

**ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
REPEALING AND RECREATING RULES**

1 The state of Wisconsin department of agriculture, trade and consumer protection adopts the
2 following order to repeal ch. ATCP 56, and to repeal and recreate ch. ATCP 55, relating to
3 meat and meat food products.

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

Statutory authority: ss. 93.07(1), 97.09(4) and 97.42(4), Stats.
Statutes interpreted: ss. 97.02, 97.03, 97.10, 97.12, 97.42, 97.43, 97.44 and
97.45, Stats.

This rule repeals and recreates Wisconsin's current meat inspection rules. This rule incorporates major federal law changes affecting Wisconsin's meat inspection program, and repeals current rule provisions made obsolete by the new federal requirements. It also updates, reorganizes and clarifies current state rules.

Background

The United States department of agriculture ("USDA") administers the federal meat inspection program, which is designed to ensure that meat used for human food is safe, wholesome and properly labeled. The Wisconsin department of agriculture, trade and consumer protection ("DATCP") administers a similar meat inspection program for the state of Wisconsin. USDA provides 50% funding for Wisconsin's program. Under federal law, Wisconsin's program must be "at least equal to" the federal program.

Federal and state meat inspection programs have traditionally regulated the production and sale of meat from domesticated food animals such as cattle, swine and poultry. In recent years, they have also begun to regulate the production and sale of meat from other animals, such as farm-raised deer, ratites, captive game animals and captive game birds. The federal program regulates meat sold in interstate commerce. The state program focuses on meat produced and sold within Wisconsin, often by smaller meat establishments.

Animals must be slaughtered subject to state or federal inspection if their meat is *sold* for human consumption. Slaughter inspection includes *ante mortem* inspection of live animals and *post mortem* inspection of carcasses. Slaughter and processing operations must comply with sanitation standards. Meat must bear official inspection marks or legends, and must comply with other labeling requirements.

Federally inspected meat may be sold between states. State-inspected meat may be sold in Wisconsin, but federal law prohibits the sale of state-inspected meat to other states. This prohibition does not apply to state-inspected meat from captive game.

Congress and USDA recently overhauled the entire federal meat inspection program. They replaced the old system, based mainly on visual inspection, with a new “hazard analysis critical control point” (HACCP) system that includes pathogen testing. Wisconsin’s meat inspection program must conform to the new federal standards. In the last biennial budget act (1999 Wis. Act 9), the Wisconsin legislature incorporated the new federal standards by reference under s. 97.42(4m), Stats.

This rule repeals and recreates DATCP’s current meat inspection rules, based on the new federal requirements. It also reorganizes and clarifies current rules. This rule updates current rules related to meat establishment licensing, slaughter inspection, slaughter and processing standards, custom slaughter and processing, mobile custom slaughter and processing, meat labeling, and the production of meat from non-traditional sources such as captive game animals and captive game birds.

Rule Contents

Coverage

This rule applies to persons who slaughter animals for human consumption, or who process, store, transport, sell or distribute meat for human consumption. But this rule does not apply to any of the following:

- Restaurants, vending machine commissaries or catering establishments, regulated by the Wisconsin department of health and family services or its agents, that sell meat only in meals that they serve.
- Federally inspected slaughter or processing establishments.
- Persons slaughtering their own animals, or processing or transporting their own meat, for their own personal or household consumption.

Definitions

This rule defines some important terms used in the rule, including the following:

- “*Food animals*” means all the following:
 - “*Domesticated food animals.*” This includes cattle, swine, poultry (domesticated chickens, turkeys, geese, ducks, guinea fowl and squab), sheep, goats, farm-raised deer (not captive white-tail deer) and horses.
 - “*Ratites.*” This includes ostriches and emus.
 - “*Captive game animals.*” This includes bison, white-tail deer and other animals of a normally wild type that are produced in captivity for slaughter and consumption. It *does not include* farm-raised deer, ratites, captive game birds, fish, or game animals kept solely for hunting purposes at a hunting preserve.
 - “*Captive game birds.*” This includes farm-raised game birds, such as pheasants, quail, wild turkeys, waterfowl and exotic birds, which are produced in captivity for slaughter and consumption. It *does not include* poultry or ratites. Nor does it include game birds kept solely for hunting purposes in a hunting preserve.
- “*Meat*” means the edible muscle and other edible parts of a *food animal*.
- “*Meat establishment*” means an establishment used to slaughter *food animals* for human consumption, or to process the *meat* of food animals for human consumption.
- “*Custom slaughter*” or “*custom processing*” means slaughter or processing services provided to an individual who already owns the affected food animal or meat, and who uses the resulting meat products solely for his or her personal or household consumption. The service provider does not *sell* meat to the service recipient, but merely provides a service for hire.
- “*Mobile custom slaughter*” or “*mobile custom processing*” means custom slaughter or processing services provided at the recipient’s premises (typically a farm), rather than at a meat establishment.

Licensed Meat Establishments

This rule clarifies current meat establishment licensing requirements. Under this rule, no person may operate a meat establishment without a current annual license from DATCP. But no license is required for any of the following:

- Federally inspected slaughter or processing operations.
- *Mobile* custom slaughter or *mobile* custom processing operations. A person engaged in mobile custom slaughter or mobile custom processing operations must hold an annual

registration certificate from DATCP (see below) if the person does not hold a meat establishment license.

- The *custom* slaughter or *custom* processing of *captive game animals* or *captive game birds*.
- A farmer who slaughters and processes, for sale at his or her farm, not more than 1,000 poultry per year produced on that farm. The poultry must be labeled “NOT INSPECTED.”
- A retail establishment that processes meat primarily for sale to consumers at the retail establishment, provided that all the following apply:
 - The retail establishment is not engaged in slaughter operations.
 - The retail establishment sells its processed meat only to consumers at the retail establishment, or to restaurants or institutions for use in meals served at those restaurants or institutions.
 - The retail establishment’s sales of its processed meat to restaurants or institutions do not exceed \$28,800 annually, or 25% by dollar volume of its total annual meat sales, whichever amount is less.
 - The retail establishment receives meat only from state licensed or federally inspected meat establishments.
 - The retail establishment does not combine meat from different species for sale to restaurants or institutions.
 - The retail establishment does not cure, smoke, season, can or cook any meat for sale to restaurants or institutions.

Meat Establishment License Fees

This rule clarifies current meat establishment licensing procedures, and incorporates current license fees without change. A meat establishment operator must pay an annual license fee of \$200, except that the annual fee is \$80 if the license holder is *solely* engaged in *custom slaughter* or *custom processing* operations.

Meat Establishments Processing Wild Game

Generally speaking a meat establishment may not slaughter or process animals other than *food animals*. However, a meat establishment may *custom process* legally harvested wild game (such as legally hunted white-tail deer) for the game owner if all the following apply:

- The meat establishment operator notifies DATCP. DATCP may restrict wild game processing that is incompatible with the slaughter or processing of food animals at the

same establishment.

- The operator accepts only clean and apparently wholesome wild game carcasses for custom processing
- The operator, when custom processing wild game, complies with processing, labeling and record keeping requirements applicable to the custom processing of food animals. Among other things, the operator must label all of the resulting wild game products “NOT FOR SALE.”
- The operator processes wild game only at times when the operator is not slaughtering or processing food animals.
- The operator cleans and sanitizes equipment used to process wild game before using that equipment to slaughter or process food animals.
- The operator keeps wild game and wild game products separate from all other meat and meat food products in the meat establishment.
- The operator clearly labels wild game products, so they cannot be confused with other meat or meat food products. Wild game products must be clearly identified by species.
- The operator handles, processes and stores wild game and wild game products in a manner that prevents contamination of other meat and meat food products.

Slaughter Inspection Required

Under this rule, no person may *sell* any meat from any *food animal* unless the animal is slaughtered subject to state or federal inspection. This does not apply to any of the following:

- *Custom slaughtering* or *custom processing* (because there is no *sale* of meat).
- A poultry farmer selling meat from not more than 1,000 of his or her poultry each year, provided the poultry are labeled “NOT INSPECTED.”
- *Captive game animals* or *captive game birds* for which no inspection standards exist. This exemption is very limited, because DATCP and USDA *have established* inspection standards for most captive game animals and captive game birds.

Federal law prohibits the sale of state-inspected meat to other states. But this prohibition does not apply to state-inspected meat from *captive game animals*, *captive game birds* or *farm-raised deer*.

Slaughter Inspection Services

DATCP provides slaughter inspection services only to licensed meat establishments. A meat

establishment operator requesting inspection services must specify a proposed slaughter schedule. In order to use its inspection staff most efficiently, DATCP may require a different schedule. The operator may not deviate from the established schedule without DATCP approval.

Ante mortem and post mortem slaughter inspections must be performed at a licensed meat establishment, except that DATCP may agree to perform a *field ante mortem* inspection on any of the following:

- Apparently healthy *farm-raised deer* or *captive game animals* that cannot be safely or humanely transported to a licensed meat establishment for ante mortem inspection.
- Apparently healthy *domesticated food animals*, if special circumstances prevent the transportation of those animals to a licensed meat establishment for ante mortem inspection.

DATCP may *not* perform *field ante mortem inspections* of diseased animals, or animals that cannot stand or walk. Ante mortem inspections of those animals *must* be performed at properly equipped meat establishments (see below).

Slaughter Inspection Charges

DATCP will provide slaughter inspection services without charge to a licensed meat establishment operator, except that DATCP will charge the operator for the inspection services if any of the following apply:

- The inspection pertains to a *captive game animal* or *captive game bird*.
- DATCP performs the inspection outside the operator's normal slaughter schedule, before 6 AM or after 6 PM, or on a Saturday, Sunday or holiday. DATCP will also charge for any inspection hours that exceed 40 hours per week.

If a meat establishment operator is required to pay for slaughter inspection services, DATCP will bill uniform hourly charges based on DATCP's statewide average cost to provide such services. DATCP may charge higher amounts for inspections that must be performed by veterinarians (see below). DATCP must give 30 days prior notice before increasing inspection charges.

A meat establishment operator must notify DATCP if a DATCP inspector fails to appear for a scheduled slaughter inspection. DATCP must provide another inspector as soon as possible, so that slaughter may proceed in a timely manner. DATCP may withdraw slaughter inspection for cause, including violations of this rule. An operator may not conduct slaughter operations without inspection, if inspection is required by this rule.

