product is being sold at
16 retail and is perishable:

17 1. "Perishable."

18 2. "Keep refrigerated."

19 3. "Keep under refrigeration."

20 4. "Keep frozen."

21 (3) INSPECTION LEGEND. (a) Except as provided in par. (b), a license holder under s. ATCP
22 55.03 who processes meat or ~~meat-food~~ poultry products from meat inspected and passed by the
23 department shall label ~~that processed meat and those processed~~ those meat food or poultry

1 products with a state inspection legend. The legend shall ~~appear~~ be clearly visible to prospective
2 purchasers on all packages and containers of ~~processed meat and meat food~~ or poultry products.,
3 ~~so that it is clearly visible to prospective purchasers.~~

4 (b) Paragraph (a) does not apply to meat ~~and meat food~~ or poultry products processed at a
5 retail establishment and sold only to individual consumers at that establishment.

6 (d) 1. The meat or poultry ~~meat food~~ product contains meat from farm-raised deer, captive
7 game animals, or captive game birds.

8 3. ~~Meat fat~~ Fat from domesticated food animals and ratites constitutes less than 30% of the
9 product by weight.

10 **Note:** Federal law does *not* prohibit the sale, in other states, of state-inspected meat from *farm-raised deer,*
11 *captive game animals,* ~~*or captive game birds*~~ (meat required to bear a triangular inspection legend under par. (d)),
12 alpacas, bison, llamas, or rabbits. The following is an illustration of the state inspection legend described in par. (d):

13 **(4) STANDARDS OF IDENTITY.** Labeling of meat and ~~meat food~~ poultry products shall comply
14 with applicable standards of identity in 9 CFR 319 and 9 CFR 381 Subpart P. No person may
15 misrepresent the identity of any meat or ~~meat food~~ poultry product.

16 **(5) FORMULA APPROVAL.** (a) No person may manufacture any meat ~~food~~ or poultry product
17 bearing the mark of inspection in a meat establishment licensed under s. ATCP 55.03 unless the
18 department first approves the product formula for compliance with applicable labeling and food
19 safety requirements, including applicable standards of identity under sub. (4).

20 (b) To obtain the department's approval under par. (a), a person shall submit the product
21 formula on a form provided by the department. The form shall identify ~~the meat, chemical, and~~
22 ~~other~~ all meat and non-meat ingredients in the product, and shall include any other information
23 required by the department.

24 **SECTION 36.** ATCP 55.10 (5) (d) is created to read:

1 **ATCP 55.10 (5)** (d) No department formula approval under this chapter is required for meat
2 and poultry products that are made in a licensed meat establishment for sale to individual
3 consumers if all the following apply:

4 1. The products are produced under a retail food establishment license in accordance with s.
5 97.30, Wis. Stats.

6 2. Operation of the retail food establishment meets the requirements of ch. ATCP 75 and 75
7 Appendix.

8 **SECTION 37.** ATCP 55.10 (6), (7) (a) to (c) and (f) are amended to read:

9 **ATCP 55.10 (6)** LABEL APPROVAL. No person may sell any of the following meat or ~~meat~~
10 ~~food~~ poultry products intended for sale at wholesale unless the department first approves the
11 labeling of that meat or those meat food products:

12 (a) Meat or ~~meat-food~~ poultry products bearing labels that make health, quality, or
13 nutritional claims.

14 (b) Meat from farm-raised deer, captive game animals, or captive game birds, or meat ~~food~~
15 products made from that meat.

16 (c) Meat or ~~meat-food~~ poultry products bearing labels that make claims related to
17 organizational membership or organizational standards.

18 **(7)** PROHIBITED LABELING PRACTICES. (a) No person may apply, to any meat or ~~meat-food~~
19 poultry product, any mark, legend, or label that is false, deceptive, or misleading.

20 (b) No person may misrepresent that the department has inspected meat or poultry products,
21 or misrepresent the department's inspection findings related to meat or poultry products.

