



State of Wisconsin  
Governor Tony Evers

**Department of Agriculture, Trade and Consumer Protection**  
Secretary Randy Romanski

**Report From Agency**

**DATE:** 7/16/2025

**TO:** The Honorable Chris Kapenga  
President, Wisconsin State Senate  
Room 220 South, State Capitol  
PO Box 7882  
Madison, WI 53707-7882

The Honorable Robin Vos  
Speaker, Wisconsin State Assembly  
Room 217 West, State Capitol  
PO Box 8953  
Madison, WI 53708-8953

**FROM:** Randy Romanski, Secretary  
Department of Agriculture, Trade and Consumer Protection

**SUBJECT:** Clearinghouse Rule  
Final Draft Rule regarding ATCP 82 relating to Bulk Milk Collection, Sampling, and Transportation.

***Proposed Rule***

The proposed rule is attached.

***Reference to Applicable Forms***

There are no applicable forms.

***Fiscal Estimate and EIA***

The fiscal estimate and EIA are attached.

***Detailed Statement Explaining the Basis and purpose of the Proposed Rule, Including How the Proposed Rule Advances Relevant Statutory Goals or Purposes***

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As of July 2024, Wisconsin has 5,085 licensed grade A milk producers and 785 grade B milk producers. The milk from each of these farms is shipped to one of 50 grade “A” dairy plants and 404 grade B dairy plants. The Department licenses approximately 2,485 bulk milk weigher and samplers (BMWS), 3,265 bulk milk tankers (BMT), and 80 bulk milk tanker cleaning facilities (BMTCF) throughout the state. A BMWS collects official milk samples and may transport raw milk or fluid milk products. A BMT is a mobile bulk container used to transport milk, milk products, whey, or whey cream in bulk. A BMTCF is a facility where a bulk milk tanker or its appurtenances are cleaned and sanitized. All of these groups need to conform, or ensure conformity, to certain requirements including construction, maintenance, cleaning, and sanitation in order to meet applicable food safety requirements.

The Department is proposing to modernize Wis. Admin. Code ch. ATP 82 with an overhaul of the definitions section, modernization of licensing and documentation requirements, updating of the licensing and fee structure, and enhancement of provisions ensuring proper food safety. Rule revisions also support technological innovations including electronic record keeping devices, in-line sampling systems, and the expanded use of silos while keeping language flexible to account for future enhancements. The Department also received consent of the Attorney General to incorporate the 3-A Sanitary Standards for Stainless Steel Automotive Transportation Tanks for Bulk Delivery and Farm Pick-Up Service by reference.

This rule aligns Wisconsin’s regulations with the U.S. Department of Health and Human Services Public Health Service and Food and Drug Administration Grade “A” Pasteurized Milk Ordinance (PMO), 2023 Revision, and neighboring states for licensing and permitting of grade A tankers and bulk milk weigher and samplers. By maintaining consistency with the PMO, Wisconsin’s rule is consistent with requirements in Illinois, Iowa, Michigan, and Minnesota.

***Summary of Public Comments and the Department’s Responses, Explanation of Modifications to Proposed Rules Prompted by Public Comments***

After receiving public comment, the definition of “Bulk Milk Tanker” in ch. 82.01 (1) was updated to remove the comma after “fluid”, several sections were updated to remove unnecessary uses of the words “that” or “which”, the word “complete” was removed from ch. 82.01 (5), the word “immediate” was removed from the proposed definition of “single farm pick-up” in ch. 82.01, the period of time the department has to grant or deny an application for a bulk milk tanker grade A permit was increased to 40 days in ch. 82.02 (3), “another regulatory agency” was added to the allowable inspectors under ch. 82.02 (7) (a), the word “renewal” was added to the proposed language for ch. 82.02(8) to differentiate it from previous sections, the proposed language for ch. 82.08 (1) (d) was changed to keep the phrase “tanker unless”, the proposal to repeal ch. 82.08 (3) (c) was removed, the proposed addition of ch. 82.08 (4) (a) (5) was removed, ch. 82.10 (1) (a) was updated to say “once” instead of “one”, the formatting of temperature requirements listed in ch. 82.10 (6) (a) were updated for consistency with the remainder of the chapter, the addition of “designated person” in ch. 82.10 (6) (c) was adjusted to for clarification and the wording of the sanitizing requirements in the same section were modified, the phrase “or unclean”

was added to ch. 82.10 (7), the phrasing of ch. 82.10 (8) (a) was updated for clarity, the requirement to include the BMWS license expiration date on the collection record was removed from ch. 82.10 (10) (b), ch. 82.10 (11) (a) was updated for clarity, verbiage eliminating the need for a BMWS to indicate a partial pick up if the recording device shows the volume of milk in the storage vessel was added to ch. 82.10 (11) (am) (4), and additional language was included in 82.12 (1) (b) to clarify which sections apply to which type of sampling equipment along with which parties any abnormalities should be reported to, if they are found.

#### ***Preliminary Public Hearing and Comment Period on the Statement of Scope***

The preliminary public hearing and comment period for the Statement of Scope was not required by the JCRAR for this rule.

#### ***Comment Period on the Economic Impact Analysis***

The Economic Impact Analysis was posted on the DATCP website for comment on 09/16/2024. The comment period was open for 14 days as the rule was determined to have no or minimal economic impact.

#### ***Public Hearing and Comment Period on the Preliminary Rule Draft***

The Department held a public hearing regarding the preliminary rule draft on 01/29/2025 at the Prairie Oaks State Office Building and virtually via Teams. A public comment period was open from that date until 01/23/2025. A total of thirty-five persons/organizations attended the hearings and/or submitted comments. Feedback received from industry groups and organization representatives was generally in support of the proposed rule change.

#### ***Response to Legislative Council Staff Recommendations***

The Department modified the rule draft to address all Clearinghouse comments.

#### ***Report from the SBRRB and Final Regulatory Flexibility Analysis***

The Small Business Regulatory Review Board did not issue a report on this rule. The Final Regulatory Flexibility Analysis is attached.

**Commented [HMK1]:** Not sure specifically how to address this item.

The scope was approved by the Governor on 01/26/2023.

The JCRAR did not require us to have an open meeting and comment period, which I believe is what this portion refers to.

The scope statement was approved by the DATCP Board at the March 2023 Board Meeting on 03/02/2023, which was an open meeting regarding the scope statement.

Do with this information what you will, or feel free to reach out if you need anything else from me.