Ante Mortem Inspection

This rule spells out procedures for ante mortem inspections. If a DATCP inspector

performing an ante mortem inspection suspects that the animal has a disease or condition that may cause it to be condemned on post mortem, the inspector must withhold the suspect animal from slaughter pending further inspection by a DATCP veterinarian. If the veterinarian finds that the suspect animal is not fit for slaughter, the veterinarian must do one of the following:

- Condemn the animal.
- Withhold the animal from slaughter pending treatment, if the animal's condition can be corrected by treatment.

If DATCP agrees to perform a *field ante mortem* inspection at a place other than a licensed meat establishment (see above), the inspector must observe the live animal in the field, in motion and at rest. If an animal passes a field ante mortem inspection, the meat establishment operator may stun and bleed the animal in the field. The operator must bleed the animal immediately after stunning, and must transport the carcass to a licensed meat establishment for post mortem inspection and processing.

Post Mortem Inspection

This rule spells out post mortem inspection procedures:

- Post mortem inspections of *domesticated food animals*, other than poultry, must comply with federal procedures under 9 CFR 310. Procedures for farm-raised deer are the same as for sheep.
- Post mortem inspections of *poultry* and *captive game birds* must comply with 9 CFR 381.
- Post mortem inspections of *captive game animals* must comply with 9 CFR 310. Post mortem inspection procedures for bison are the same as for cattle. DATCP may specify inspection procedures for other captive game animals, as appropriate.

Slaughter Inspection Marks

A DATCP inspector must apply or supervise the application of an official inspection mark to each part of a carcass that the inspector finds, upon slaughter inspection, to be wholesome and fit for human food.

- For *domesticated food animals* (other than farm-raised deer) and for *ratites* (ostriches and emus), the mark consists of an *outline map of Wisconsin* enclosing the words "WIS. INSPECTED AND PASSED," the inspector number and the meat establishment license number.
- For *farm-raised deer*, *captive game animals* and *captive game birds*, the mark consists

of a *triangle* containing the meat establishment license number.

If a DATCP inspector finds that any part of a carcass is unwholesome or unfit for human food, the inspector must mark that part “WIS. INSPECTED AND CONDEMNED.” An inspector may also mark a suspect carcass “RETAINED” pending further inspection.

Slaughter and Processing Standards; General

This rule incorporates federal slaughter and processing standards by reference, and repeals state standards that are obsolete or duplicative. This rule keeps Wisconsin’s program consistent with the federal program, as required by federal law and s. 97.42(4m), Wis. Stats. Federal standards include HACCP and pathogen testing requirements.

Under this rule, slaughtering and processing operations (other than *mobile* custom slaughter or *mobile* custom processing operations) must comply with the following standards:

- Persons slaughtering or processing *domesticated food animals*, other than poultry, must comply with applicable federal standards under 9 CFR 307 to 311, 313 to 315, 317, 319, 416 and 417.
- Persons slaughtering or processing *poultry* or *captive game birds* must comply with applicable federal standards under 9 CFR 381 subparts G, H, I, J, K, L, O and P, and 9 CFR 416 and 417. There is an exception for farmers who slaughter and process not more than 1,000 of their own poultry annually, if the processed poultry are labeled “NOT INSPECTED.”
- Persons slaughtering or processing *ratites* (ostriches or emus) must comply with applicable federal standards under 9 CFR 307 to 311, 313 to 315, 317, 319, 416 and 417.
- Persons slaughtering or processing *captive game animals* must do so in a humane and sanitary manner. If a captive game animal is slaughtered for sale subject to DATCP inspection, the slaughter must comply with procedures specified by DATCP.

Diseased or Injured Animals; General

A person may not slaughter a food animal for human consumption, or submit a food animal for slaughter for human consumption, if the person knows or has reason to know that the animal is diseased or injured. But this prohibition does not apply to any of the following:

- A slaughter inspected by DATCP or USDA.
- The *custom* slaughter of an animal injured within 24 hours prior to slaughter, if the animal is otherwise healthy. The animal owner must certify (see below) that the animal

was injured within 24 hours prior to slaughter, and is not diseased.

- The *custom* slaughter of an animal injured more than 24 hours prior to slaughter, if the animal is otherwise healthy and all the following apply:
 - The animal owner certifies that the animal is injured, not diseased (see below).
 - A practicing veterinarian performs an ante mortem and post mortem inspection on the slaughtered animal.

Diseased or Injured Animals; Owner Certification

If a person submitting a food animal for slaughter for human consumption knows or has reason to know that the animal is diseased or injured, that person must sign and submit with that animal a written statement certifying all the following:

- The name and address of every person who has had custody of the animal in the last 30 days.
- The nature of each known or suspected disease or injury.
- The date and cause of each injury, if known.
- The date on which the animal became incapable of standing or walking, if the animal cannot stand or walk.
- All drugs given to the animal in the last 30 days, and the last date on which each drug was given.

Animals that Cannot Stand or Walk

A person may not slaughter for human consumption, or submit for slaughter for human consumption, a food animal that cannot stand or walk without assistance. But this prohibition does not apply to any of the following:

- An animal slaughtered at a licensed meat establishment, subject to DATCP inspection. The meat establishment must be properly equipped to handle animals that cannot stand or walk, and a DATCP veterinarian must perform the ante mortem and post mortem inspection.
- A slaughter performed at a meat establishment inspected by USDA.
- The *mobile* custom slaughter of an injured (not diseased) animal, if the slaughter complies with this rule. The animal owner must certify (see above) that the animal is merely injured, not diseased. If the animal was injured more than 24 hours prior to slaughter, a licensed practicing veterinarian must perform an ante mortem and post mortem inspection.

An animal that cannot stand or walk must be treated humanely. A meat establishment operator must have proper equipment for moving the animal humanely. A DATCP veterinarian inspecting the slaughter may order the animal held for up to 24 hours for further observation. If the animal has been treated with drugs for which the prescribed withdrawal time has not elapsed, the DATCP veterinarian must condemn the animal or hold it until the withdrawal time elapses.

Carcasses and Meat Received for Processing

A meat establishment operator must examine all carcasses and meat received for processing at a meat establishment. An operator may not receive, into any processing or storage area, any unclean or apparently unwholesome carcass or meat.

A meat establishment operator may not process any meat produced by the custom slaughter of a diseased animal. An operator may custom process meat produced by the custom slaughter of an injured (not diseased) food animal if one of the following applies:

- The animal was injured within 24 hours prior to slaughter.
- A licensed practicing veterinarian performs an ante mortem and post mortem inspection of the slaughtered animal, and certifies that the meat is wholesome.

Condemned Animals and Meat

No person may slaughter, for human consumption, a food animal condemned by DATCP. If DATCP condemns a food animal on ante mortem inspection, the meat establishment operator must kill the animal and inject it with denaturant to make it inedible.

No person may process or sell, for human consumption, any meat condemned by DATCP. A meat establishment operator must denature or de-characterize the condemned meat so it is no longer edible. Containers used for condemned meat must be conspicuously marked "INEDIBLE."

Humane Slaughter

Persons slaughtering food animals must use humane methods. This rule specifies some humane slaughter methods, and requires meat establishment operators to handle animals humanely pending slaughter.

Slaughter and Processing Records

A person who slaughters any food animal for human consumption, or who processes the meat of any food animal for human consumption, must keep records including:

- The date and time of slaughter or processing.
- The number and type of animals slaughtered, and the disposition of the carcasses.
- The type and amount of meat processed, and the disposition of that meat.
- Certificates signed by persons submitting diseased or injured animals for slaughter (see above).

The person must keep the records for at least 3 years, and make the records available for inspection and copying by DATCP upon request. This rule does not require a meat establishment operator to duplicate slaughter records kept by a DATCP inspector at that meat establishment.

Custom Slaughter and Processing

A person providing a *custom slaughter* or *custom processing* service must do all the following:

- Hold an annual meat establishment license *if required* (see above).
- Hold an annual registration certificate if engaged in *mobile* custom slaughter or *mobile* custom processing (see below). A licensed meat establishment operator is *not* required to hold a mobile registration certificate.
- Comply with applicable slaughter and processing standards (see above).
- Label all the resulting meat products “NOT FOR SALE,” and return them to the service recipient. Products must also be labeled with the service provider’s name, license number or registration number.
- Comply with applicable requirements related to *mobile* custom slaughter or *mobile* custom processing (see below) if the person provides *mobile* custom services.
- Conduct custom slaughter and processing operations in a humane and sanitary manner.
- Keep records required under this rule.

Mobile Custom Slaughter and Processing

A person providing *mobile* custom slaughter or *mobile* custom processing services must do all the following:

- Comply with applicable requirements related to custom slaughtering and processing (see above).
- Hold an annual registration certificate from DATCP unless the person holds an annual meat establishment license (see above). A person must apply for an annual certificate in writing on a form provided by DATCP. There is no charge for the registration

certificate.

Mobile custom slaughter and processing operations must be clean and sanitary. Equipment must be of sanitary design, and must be kept in clean and sanitary condition. Meat contact surfaces of equipment and utensils must be cleaned and sanitized after each use, and more often as necessary. Personnel must follow proper sanitation practices. There must be an adequate supply of water to clean carcasses and equipment.

A person performing a mobile custom slaughter must return the resulting meat to the service recipient at the slaughter site, except that the service provider may transport a carcass to a licensed meat establishment for custom processing. Carcasses must be transported in a sanitary manner.

A person providing mobile custom slaughter or processing services must file a monthly report with DATCP. The report must include all the following:

- The name and address of each service recipient.
- The number and type of animals slaughtered for each service recipient.
- The date of each slaughter.
- The disposition of each carcass. If a carcass is transported to another location for further processing, the report must identify that location.

Labeling Inspected Meat

A meat establishment operator who processes DATCP-inspected meat must label the resulting meat products with a state inspection legend. The inspection legend normally consists of an outline map of Wisconsin enclosing the words “WIS. INSPECTED” and the meat establishment number. However, a triangle is used instead of a Wisconsin outline map if the meat comes from *farm-raised deer, captive game animals or captive game birds*.