1 (c) No person may misrepresent that any meat or ~~meat food~~ poultry product has been
2 processed at a licensed meat establishment, or is derived from meat inspected and passed by the
3 department.

4 (f) No person may sell, transport, or store any meat or ~~meat food~~ poultry product that is not
5 marked, labeled, or identified according to this chapter.

6 **SECTION 38.** ATCP 55.11 is amended to read:

7 **ATCP 55.11 Transporting meat. (1) GENERAL.** A person transporting meat or poultry
8 products for human consumption shall do so in a manner that keeps the meat or poultry products
9 ~~wholesome and~~ unadulterated. Meat ~~and meat food~~ or poultry products for human consumption
10 shall be ~~refrigerated~~ maintained at 41° F (5° C) or cooler during transport if they are perishable,
11 or if they are labeled "Keep Refrigerated" or "Keep Frozen." The internal temperature of the
12 refrigerated products may not exceed 41° F (5° C) at the time of delivery.

13 **(2) VEHICLES AND FACILITIES.** Vehicles and facilities used to transport meat ~~and meat food~~
14 or poultry products shall be constructed and maintained to ensure that the meat ~~and meat food~~ or
15 poultry products arrive at their destination in a ~~wholesome and~~ an unadulterated condition.
16 Vehicles and facilities shall be adequately equipped to ensure compliance with sub. (1).

17 **(3) UNWRAPPED MEAT OR POULTRY PRODUCTS.** Unwrapped meat ~~and meat food~~ or poultry
18 products shall be transported in enclosed vehicles equipped with tight fitting doors, and shall be
19 protected from contamination from the vehicle.

20 **SECTION 39.** ATCP 55.12 (6) (a) is amended to read:

21 **ATCP 55.12 (6) RECORDS.** (a) A meat broker or meat distributor shall keep all of the
22 following records related to transactions in which the meat broker or meat distributor is involved
23 as a buyer, seller, or broker of meat or ~~meat food~~ poultry products:

- 1 1. The name and address of the seller.
- 2 2. The name and address of the buyer.
- 3 3. The date and location of sale.
- 4 4. The types and amounts of meat or ~~meat-food~~ poultry products sold.
- 5 5. If the meat broker or meat distributor takes physical custody of the meat or ~~meat-food~~
- 6 poultry products, complete records related to the receipt, storage, and disposition of ~~that meat or~~
- 7 those meat ~~food~~-poultry products.

8 **SECTION 40.** ATCP 55.13 (1), (3) and (4) are amended to read:

9 **ATP 55.13 (1)** Process or sell, for human consumption, any ~~unwholesome~~, adulterated or

10 misbranded meat or poultry product.

11 **(3)** Process, store, handle, transport, or sell, ~~under unsanitary conditions~~, meat or ~~meat-food~~

12 poultry products for human consumption under conditions that may render the meat or poultry

13 products adulterated.

14 **(4)** Slaughter any food animal for human consumption, or otherwise process any meat or

15 ~~meat-food~~ poultry products for human consumption, at a place other than a meat establishment

16 licensed under s. ATCP 55.03. This prohibition does not apply to ~~slaughter or~~ processing

17 operations that are exempted from licensing under s. ATCP 55.03 (2).

18 **SECTION 41.** ATCP 55.13 (6) (f) is created to read:

19 **ATCP 55.13 (6) (f)** Concealing records, ingredients, meat or poultry products, labels,

20 packaging materials, or any other item that may be observed pursuant to 97.12 (1), Stats.