Federal law prohibits the sale of state-inspected meat (meat required to bear a Wisconsin outline inspection legend) to other states. But this prohibition does *not* apply to state-inspected meat from *farm-raised deer, captive game animals or captive game birds* (meat required to bear a triangular inspection legend).

Meat Labeling; General

Meat must be labeled according to this rule and ch. ATCP 90 (fair packaging and labeling). Meat and meat food products offered for sale must be labeled with all the following:

- The name of the meat or meat food product.
- The net weight of the meat or meat food product.
- The name and address of the processor or distributor.
- A state or federal inspection legend, if required (see above).
- An ingredient statement if the product contains 2 or more ingredients.
- Safe handling instructions if required under 9 CFR 317.2(1).
- Appropriate statements identifying perishable products.

No person may sell any misbranded meat or make any false, deceptive or misleading representation in connection with the sale of meat. No person may misrepresent the identity of any meat product. Product identification must comply with standards of identity contained in 9 CFR 319.

This rule prohibits a person from doing any of the following:

- Applying any false mark, legend or label to meat.
- Misrepresenting that meat has been inspected, or misrepresenting inspection findings.
- Misrepresenting that meat has been processed at a licensed meat establishment, or is derived from carcasses inspected and passed by DATCP.
- Counterfeiting or misusing any meat inspection mark, label or marking device.
- Wrongfully removing a required mark or label from meat.
- Selling, transporting or storing improperly marked or labeled meat.

Meat Labels; Pre-approval

This rule eliminates the current requirement for DATCP pre-approval of meat labels, unless one of the following applies:

- The meat label makes health, quality or nutritional claims.
- The meat is derived from *captive game animals* or *captive game birds*.
- The meat label makes claims related to organizational membership or standards.

Meat Formulas

Under this rule, as under current law, DATCP must pre-approve meat product formulas for compliance with applicable requirements related to food safety and standards of identity.

Transporting Meat

Under this rule, a person must transport meat in a manner that keeps the meat wholesome and unadulterated. The internal temperatures of refrigerated products may not exceed 41° F. at the time of delivery. Transportation vehicles and facilities must be adequate to ensure proper sanitation and food safety, and must be kept in clean and sanitary condition.

Meat Brokers and Distributors

A “meat broker” is a person who, without taking title to meat, arranges the purchase or sale of meat. A “meat distributor” is a person who distributes meat at wholesale. Under this rule, as under current law, meat brokers and meat distributors must hold an annual registration certificate from DATCP. Meat brokers and distributors must apply in writing on a form provided by DATCP. There is no fee.

Prohibited Practices

This rule prohibits a person from doing any of the following:

- Processing or selling, for human consumption, any unwholesome, adulterated or misbranded meat.
- Slaughtering any food animal, for human consumption, under unsanitary conditions.
- Processing, storing, handling, transporting or selling meat or meat food products, for human consumption, under unsanitary conditions.
- Making any false, deceptive or misleading statement, when submitting a food animal for slaughter, related to any of the following:
 - The ownership, identity, origin or health status of the animal.
 - The administration of any drug to the animal.
 - The intended use of meat from the animal.
- Obstruct a DATCP employee performing his or her duties. Obstruction may include physical interference, verbal or physical abuse, threatening behavior or communications, or refusal to carry out legitimate directives.

Holding Orders, Condemnation Orders and Correction Orders

Under this rule, as under current law, an authorized DATCP employee may issue a holding order to prevent the sale or movement of suspect meat pending further examination to determine whether the meat is unwholesome, adulterated or misbranded. A holding order remains in effect for 14 days unless lifted. A holding order may be extended for up to 14 days.

Under this rule, as under current law, an authorized DATCP employee may issue an order condemning unwholesome, adulterated or misbranded meat if the owner or custodian cannot correct the problem or fails to do so.

Under this rule, as under current law, an authorized DATCP employee may issue an order requiring a person to correct unsanitary conditions and other law violations related to meat. DATCP may also prohibit the use of unsanitary equipment and utensils. An authorized DATCP employee may “tag” unsanitary equipment or utensils to prohibit their use.

Investigation and Enforcement

This rule refers to, but does not change, DATCP’s current enforcement authority. DATCP may conduct inspections and other investigations to determine compliance with this rule. DATCP may exercise its authority under chs. 93 and 97, Stats., in support of its inspections and investigations. DATCP may deny, suspend or revoke a license or registration certificate for cause. DATCP may also prosecute violators in court (penalties are provided by statute).

Administrative Appeals

A person may ask DATCP to reconsider any of the following actions:

- The denial of any application for a license or registration certificate.
- Ante mortem or post mortem inspection findings.
- A holding order, condemnation order or correction order.
- A decision to deny, limit or withdraw slaughter inspection services.
- Slaughter inspection billings.

Whenever DATCP receives a request for reconsideration, DATCP must hold a prompt informal conference with the requester. Alternatively, if the matter concerns a slaughter inspection finding by an inspector who is not a veterinarian, DATCP may have a veterinarian review the inspector's finding. If the requester's dispute is not resolved, the requester may seek a "contested case" hearing under ch. 227, Stats., and ch. ATCP 1.

1 **SECTION 1.** Chapter ATCP 55 is repealed and recreated to read:

2 **CHAPTER ATCP 55**

3 **MEAT AND MEAT FOOD PRODUCTS**

4
5 **ATCP 55.01 Scope. (1) GENERAL.** Except as provided in sub. (2), this chapter
6 applies to persons who slaughter food animals for human consumption, who submit food
7 animals for slaughter for human consumption, or who process, store, transport, sell or
8 distribute meat or meat food products for human consumption. This chapter applies to
9 slaughter and processing establishments, mobile custom slaughterers and processors, food
10 warehouses and locker plants, meat distributors and transporters, meat brokers, food retailers
11 and central restaurant commissaries that engage in activities covered by this chapter.

12 **(2) EXEMPTIONS.** This chapter does not apply to any of the following:

13 (a) A restaurant, vending machine commissary or catering establishment licensed and
14 inspected by the department of health and family services or its agent, provided that the
15 following apply:

1 1. The establishment processes no meat other than state or federally inspected meat.

2 2. The establishment sells meat only as part of a meal.

3 3. Meat processing is confined to the premises where the meat is served as part of a

4 meal or, in the case of a vending machine commissary or catering establishment, to the

5 premises where meals are prepared for catered service or vending machine service to individual

6 consumers.

7 (b) Establishments inspected by the United States department of agriculture under

8 21 USC 451 to 695.

9 (c) An individual slaughtering or transporting his or her own animals, or processing

10 or transporting his or her own meat, for his or her own consumption. An individual's own

11 consumption may include consumption by the individual's immediate family, immediate

12 household and nonpaying guests.

13 **ATCP 55.02 Definitions.** In this chapter:

14 (1) "Ante mortem inspection" means a pre-slaughter inspection of a live food animal.

15 (2) "Captive game animals" means bison, white-tail deer and other animals of a

16 normally wild type that are produced in captivity for slaughter and consumption. "Captive

17 game animals" does not include farm-raised deer, ratites, captive game birds, fish, or animals

18 kept solely for hunting purposes at a hunting preserve.

19 (3) "Captive game birds" means birds of a normally wild type, such as pheasants,

20 quail, wild turkeys, migratory wildfowl and exotic birds, that are produced in captivity for

21 slaughter and consumption. "Captive game birds" does not include poultry, ratites, or birds

22 kept solely for hunting purposes in a hunting preserve.

23 (4) "Carcass" means all edible parts of a slaughtered animal, including edible viscera.

1 (5) “Custom processing” means processing meat as a custom service for an individual
2 who owns that meat, and who uses all the resulting meat or meat food products for his or her
3 own consumption. An individual’s own consumption may include consumption by the
4 individual’s immediate family, immediate household and nonpaying guests. “Custom
5 processing” includes mobile custom processing

6 **NOTE:** A provider of custom processing services does not “sell” meat, but merely
7 provides a service to the meat owner.
8

9 (6) “Custom slaughter” means slaughtering a food animal as a custom service for an
10 individual who owns that animal, and who uses all the resulting meat or meat food products
11 for his or her own consumption. An individual’s own consumption may include
12 consumption by the individual’s immediate family, immediate household and nonpaying
13 guests. “Custom slaughter” includes mobile custom slaughter.

14 **NOTE:** A provider of custom slaughtering services does not “sell” the slaughtered
15 food animal or the resulting meat, but merely provides a service to the animal
16 owner.
17

18 (7) “Department” means the state of Wisconsin department of agriculture, trade and
19 consumer protection.

20 (8) “Diseased animal” means an animal that has been diagnosed with a disease not
21 known to be cured, or that has exhibited signs or symptoms of a disease not known to be
22 cured. “Diseased animal” does not include an otherwise healthy animal that suffers only
23 from injuries such as fractures, cuts or bruises.

24 (9) “Domesticated food animal” means any of the following

25 (a) Cattle.

26 (b) Swine.

27 (c) Poultry.

- 1 (d) Sheep.
- 2 (e) Goats.
- 3 (f) Farm-raised deer.
- 4 (g) Horses, mules and other equines.
- 5 **(10)** “Edible” means edible by humans.
- 6 **(11)** “Farm-raised deer” has the meaning given in s. 95.001(1)(a), Stats. “Farm-raised
- 7 deer” does not include captive white-tail deer.
- 8 **(12)** “Food animals” means domesticated food animals, ratites, captive game animals
- 9 and captive game birds.
- 10 **(13)** “Individual” means a natural person.
- 11 **(14)** “Livestock” means domesticated food animals other than poultry.
- 12 **(15)** “Meat” means the edible muscle and other edible parts of a food animal,
- 13 including edible skeletal muscle, edible organs, and edible muscle found in the tongue,
- 14 diaphragm, heart or esophagus. “Meat” includes edible fat, bone, skin, sinew, nerve or blood
- 15 vessel that normally accompanies meat and is not ordinarily removed in processing. **(16)**
- 16 “Meat broker” means a person who, without taking title to meat or meat food products,
- 17 arranges the purchase or sale of meat or meat food products.
- 18 **(17)** “Meat distributor” means a person who distributes meat or meat food products
- 19 at wholesale.
- 20 **(18)** “Meat establishment” means a plant or fixed premises used to slaughter food
- 21 animals for human consumption, or to process meat or meat food products for human
- 22 consumption.
- 23 **(19)** “Meat food product” means any edible product derived in whole or in

1 substantial and definite part from meat.

2 **(20)** “Mobile custom processing” means custom processing meat for another person
3 at that person’s premises.

4 **(21)** “Mobile custom slaughter” means custom slaughtering a food animal for another
5 person at that person’s premises.

6 **(22)** “Person” means an individual, corporation, partnership, cooperative
7 association, limited liability company, trust, or other organization or entity.

8 **(23)** “Post mortem inspection” means the post-slaughter inspection of a slaughtered
9 food animal’s carcass.

10 **(24)** “Poultry” means domesticated fowl commonly used for human food, including
11 domesticated chickens, turkeys, geese, ducks, guinea fowl and squab. “Poultry” does not
12 include ratites or captive game birds.

13 **(25)** “Process” means to cut, grind, manufacture, compound, intermix or prepare
14 meat or meat food products.

15 **(26)** “Ratite” means a member of the group of flightless birds that includes the
16 ostrich, emu, cassowary, kiwi and rhea.

17 **(27)** “Sanitize” means to destroy pathogens and other microorganisms, to the
18 maximum practicable extent, by applying an approved sanitizer or sanitizing method to food
19 contact surfaces of equipment, utensils or food packages that are otherwise clean.

20 **(28)** “Sell” means to transfer ownership for a price, or to advertise, offer, hold or
21 distribute for sale.

22 **(29)** “Unwholesome” has the meaning given in s. 97.42(1)(m), Stats.

23 **(30)** “Veterinarian” has the meaning given in s. 97.42(1)(n), Stats.

1 (31) “Wholesome” has the meaning given in s. 97.42(1)(o), Stats.

2 (32) “Wild game” means edible wild animals other than fish. “Wild game” does not
3 include any of the following:

4 (a) Captive game animals or captive game birds.

5 (b) Farm-raised deer.

6 **ATCP 55.03 Meat establishment license. (1) ANNUAL LICENSE REQUIRED.**

7 Except as provided in sub. (2), no person may operate a meat establishment without a
8 current annual license from the department. A license expires on June 30 of each year. A
9 person who operates more than one meat establishment shall hold a current annual license for
10 each meat establishment. A license may not be transferred between persons or meat
11 establishments.

12 (2) LICENSE EXEMPTIONS. The license requirement under sub. (1) does not apply
13 to any of the following:

14 (a) Slaughter or processing operations inspected by the United States department of
15 agriculture under 21 USC 451 to 695.

16 (b) Mobile custom slaughter or mobile custom processing operations.

17 (c) The custom slaughter or custom processing of captive game animals or captive
18 game birds.

19

20 **NOTE:** Under s. 97.42(3), Stats., the department provides ante mortem and post
21 mortem inspection services only to licensed meat establishments. According
22 to federal law and s. ATCP 55.04, captive game animals and captive game
23 birds must be slaughtered subject to ante mortem and post mortem inspection
24 if they are slaughtered *for sale* for human consumption. This slaughter
25 inspection requirement does not apply to the *custom* slaughter of captive
26 game animals or captive game birds.
27

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

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

4 2. The person slaughters, processes and sells the poultry at the farm where they are
5 produced.

6 3. The person clearly and conspicuously labels each package or container of poultry
7 meat with the person's name and address and the words "**NOT INSPECTED.**" *NOTE:*

8 See s. 97.42(11), Stats.

9 (e) A retail establishment that processes meat or meat food products primarily for
10 sale to individual consumers at the retail establishment, provided that all the following apply:

11 1. The retail establishment is not engaged in slaughter operations.

12 2. The retail establishment sells the processed meat and meat food products only to
13 individual consumers at the retail establishment, or to restaurants or institutions for use in
14 meals served at those restaurants or institutions.

15 3. The retail establishment's sales of its processed meat and meat food products to
16 restaurants or institutions do not exceed \$28,800 annually, or 25% by dollar volume of all
17 meat sales from the retail establishment, whichever is less.

18 *NOTE:* The scope of the federal exemption under 7 CFR 303.1 does not affect the
19 scope of the state licensing exemption under this paragraph.

20 4. The retail establishment receives meat only from meat establishments licensed
21 under this section or inspected by the United States department of agriculture under 21 USC
22 451 to 695.

23 5. The operator of the retail establishment does not sell, to any person other than an
24 individual consumer, any meat or meat food product that is cured, smoked, seasoned, canned
25

1 or cooked at the retail establishment.

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

5 **(3) LICENSE APPLICATION.** A person shall apply for a meat establishment license
6 on a form provided by the department. The application shall include all the following:

7 (a) The applicant's correct legal name, and any trade name under which the applicant
8 proposes to operate a meat establishment.

9 (b) The applicant's social security number if the applicant is an individual.

10 **NOTE:** See s. 93.135(1)(nm), Stats.

11 (c) The address of each meat establishment.

12 (d) For each meat establishment, a proposed slaughter and processing schedule under
13 sub. (12)(a).

14 (e) Other relevant information required by the department.

15 (f) The fees required under sub. (4).

16 **(4) LICENSE FEES.** A person shall pay a \$200 annual license fee for each licensed
17 meat establishment, except that the person shall pay an annual license fee of \$80 if the person
18 is solely engaged in custom slaughtering or custom processing operations at that meat
19 establishment.

20 **(5) PRE-LICENSE INSPECTION.** Before the department issues a license for a new
21 meat establishment, or issues a license to a new operator of an existing meat establishment,
22 the department shall inspect that meat establishment. The department shall perform the
23 inspection within 30 days after the operator applies for the license, unless the applicant

1 agrees to a later inspection date.

2 **NOTE:** The department may inspect any meat establishment, regardless of whether
3 an inspection is required under sub. (5).

4
5 **(6) ACTION ON LICENSE APPLICATION.** (a) Except as provided in par. (b), the
6 department shall grant or deny an annual meat establishment license application within 30
7 days after the department receives a complete application.

8 (b) If sub. (5) requires a pre-license inspection, the department shall grant or deny
9 the license application within 30 days after the department performs that inspection.

10 (c) If the department denies a meat establishment license application, the department
11 shall give the applicant written notice of the reasons for that denial.

12 **(7) DENYING, SUSPENDING OR REVOKING A LICENSE.** The department may deny,
13 suspend or revoke a meat establishment license for cause, as provided in s. 93.06(7),
14 97.42(10) and 97.42(12), Stats. Cause may include a violation of this chapter.

15 **NOTE:** The procedure for suspending or revoking a license, or for contesting a
16 license denial, is set forth in ch. ATCP 1.

17
18 **(8) CONDITIONAL LICENSE.** The department may issue a meat establishment license
19 subject to conditions, or may impose conditions on an existing license, as provided in s.
20 93.06(8), Stats.

21 **NOTE:** The procedure for imposing conditions on an existing license, or for
22 contesting license conditions, is set forth in ch. ATCP 1.

23
24 **(9) LICENSE DISPLAYED.** A person holding a meat establishment license shall
25 display that license in a prominent location at the licensed meat establishment.

26 **(10) MEAT ESTABLISHMENT NUMBER.** The department shall assign, to each
27 licensed meat establishment, a meat establishment number that uniquely identifies that meat
28 establishment.

1 **(11) PROCESSING WILD GAME.** (a) Except as provided in par. (b), no person may
2 slaughter or process any animals other than food animals at a meat establishment.

3 (b) A meat establishment operator may custom process legally harvested wild game
4 at a meat establishment if all the following apply:

5 1. The operator notifies the department that the operator plans to custom process
6 wild game at that meat establishment. Notice shall specify the type of wild game to be
7 processed. The department may restrict wild game processing that is incompatible with the
8 slaughter or processing of food animals.

9 2. The operator accepts only clean and apparently wholesome wild game carcasses
10 for custom processing

11 3. The operator, when custom processing wild game, complies with processing
12 labeling and record keeping requirements applicable to the custom processing of food animals
13 under s. ATCP 55.08.

14 4. The operator custom processes wild game only at times when the operator is not
15 engaged in slaughtering or processing food animals. The operator shall thoroughly clean and
16 sanitize equipment and utensils used to process wild game before using the same equipment
17 or utensils to slaughter or process food animals or the meat of food animals.

18 5. The operator keeps wild game and wild game products separate from all other
19 meat and meat food products in the meat establishment.

20 6. The operator clearly labels wild game products, so they cannot be confused with
21 other meat or meat food products. Wild game products shall be clearly identified by species.

22 7. The operator handles, processes and stores wild game and wild game products in a
23 manner that prevents contamination of other meat and meat food products.

1 (12) SLAUGHTER AND PROCESSING SCHEDULE. (a) A person applying for a meat
2 establishment license shall include, with the license application, a proposed slaughter and
3 processing schedule. A meat establishment operator need not include a schedule with a
4 license renewal application if there has been no change in the schedule last established for the
5 meat establishment under this subsection.

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

- 9 1. Slaughter food animals to produce meat or meat food products for sale.
- 10 2. Process meat or meat food products for sale.
- 11 3. Custom slaughter food animals, or custom process meat or meat food products.
- 12 4. Custom process wild game, as provided in sub. (11).

13 (c) The department may require a change in a slaughtering and processing schedule
14 under this subsection if any of the following apply:

- 15 1. A change is needed in order to make slaughter inspection services available, or to
16 make efficient use of the department's slaughter inspection staff.
- 17 2. The operator proposes to process wild game during times also scheduled for the
18 slaughter or processing of food animals.

19 **NOTE:** Sub. (11)(b)4. prohibits simultaneous processing of wild game and food
20 animals.

- 21 3. The operator proposes to engage in custom slaughter or processing operations
22 during times also scheduled for the slaughter of food animals for sale, or the processing of
23 meat for sale.

24 **NOTE:** A meat establishment operator may not engage in custom slaughter or
25 custom processing operations while the operator is simultaneously
26

1 slaughtering food animals for sale, or simultaneously processing the meat of
2 food animals for sale. There are exceptions for *inspected* custom operations,
3 and for simultaneous operations that are physically separated to prevent
4 cross-contamination and commingling. The department may disapprove a
5 simultaneous schedule if these exceptions do not apply. See s. ATCP
6 55.08(3).
7

8 (d) A meat establishment operator may not deviate from a schedule established under
9 this subsection, without prior department approval.