21 **SECTION 42.** ATCP 55.14 (2), (3), (5), and (6) (Title) are amended to read:

22 **ATCP 55.14 (2) MEAT-HOLDING HOLDING ORDER.** (a) The department may issue a holding

23 order to prohibit the sale or movement of any meat or ~~meat-food~~ poultry product if the

1 department has reasonable grounds to suspect that the meat or ~~meat-food~~ poultry product is
2 ~~unwholesome~~, adulterated, or misbranded, or otherwise fails to meet the standards or
3 requirements of this chapter or ch. 97, Stats. The department may issue a holding order pending
4 further examination or analysis to determine whether the meat or ~~meat-food~~ poultry product is
5 ~~unwholesome~~, adulterated, or misbranded, or otherwise fails to meet the standards or
6 requirements of this chapter or ch. 97, Stats.

7 (b) The department shall serve a holding order by delivering a copy to the owner or
8 custodian of the meat or ~~meat-food~~ poultry products, or by placing a copy in a conspicuous place
9 on or near the meat or ~~meat-food~~ poultry products. A "WIS. RETAINED" tag applied under s.
10 ATCP 55.06 (5) (f) has the effect of a holding order served under this subsection.

11 (c) A holding order remains in effect for 14 days unless the department withdraws it earlier.
12 The department may extend a holding order for one additional 14-day period by re-serving the
13 order or by leaving the "WIS. RETAINED" tag on the meat or poultry product.

14 (d) No person may sell, move, or alter any meat or ~~meat-food~~ poultry product under holding
15 order, except with the department's written permission. The department may authorize the
16 owner or custodian to take appropriate corrective action.

17 (e) The department may release a holding order if the department finds that the suspect meat
18 or ~~meat-food~~ poultry product is not ~~unwholesome~~, adulterated, or misbranded, or that the
19 violation has been corrected.

20 **(3) ~~MEAT-CONDEMNATION~~ CONDEMNATION ORDER.** (a) If the department finds that a meat
21 or a ~~meat-food~~ poultry product is ~~unwholesome~~, adulterated, misbranded, not inspected and
22 approved according to this chapter or s. 97.42, Stats., or not processed according to this chapter
23 or s. 97.42, Stats., the department may order the owner or custodian to do any of the following:

1 1. Correct the violation within a reasonable time period in a manner specified by the
2 department in writing.

3 2. Dispose of the meat or ~~meat-food~~ poultry product, in a manner specified by the
4 department. The department may order disposal of a meat or ~~a meat-food~~ poultry product if a
5 violation cannot be corrected, or if the owner or custodian fails to correct the violation within the
6 time specified under subd. 1. ~~Returning meat to the recipient of a custom slaughter or custom~~
7 ~~processing service does not correct a violation.~~

8 (b) The department shall serve an order under par. (a) by delivering a copy to the owner or
9 custodian of the meat or ~~meat-food~~ poultry products, or placing a copy in a conspicuous place on
10 or near the meat or ~~meat-food~~ poultry products. An order takes effect when served. A "WIS.
11 INSP'D and CONDEMNED" mark applied under s. ATCP 55.06 (5) (e) has the effect of a ~~meat~~
12 condemnation order served under this subsection.

13 (c) No person may sell, move, or alter any meat or ~~meat-food~~ poultry product covered by the
14 department's order except as directed by this chapter or by the department.

15 (5) REJECTED FACILITIES, EQUIPMENT OR UTENSILS. The department may issue an order
16 prohibiting the use of unsanitary facilities, equipment, or utensils that may contaminate meat or
17 ~~meat-food~~ poultry products. The department may issue an order under this subsection by
18 applying a "REJECTED" tag to the facilities, equipment, or utensils. A person may not use the
19 equipment or utensils until the violation is corrected and the department withdraws its order.

20 (6) ~~MEAT INSPECTION~~ INSPECTION STAFF AUTHORIZED TO ISSUE ORDERS. An authorized
21 department employee may issue orders under this section.

22 **SECTION 43.** ATCP 55.15 (1) (b) is amended to read:

1 **ATCP 55.15 (1)** (b) Ante mortem or post mortem inspection findings affecting the
2 disposition of animals, carcasses, or meat or poultry products.

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

Dated this _____ day of _____, 2017.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Jeff Lyon, Interim Secretary