10 **ATCP 55.04 Slaughter inspection; general. (1) SLAUGHTER INSPECTION**

11 REQUIRED. (a) Except as provided in par. (b) or (c), no person may sell any meat from any
12 food animal for human consumption unless the department or the United States department
13 of agriculture has conducted a slaughter inspection of that food animal. The slaughter
14 inspection shall include an ante mortem inspection of the live food animal, and a post
15 mortem inspection of the food animal carcass.

16 **NOTE:** Slaughter inspection is not required for custom slaughtered animals, because
17 there is no *sale* of meat. Federal law prohibits the *interstate* sale of meat from
18 animals slaughtered under state (rather than federal) inspection. But this
19 federal prohibition does not apply to meat from farm-raised deer, captive
20 game animals or captive game birds.
21

22 (b) Paragraph (a) does not apply to a person selling meat from a captive game animal
23 or captive game bird if neither the department nor the United States department of agriculture
24 has established ante mortem or post mortem inspection procedures for that type of captive
25 game animal or captive game bird.

26 **NOTE:** The exemption under par. (b) is very limited, because the department and
27 USDA *have established* inspection standards for most captive game animals
28 and game birds.
29

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

- 32 1. The person produces all of those poultry on his or her farm.

1 2. The person slaughters, processes and sells the poultry at the farm where they are
2 produced, or has them slaughtered and processed at a licensed meat establishment.

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

5 **NOTE:** See s. 97.42(11), Stats.

6
7 **(2) SLAUGHTER INSPECTION PROVIDED TO LICENSED MEAT ESTABLISHMENTS.**

8 (a) The department shall provide ante mortem and post mortem slaughter inspection services
9 to operators of meat establishments licensed under s. ATCP 55.03. The department may not
10 provide slaughter inspection services to other persons.

11 (b) A meat establishment operator requesting slaughter inspection services shall
12 submit the request to the department in writing and shall specify a proposed slaughter
13 schedule according to s. ATCP 55.03(12)(b). The department may require a different
14 schedule, as provided in s. ATCP 55.03(12)(c). The meat establishment operator may not
15 deviate from the specified schedule without prior department approval, as provided in s.
16 ATCP 55.03(12)(d).

17 **(3) SLAUGHTER INSPECTION SITE.** (a) The department may not perform a
18 slaughter inspection at any place other than a meat establishment licensed under s. ATCP
19 55.03, except that the department may agree to perform field ante mortem inspections on any
20 of the following:

21 1. Apparently healthy farm-raised deer or captive game animals that cannot be safely
22 or humanely transported to a licensed meat establishment for ante mortem inspection.

23 2. Apparently healthy domesticated food animals, if special circumstances prevent
24 the transportation of those animals to a licensed meat establishment for ante mortem

1 inspection.

2 (b) The department may not perform field ante mortem inspections under par. (a) on
3 diseased animals, or on animals that cannot stand or walk.

4 (c) If an animal passes a field ante mortem inspection under par. (a), the operator of a
5 meat establishment licensed under s. ATCP 55.03 may stun and bleed the animal in the field.
6 The operator shall bleed the animal immediately after stunning, and shall immediately
7 transport the carcass to the meat establishment for skinning, post mortem inspection and
8 processing. The operator shall transport the carcass in compliance with s. ATCP 55.11. The
9 inspector shall identify the carcass and monitor the carcass shipment, as necessary, to ensure
10 compliance with this paragraph.

11 **(4) SLAUGHTER INSPECTION CHARGES; WHEN REQUIRED.** The department shall
12 provide slaughter inspection services under subs. (2) and (3) without charge, except that the
13 department shall charge a meat establishment operator for slaughter inspection services if any
14 of the following apply:

15 (a) The inspection pertains to a captive game animal or captive game bird.

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

18 1. Days or times not included in the normal slaughter schedule under sub. (2).

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

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

21 4. Saturday or Sunday.

22 5. The holidays of New Year's Eve, New Year's Day, Memorial Day, Independence
23 Day, Labor Day, Thanksgiving Day, Christmas Eve or Christmas Day. If any of these

1 holidays falls on Sunday, the following Monday is considered the holiday.

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

3 (5) SLAUGHTER INSPECTION CHARGES; AMOUNT. (a) If sub. (4) requires a meat
4 establishment operator to pay for slaughter inspection services, the department shall bill and
5 the operator shall pay uniform hourly charges for those services. The department shall
6 establish uniform hourly charges based on the department's statewide average cost to provide
7 inspection services. The department may establish higher hourly charges for inspections that
8 must be provided by veterinarians.

9 *NOTE:* A veterinarian must inspect animals that cannot stand or walk, and animals
10 found to be suspect on ante mortem examination. See ss. ATCP 55.07(8)
11 and 55.05(2).
12

13 (b) The department shall notify a meat establishment operator of the applicable
14 hourly charge before providing an inspection service requiring a change under sub. (4). The
15 department shall give at least 30 days prior written notice before increasing hourly charges
16 under an ongoing inspection agreement.

17 (6) SLAUGHTER INSPECTION PROCEDURES. Slaughter inspection procedures shall
18 comply with this chapter, including ss. ATCP 55.05 to 55.07.

19 (7) INSPECTOR ABSENCE. A meat establishment operator shall immediately notify
20 the department if a department inspector fails to appear for a scheduled ante mortem or post
21 mortem inspection required under sub. (1). The department shall provide an inspector as
22 soon as possible, so that slaughter may proceed in a timely manner.

23 (8) WITHDRAWING SLAUGHTER INSPECTION. The department may withdraw
24 slaughter inspection for cause, including violations of this chapter. No person may conduct
25 slaughter operations for which department inspection is required under this chapter while

1 those services are withdrawn.

2 **ATCP 55.05 Ante mortem inspection. (1) GENERAL.** Ante mortem inspections
3 shall comply with applicable standards under s. ATCP 55.07.

4 **(2) SUSPECT ANIMALS.** If a department inspector performing an ante mortem
5 inspection suspects that a food animal is affected by a disease or condition that may cause all
6 or part of the animal's carcass to be condemned after post mortem inspection, the inspector
7 shall cause the animal to be held for ante mortem inspection by a department veterinarian.
8 The animal shall be segregated from other food animals, and shall be placed in a holding area
9 marked with a **"WIS. SUSPECT"** tag or placard until a department veterinarian performs an
10 ante mortem inspection.

11 **(3) ANIMALS THAT CANNOT STAND OR WALK.** If the department performs an ante
12 mortem inspection on an animal that cannot stand or walk, a department veterinarian shall
13 perform the inspection. The department veterinarian may order the animal held for up to 24
14 hours for further observation. If the animal has been treated with drugs for which the
15 prescribed withdrawal time has not elapsed, the department veterinarian shall condemn the
16 animal or order the animal held until the withdrawal time elapses.

17 **(4) CONDEMNED ANIMALS.** Except as provided in sub. (5), if a department
18 veterinarian performing an ante mortem inspection finds that a food animal is affected by a
19 disease or condition that would cause the animal's carcass to be condemned in its entirety
20 after post mortem inspection, the veterinarian shall condemn the animal. The condemned
21 animal shall be segregated from other live food animals. The veterinarian shall supervise the
22 humane slaughter and disposal of the animal.

23 **(5) TREATABLE ANIMALS.** If a department veterinarian performing an ante mortem

1 inspection finds that a food animal is affected by a treatable disease or condition, the
2 veterinarian may order the animal withheld from slaughter pending specified treatment. A
3 food animal held for treatment may not be slaughtered for human consumption until a
4 department veterinarian performs another ante mortem inspection after the animal is treated.
5 A diseased animal may not be held for treatment in a manner that threatens the health of
6 other animals.

7 (6) FIELD ANTE MORTEM INSPECTION. An inspector or veterinarian conducting a
8 field ante mortem inspection under s. ATCP 55.04(3) shall observe the live animal in the
9 field, in motion and at rest. The inspector or veterinarian may specify other procedures, as
10 necessary, to ensure a safe and effective field ante mortem examination.

11 **ATCP 55.06 Post mortem inspection. (1) GENERAL.** Post mortem inspections
12 shall comply with applicable standards under s. ATCP 55.07.

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

16 (3) POULTRY AND CAPTIVE GAME BIRDS. Post mortem inspections of poultry and
17 captive game birds shall comply with 9 CFR 381.

18 (4) CAPTIVE GAME ANIMALS. (a) The department may specify post mortem
19 inspection procedures for captive game animals. Post mortem inspections of captive game
20 animals shall comply with 9 CFR 310, as applicable. Post mortem inspection procedures for
21 bison shall be the same as for cattle.

22 (5) SLAUGHTER INSPECTION MARKS. (a) The department shall apply official
23 inspection marks to each carcass that the department finds, after post mortem inspection, to

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

4 (b) Except as provided in par. (c), an official inspection mark under par. (a) shall
5 consist of an outline map of Wisconsin enclosing the words “**WIS. INSPECTED &**
6 **PASSED,**” the department inspector number and the meat establishment license number
7 assigned under s. ATCP 55.03(10). If space is limited, the phrase “**WIS. INSPECTED**
8 **AND PASSED**” may be abbreviated by the phrase “**WIS. INSP'D & P'S'D.**”

9 *NOTE:* The following is an illustration of the official inspection mark under
10 par. (b):



11 (c) For farm-raised deer, captive game animals and captive game birds, an official
12 inspection mark under par. (a) shall consist of a triangle enclosing the words “**WIS.**
13 **INSPECTED & PASSED**” and the meat establishment license number assigned under s.
14 ATCP 55.03(10). If space is limited, the phrase “**WIS. INSPECTED AND PASSED**” may
15 be abbreviated by the phrase “**WIS. INSP'D & P'S'D.**”

16 *NOTE:* The following is an illustration of the official inspection mark under
17 par. (c):
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(d) If the department finds upon post mortem inspection that any part of a carcass is fit for human food only after cooking, the department shall mark that part **“PASSED FOR COOKING.”** The department shall use applicable standards in 9 CFR 315.2 to determine if any part of a carcass is fit for human consumption only after cooking. No person may process or sell any of the affected meat for human consumption without cooking, as required by the department.

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

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

(g) The department may stamp carcass parts with the appropriate marks under pars.

1 (a) to (e). If an organ or other carcass part is not susceptible to stamping, the department
2 may apply the mark by other means such as tagging.

3 (h) An authorized department inspector may apply inspection marks under this
4 subsection on behalf of the department. No non-department personnel may apply
5 inspection marks, except under the direct personal supervision of an authorized department
6 inspector. When a department inspector is not using or personally supervising the use of a
7 marking device at a licensed meat establishment, the inspector shall keep the device in a secure
8 locked compartment or in the inspector's possession. A marking device kept in a locked
9 compartment shall be accessible only by the inspector and other authorized department
10 personnel.

11 (i) The department shall order all of the marking devices that the department uses to
12 apply inspection marks under this subsection. A meat establishment operator shall pay for
13 the marking devices that the department uses at the operator's meat establishment. A meat
14 establishment operator may not order or create any marking device used to apply department
15 inspection marks under this subsection.

16 **ATCP 55.07 Slaughter and processing standards; general. (1) SLAUGHTER**
17 **AND PROCESSING STANDARDS; DOMESTICATED FOOD ANIMALS.** (a) A meat
18 establishment operator who does any of the following shall comply with applicable federal
19 standards under 9 CFR parts 307 to 311, 313 to 315, 317, 319, 416 and 417:

20 1. Slaughters domesticated food animals, other than poultry, for human
21 consumption.

22 2. Processes the meat of domesticated food animals, other than poultry, for human
23 consumption.

1 (b) Paragraph (a) does not apply to mobile custom slaughter or mobile custom
2 processing

3 **NOTE:** See s. 97.42(4m), Stats.

4 **(2) SLAUGHTER AND PROCESSING STANDARDS; POULTRY AND CAPTIVE GAME**

5 BIRDS. (a) A meat establishment operator who does any of the following shall comply with
6 applicable requirements under 9 CFR 416 and 417, and subparts G, H, I, J, K, L, O and P of
7 9 CFR 381:

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

9 2. Processes the meat of poultry or captive game birds for human consumption.

10 (b) Paragraph (a) does not apply to mobile custom slaughter or mobile custom
11 processing

12 (c) Paragraph (a) does not apply to a person slaughtering and processing not more
13 than 1,000 poultry per year, provided that all the following apply:

14 1. The person produces all of those poultry on his or her farm.

15 2. The person slaughters, processes and sells the poultry at the farm where they are
16 produced.

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

19 **NOTE:** See ss. 97.42(4m) and 97.42(11), Stats.

20 **(3) SLAUGHTER AND PROCESSING STANDARDS; RATITES.** (a) A meat
21 establishment operator who does any of the following shall comply with applicable
22 requirements under 9 CFR parts 307 to 311, 313 to 315, 317, 319, 416 and 417:

23 1. Slaughters ratites for human consumption.

1 2. Processes the meat of raites for human consumption.

2 (b) Paragraph (a) does not apply to mobile custom slaughter or mobile custom
3 processing

4 **NOTE:** See s. 97.42(4m), Stats.

5 **(4) SLAUGHTER AND PROCESSING STANDARDS; CAPTIVE GAME ANIMALS.** (a) A
6 person slaughtering a captive game animal for human consumption shall do so in a humane
7 and sanitary manner. If the department provides ante mortem and post mortem slaughter
8 inspection, the person shall comply with procedures specified by the department. The
9 procedures shall be consistent with procedures specified by the United States department of
10 agriculture.

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

14 **(6) DISEASED OR INJURED ANIMALS; GENERAL.** No person may slaughter a food
15 animal for human consumption, or submit a food animal for slaughter for human
16 consumption, if the person knows or has reason to know that the animal is diseased or
17 injured. This does not prohibit any of the following:

18 (a) A slaughter that is subject to ante mortem and post mortem inspection by the
19 department or the United States department of agriculture.

20 (b) The custom slaughter of an animal injured within 24 hours prior to slaughter,
21 provided the animal is not diseased.

22 (c) The custom slaughter of an animal injured more than 24 hours prior to slaughter
23 if all the following apply:

- 1 1. The animal is not diseased.
- 2 2. A licensed practicing veterinarian performs an ante mortem and post mortem
- 3 inspection on the slaughtered animal.

4 **(7) DISEASED OR INJURED ANIMALS; OWNER CERTIFICATION.** If a person

5 submitting a food animal for slaughter for human consumption knows or has reason to know

6 the animal is diseased or injured; that person shall, prior to the animal's slaughter, sign and

7 deliver a written statement to the person who will perform the slaughter. The statement shall

8 certify all the following:

- 9 1. The name and address of every person who has had custody of the animal within
- 10 30 days prior to the slaughter submission date.
- 11 2. The nature of each known or suspected disease or injury.
- 12 3. The date on which each injury occurred, if known.
- 13 4. The cause of each injury, if known.
- 14 5. The date on which the animal became incapable of standing or walking, if the
- 15 animal is incapable of standing or walking.
- 16 6. All drugs administered to the animal as treatments or feed additives within 30
- 17 days prior to the slaughter submission date, and the last date each drug was administered.

18 **NOTE:** The certification requirement under sub. (7) applies to inspected slaughters

19 as well as uninspected custom slaughters.

20

21 **(8) ANIMALS THAT CANNOT STAND OR WALK.** No person may slaughter a food

22 animal for human consumption or submit a food animal for slaughter for human

23 consumption if that animal cannot stand or walk without assistance. This prohibition does

24 not apply to any of the following:

- 25 (a) An animal slaughtered at a meat establishment licensed under s. ATCP 55.03 if all

1 the following apply:

2 1. The meat establishment has adequate facilities to handle the animal in a humane
3 manner, including facilities required under sub. (11)(c).

4 2. A department veterinarian performs an ante mortem and post mortem inspection
5 on the animal.

6 (b) An animal slaughtered at a meat establishment inspected by the United States
7 department of agriculture under 21 USC 451 to 695.

8 (c) The mobile custom slaughter of an animal injured within 24 hours prior to
9 slaughter, provided the animal is not diseased.

10 (d) The mobile custom slaughter of an animal injured more than 24 hours prior to
11 slaughter if all the following apply:

12 1. The animal is not diseased.

13 2. A licensed practicing veterinarian performs an ante mortem and post mortem
14 inspection on the slaughtered animal.

15 **NOTE:** See subs. (6) and (7). A mobile custom slaughter must comply with ss.
16 ATCP 55.08 and 55.09.

17
18 **(9) CARCASSES AND MEAT RECEIVED FOR PROCESSING.** (a) A meat
19 establishment operator shall examine all carcasses and meat received for processing at that
20 meat establishment. The operator shall examine the carcasses and meat before receiving them
21 into any processing or storage area.

22 (b) A meat establishment operator may not receive, into any processing or storage
23 area, any unclean or apparently unwholesome carcass or meat. The operator shall handle,
24 store and prepare carcasses and meat to prevent contamination of other carcasses, meat and
25 food.

1 (c) Except as provided in par. (d) or (e), a meat establishment operator may not
2 process any carcass or meat produced by the custom slaughter of a diseased or injured animal.

3 (d) A meat establishment operator may custom process the carcass or meat produced
4 by the slaughter of a food animal injured within 24 hours prior to slaughter, provided the
5 animal was not diseased.

6 (e) A meat establishment operator may custom process the carcass or meat produced
7 by the slaughter of a food animal injured more than 24 hours prior to slaughter if all the
8 following apply:

9 1. The animal was not diseased.

10 2. A licensed practicing veterinarian performed an ante mortem and post mortem
11 inspection on the slaughtered animal, and certified in writing that the carcass was wholesome
12 and free of disease.

13 **NOTE:** The department may retain or condemn unwholesome, adulterated or
14 misbranded meat or meat food products, including those produced by custom
15 slaughter or processing (see ATCP 55.14). If the department inspects a
16 custom slaughter, the department will follow applicable inspection
17 procedures under this chapter.

18
19 **(10) CONDEMNED ANIMALS AND MEAT.** (a) If the department condemns a food
20 animal on ante mortem inspection, the meat establishment operator shall kill the animal,
21 inject it with a denaturant, and dispose of it as directed by the department. The denaturant
22 shall consist of a 10% solution of carbolic or cresylic acid. A meat establishment operator
23 may use another denaturant if the department pre-approves that denaturant. The meat
24 establishment operator, acting under direct department supervision, shall inject at least 40 ml.
25 of the denaturant into the heavy musculature of each carcass quarter and into each of the
26 abdominal and thoracic cavities.

1 (b) No person may slaughter, for human consumption, any food animal that the
2 department has condemned as being unwholesome or unfit for human consumption. The
3 animal owner or meat establishment operator shall dispose of the condemned animal in a
4 manner directed by the department.

5 (c) An animal condemned on ante mortem inspection may not be skinned or
6 eviscerated at a meat establishment. This does not prohibit the recovery, under department
7 supervision, of animal parts needed for diagnostic testing required by the department.

8 (d) No person may process for human consumption, or sell or distribute for human
9 consumption, any meat that the department has condemned as being unwholesome or unfit
10 for human consumption. The meat establishment operator shall denature or de-characterize
11 the condemned meat so that the meat is no longer naturally edible by humans. Containers
12 used for condemned meat shall be conspicuously marked **“INEDIBLE.”**

13 (e) If the department orders a meat establishment operator to trim any carcass to
14 remove unfit or unwholesome meat, the operator shall complete the trimming before placing
15 the carcass in a cooler.

16 (f) A meat establishment operator shall clean and sanitize facilities, equipment and
17 utensils that have come in contact with any condemned animal or meat before using the
18 facilities, equipment or utensils in any other slaughter or processing operations.

19 **(11) HUMANE SLAUGHTER AND TREATMENT.** (a) Persons slaughtering food
20 animals shall use humane methods. Humane methods include any of the following:

- 21 1. Captive bolt devices.
- 22 2. Electrical stunning
- 23 3. CO2 gas chamber.

1 4. Gun shot.

2 5. Established religious dietary law procedures, such as rabbinical (kosher)
3 procedures.

4 (b) Persons receiving, transporting or holding food animals for slaughter shall do so
5 in a humane manner.

6 (c) If a meat establishment receives food animals that cannot stand or walk, the meat
7 establishment operator shall do all the following:

8 1. Maintain separate holding pens for those animals, and protect them from physical
9 contact with other animals.

10 2. Maintain skids, mats or other department-approved conveyances for moving
11 those animals humanely. A meat establishment operator may not drag an animal that cannot
12 stand or walk, but shall move the animal by means of an approved conveyance.

13 (d) Meat establishment operators shall construct and maintain livestock pens,
14 driveways and ramps to prevent injury to animals.

15 (e) Persons moving food animals to slaughter shall do so in a manner that minimizes
16 animal excitement and discomfort. Persons driving food animals to slaughter shall avoid
17 excessive use of driving implements that may cause unnecessary excitement, pain or injury to
18 the animals. Persons driving food animals to slaughter may not stab or prod the animals with
19 sharp driving implements.

20 (f) Food animals held at meat establishments pending slaughter shall have access to
21 drinking water. If they are held for more than 24 hours, they shall also have access to feed.

22 (g) No livestock, ratites or captive game animals may be shackled, hoisted, stuck or
23 cut for slaughter, except according to rabbinical (kosher) or other established religious dietary

1 practices, until the livestock are rendered insensible to pain.

2 *NOTE:* See s. 95.80, Stats.

3

4 (h) If a bullet, bolt or other slaughter projectile penetrates the brain of a slaughtered
5 food animal, that brain may not be used for human food.

6 (i) No head, head meat or cheek meet from a food animal slaughtered by gunshot
7 may be used for human food. This paragraph does not prohibit the use of the animal's
8 tongue for human food.

9 **(12) HORSES AND HORSE MEAT.** No person may slaughter or process equines at a
10 meat establishment where other domesticated food animals are slaughtered or processed.
11 Equine carcasses, equine meat and equine meat food products shall be conspicuously labeled
12 **“HORSE MEAT”** or **“HORSE MEAT PRODUCT”** in a manner approved by the
13 department.

14 **(13) RECORDS.** (a) Except as provided in par. (b), a person who slaughters a food
15 animal for human consumption, or who processes the meat of a food animal for human
16 consumption, shall make a record of that slaughter or processing. The record shall include all
17 the following:

- 18 1. The date and time of slaughter or processing
- 19 2. The number and type of animals slaughtered, and the disposition of the carcasses.
- 20 3. The type and amount of meat processed, and the disposition of that meat.
- 21 4. Any certificates required under sub. (7).
- 22 5. Other relevant information required by the department.

23 (b) Paragraph (a) does not require a meat establishment operator to duplicate
24 slaughter records kept by the department's inspector.

1 (c) A person required to make a record under par. (a) shall keep that record for at
2 least 3 years, and shall make the record available to the department for inspection and
3 copying upon request.

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

6 (a) Hold a current annual license if required under s. ATCP 55.03.

7 (b) Hold a current annual registration certificate if required under s. ATCP 55.09(2).

8 (c) Comply with applicable requirements under s. ATCP 55.07.

9 (d) Mark or label all the resulting meat and meat food products **“NOT FOR SALE,”**
10 as provided in sub. (2). A person providing a custom slaughter or custom processing service
11 shall keep the service recipient’s meat and meat food products separate from all other food
12 that the service provider holds for others or offers for sale. The person may not sell any of
13 the service recipient’s meat or meat food products, or commingle them with any food that
14 the person holds for others or sells.

15 **NOTE:** For example, a person providing custom slaughter or custom processing
16 services may not combine saved carcass parts, such as head meat, tongues,
17 hearts, fat or trimmings, with meat or meat food products processed for other
18 service recipients or purchasers.

19
20 (e) Return all of the resulting meat and meat food products to the service recipient.

21 The service recipient may use them only for the service recipient’s personal consumption,
22 which may include consumption by the service recipient’s immediate family, immediate
23 household and nonpaying guests.

24 (f) Comply with s. ATCP 55.09 if the person engages in mobile custom slaughter or
25 mobile custom processing.

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

1 (h) Keep complete and accurate records of all custom slaughter and processing
2 transactions. The service provider shall keep the records for at least 3 years, and shall make
3 the records available to the department for inspection and copying upon request.

4 (2) MARKING OR LABELING MEAT. (a) A person providing a custom slaughter or
5 custom processing service shall mark or label the resulting meat and meat food products with
6 all the following information:

- 7 1. The words “**NOT FOR SALE**” in block letters at least 3/8 inch high.
8 2. The name or commonly recognized trade name of the person providing the
9 custom slaughter or custom processing service. If the person performs the service at a meat
10 establishment licensed under s. ATCP 55.03, the person may use the meat establishment
11 number assigned under s. ATCP 55.03(10) instead of the person’s name. If the person
12 provides the service as a mobile custom slaughter or mobile custom processing service, the
13 person may use the registration number assigned under s. ATCP 55.09(2)(g) instead of the
14 person’s name.

15 **NOTE:** The following examples illustrate possible label formats under par. (a):

16 **NOT FOR SALE** **NOT FOR SALE**
17 **XYZ Market** **WIS 000**
18

19 (b) A person providing a custom slaughter service shall mark the carcass of each
20 custom slaughtered animal with the information required under par. (a). The person shall
21 mark each side, quarter, detached organ and other part of the carcass. The person shall mark
22 the carcass immediately after slaughter, before the carcass leaves the slaughter site.

23 (c) A person providing a custom processing service shall apply the label under par.
24 (a) to all packages and containers of custom processed meat and meat food products when

1 that meat or those meat food products are packaged or placed in those containers. The
2 person shall individually label sausages that have a diameter of more than 1-1/2 inches if
3 those sausages are individually packaged, or if they are shipped or stored in unsealed
4 containers.

5 (3) CUSTOM SLAUGHTER AND PROCESSING SCHEDULE. (a) Except as provided in
6 par. (b), a meat establishment operator may not engage in custom slaughter or custom
7 processing operations at a meat establishment while the operator is simultaneously doing any
8 of the following at that establishment:

- 9 1. Slaughtering food animals for sale.
- 10 2. Processing the meat of food animals for sale.

11 (b) Paragraph (a) does not apply to any of the following:

- 12 1. A department-inspected custom slaughter, or the custom processing of meat from
13 a department-inspected custom slaughter.
- 14 2. Simultaneous operations conducted in separate rooms or areas, if approved by the
15 department. The department may approve simultaneous operations that are adequately
16 separated and controlled to prevent cross-contamination or commingling of meat from the
17 separated operations.

18 **ATCP 55.09 Mobile custom slaughter and processing. (1) GENERAL.** A
19 person engaged in mobile custom slaughter or mobile custom processing shall comply with s.
20 ATCP 55.08 and this section.

21 (2) ANNUAL REGISTRATION CERTIFICATE. (a) No person may receive any
22 compensation, other than bartered services, for providing mobile custom slaughter or mobile
23 custom processing services unless that person holds a current annual registration certificate

1 from the department. No registration certificate is required if the person holds a meat
2 establishment license under s. ATCP 55.03.

3 (b) A registration certificate under par. (a) expires on June 30 annually.

4 (c) A person shall apply for a registration certificate under par. (a) on a form
5 provided by the department. No fee is required. The application shall include all the
6 following:

7 1. The applicant's correct legal name, and any trade name under which the applicant
8 does business.

9 2. The applicant's business address.

10 3. The applicant's social security number if the applicant is an individual.

11 **NOTE:** See s. 93.135(1)(nm), Stats.

12 4. Other relevant information required by the department.

13 (d) The department shall grant or deny an application under par. (c) within 30 days
14 after the department receives a complete application.

15 (e) The department may deny, suspend or revoke a registration certificate under par.
16 (a) for cause, as provided in s. 93.06(7), Stats. Cause may include a violation of this chapter.

17 **NOTE:** The procedure for suspending or revoking a registration certificate, or for
18 contesting the denial of a registration certificate, is set forth in
19 ch. ATCP 1.

20 (f) The department may issue a registration certificate under par. (a) subject to
21 conditions, or may impose conditions on an existing registration certificate, as provided in s.
22 93.06(8), Stats.
23

24 **NOTE:** The procedure for imposing conditions on an existing registration certificate,
25 or for contesting conditions imposed by the department, is set forth in ch.
26 ATCP 1.
27

1 (g) The department shall assign, to each person holding a registration certificate under
2 par. (a), a registration number that uniquely identifies that person.

3 (3) FACILITIES AND SANITATION. (a) Mobile custom slaughter and mobile custom
4 processing operations shall be conducted under clean and sanitary conditions.

5 (b) Vehicles and facilities used in mobile custom slaughter and mobile custom
6 processing operations shall be designed and constructed so they can be kept clean and
7 sanitary.

8 (c) Facilities shall be available, at every mobile custom slaughter and mobile custom
9 processing site, to clean and sanitize equipment and utensils.

10 (4) EQUIPMENT AND UTENSILS. Equipment and utensils used in mobile custom
11 slaughter and mobile custom processing operations shall be of sanitary design and
12 construction, and shall be kept clean and sanitary. Meat contact surfaces of equipment and
13 utensils shall be cleaned and sanitized after each use, and more frequently as necessary, to
14 keep them clean and sanitary.

15 (5) PERSONNEL. Personnel engaged in mobile custom slaughter or mobile custom
16 processing operations shall wear clean and washable outer clothing, and shall wash and rinse
17 their hands sufficiently during the operations to prevent contamination of carcasses, meat and
18 meat food products.

19 (6) WATER SUPPLY. Potable water shall be available for all mobile custom slaughter
20 and mobile custom processing operations. There shall be enough water for thorough cleaning
21 of all carcasses, equipment and utensils. Water shall be available during all slaughtering
22 processing and cleanup operations.

23 (7) CARCASS TRANSPORTED TO MEAT ESTABLISHMENT FOR CUSTOM

1 PROCESSING. (a) A person performing a mobile custom slaughter service shall return the
2 resulting meat to the service recipient at the slaughter site, except that the service provider
3 may transport a carcass to a meat establishment licensed under s. ATCP 55.03 for custom
4 processing. The custom processor shall return the resulting meat to the service recipient.

5 **NOTE:** See s. ATCP 55.07(9).

6 (b) Carcasses transported under par. (a) shall be transported according to s. ATCP
7 55.11. Inedible slaughter products, if transported on the same vehicle with meat, shall be
8 transported in tightly covered waterproof containers or in separate waterproof compartments
9 to prevent spillage of inedible products and contamination of meat.

10 **(8) MOBILE CUSTOM SLAUGHTER; MONTHLY REPORT.** A person holding a
11 registration certificate under sub. (2) or a license under s. ATCP 55.03 shall file a report with
12 the department for each month in which that person performs any mobile custom slaughter.
13 The person shall file the report by the 10th day of the following month on a form provided
14 by the department. The report shall include all the following information:

15 (a) The name and address of each individual for whom the person provided mobile
16 custom slaughter services.

17 (b) The number and type of animals slaughtered for each service recipient.

18 (c) The date of each slaughter.

19 (d) The disposition of each carcass. The report shall indicate whether a carcass was
20 transported to another location for processing and, if so, the location to which it was
21 transported.

22 **ATCP 55.10 Meat labels and formulas. (1) GENERAL.** Meat and meat food
23 products sold in this state shall be labeled according to this chapter and ch. ATCP 90. No

1 person may sell any misbranded meat or meat food products, or make any false, deceptive or
2 misleading representation in connection with the sale of meat or meat food products.

3 **NOTE:** See ss. 97.03, 100.18 and 100.183, Stats. Chapter ATCP 90 (fair packaging
4 and labeling) contains general requirements for the packaging and labeling of
5 food and other consumer commodities.
6

7 **(2) MEAT LABELS; GENERAL.** No person may sell any meat or meat food product
8 unless that meat or meat food product is clearly labeled with all the following:

9 (a) The name of the meat or meat food product.

10 (b) The net weight of the meat or meat food product.

11 (c) The name and address of the person who last processed the meat, or the name and
12 address of the legally responsible distributor for whom the meat was last processed.

13 (d) An inspection legend if required under sub. (3) or 9 CFR 317.2.

14 (e) An ingredient statement if the product contains 2 or more ingredients. The
15 ingredient statement shall contain the word **“INGREDIENTS:”** followed by a listing of
16 ingredients in order of weight.

17 (f) Safe handling instructions if required under 9 CFR 317.2(l).

18 (g) One of the following statements if the meat or meat food product is being sold at
19 retail and is perishable:

20 1. “Perishable.”

21 2. “Keep refrigerated.”

22 3. “Keep under refrigeration.”

23 4. “Keep frozen.”

24 **(3) INSPECTION LEGEND.** (a) Except as provided in par. (b), a license holder under
25 s. ATCP 55.03 who processes meat or meat food products from meat inspected and passed

1 by the department shall label that processed meat and those processed meat food products
2 with a state inspection legend. The legend shall appear on all packages and containers of
3 processed meat and meat food products, so that it is clearly visible to prospective purchasers.

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

7 (c) Except as provided in par. (d), the state inspection legend under par. (a) shall
8 consist of an outline map of Wisconsin enclosing the words “**WIS. DEPT. AGR.**
9 **INSPECTED**” and the meat establishment number assigned under s. ATCP 55.03(10).

10 *NOTE:* Federal law prohibits the sale, *in other states*, of state-inspected meat that is
11 required to bear the Wisconsin inspection under par. (c). The following is an
12 illustration of the Wisconsin inspection legend described in par. (c):



13
14 (d) The inspection legend under par. (a) shall consist of an equilateral or isosceles
15 triangle enclosing the words “**WIS. DEPT. AGR. INSPECTED**” and the meat establishment
16 number assigned under s. ATCP 55.03(10) if all the following apply:

17 1. The meat or meat food product contains meat from farm-raised deer, captive game
18 animals or captive game birds.

19 2. Meat from domesticated food animals and ratites constitutes less than 3% of the
20 product by weight.

21 3. Meat fat from domesticated food animals and ratites constitutes less than 30% of

1 the product by weight.

2 **NOTE:** Federal law does *not* prohibit the sale, in other states, of state-inspected
3 meat from *farm-raised deer, captive game animals or captive game birds*
4 (meat required to bear a triangular inspection legend under par. (d)). The
5 following is an illustration of the state inspection legend described in par. (d):
6



7 (e) If space is limited, the word “INSPECTED” in the state inspection legend under
8 par. (c) or (d) may be abbreviated as “INSP’D.”

9 (4) STANDARDS OF IDENTITY. Labeling of meat and meat food products shall
10 comply with applicable standards of identity in 9 CFR 319. No person may misrepresent
11 the identity of any meat or meat food product.

12 (5) FORMULA APPROVAL. (a) No person may manufacture any meat food product
13 in a meat establishment licensed under s. ATCP 55.03 unless the department first approves
14 the product formula for compliance with applicable labeling and food safety requirements,
15 including applicable standards of identity under sub. (4).

16 (b) To obtain the department’s approval under par. (a), a person shall submit the
17 product formula on a form provided by the department. The form shall identify the meat,
18 chemical and other ingredients in the product, and shall include any other information
19 required by the department.

20 (c) The department shall approve or disapprove a product formula within 30 days
21 after the department receives a complete application under par. (b). The department shall

1 give the applicant written notice of its action. If the department does not approve the
2 formula, the notice shall state the department's reasons.

3 (6) LABEL APPROVAL. No person may sell any of the following meat or meat food
4 products unless the department first approves the labeling of that meat or those meat food
5 products:

6 (a) Meat or meat food products bearing labels that make health, quality or nutritional
7 claims.

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

10 (c) Meat or meat food products bearing labels that make claims related to
11 organizational membership or organizational standards.

12 (7) PROHIBITED LABELING PRACTICES. (a) No person may apply, to any meat or
13 meat food product, any mark, legend or label that is false, deceptive or misleading.

14 (b) No person may misrepresent that the department has inspected meat, or
15 misrepresent the department's inspection findings related to meat.

16 (c) No person may misrepresent that any meat or meat food product has been
17 processed at a licensed meat establishment, or is derived from meat inspected and passed by
18 the department.

19 (d) No person may counterfeit or use without proper authority any inspection
20 mark, label or marking device under this subsection.

21 (e) No person may wrongfully alter or remove any mark or label applied under this
22 section.

23 (f) No person may sell, transport or store any meat or meat food product that is not

1 marked, labeled or identified according to this chapter.

2 **ATCP 55.11 Transporting meat. (1) GENERAL.** A person transporting meat
3 for human consumption shall do so in a manner that keeps the meat wholesome and
4 unadulterated. Meat and meat food products for human consumption shall be refrigerated
5 during transport if they are perishable, or if they are labeled “Keep Refrigerated” or “Keep
6 Frozen.” The internal temperature of the refrigerated products may not exceed 5° C (41° F) at
7 the time of delivery.

8 **(2) VEHICLES AND FACILITIES.** Vehicles and facilities used to transport meat and
9 meat food products shall be constructed and maintained to ensure that the meat and meat
10 food products arrive at their destination in a wholesome and unadulterated condition.
11 Vehicles and facilities shall be adequately equipped to ensure compliance with sub. (1).

12 **(3) UNWRAPPED MEAT.** Unwrapped meat and meat food products shall be
13 transported in enclosed vehicles equipped with tight fitting doors, and shall be protected
14 from contamination from the vehicle.

15 **ATCP 55.12 Meat brokers and meat distributors; registration. (1) ANNUAL**
16 **REGISTRATION CERTIFICATE.** No person may operate as a meat broker or meat distributor
17 without an annual registration certificate from the department, except that no registration
18 certificate is required for a meat broker or meat distributor who holds a current annual meat
19 establishment license under s. ATCP 55.03. A registration certificate expires on June 30
20 annually. No fee is required.

21 **(2) APPLYING FOR A REGISTRATION CERTIFICATE.** To obtain a registration
22 certificate under sub. (1), a person shall apply on a form provided by the department. The
23 application shall include all the following:

1 (a) The applicant's correct legal name, and any trade name under which the applicant
2 does business.

3 (b) The applicant's business address.

4 (c) The applicant's social security number if the applicant is an individual.

5 **NOTE:** See s. 93.135(1)(nm), Stats.

6 (d) Other relevant information required by the department.

7 **(3) ACTION ON APPLICATION.** The department shall grant or deny an application
8 under sub. (2) within 30 days after the department receives a complete application. **(4)**
9 **DENYING, SUSPENDING OR REVOKING A REGISTRATION CERTIFICATE.** The department
10 may deny, suspend or revoke a registration certificate under sub. (1) for cause, as provided in
11 s. 93.06(7), Stats. Cause may include a violation of this chapter.

12 **NOTE:** The procedure for suspending or revoking a registration certificate, or for
13 contesting the denial of a registration certificate, is set forth in
14 ch. ATCP 1.

15
16 **(5) CONDITIONAL REGISTRATION CERTIFICATE.** The department may issue a
17 registration certificate under sub. (1) subject to conditions, or may impose conditions on an
18 existing registration certificate, as provided in s. 93.06(8), Stats.

19 **NOTE:** The procedure for imposing conditions on an existing registration certificate,
20 or for contesting conditions imposed by the department, is set forth in ch.
21 ATCP 1.

22
23 **ATCP 55.13 Prohibited practices.** No person may do any of the following

24 **(1)** Process or sell, for human consumption, any unwholesome, adulterated or
25 misbranded meat.

26 **(2)** Slaughter any food animal, for human consumption, under unsanitary
27 conditions.

1 (3) Process, store, handle, transport or sell, under unsanitary conditions, meat or
2 meat food products for human consumption.

3 (4) Slaughter any food animal for human consumption, or process any meat or meat
4 food products for human consumption, at a place other than a meat establishment licensed
5 under s. ATCP 55.03. This prohibition does not apply to slaughter or processing operations
6 that are exempted from licensing under s. ATCP 55.03(2).

7 (5) Make any false, deceptive or misleading statement, when submitting a food
8 animal for slaughter, related to any of the following:

9 (a) The ownership, identity, origin or health status of the animal.

10 (b) The administration of any drug to the animal.

11 (c) The intended use of meat from the animal.

12 (6) Obstruct a department employee performing his or her duties. Obstruction
13 includes any of the following:

14 (a) Physical interference.

15 (b) Verbal or physical assault or abuse.

16 (c) Threatening behavior or communications.

17 (d) Refusal to carry out legitimate directives.

18 (e) Intentional acts that impede the full, effective and efficient performance of the
19 employee's duties.

20 **NOTE:** See s. 97.42(8), Stats.

21 (7) Wrongfully alter, deface or remove any department tag or mark applied under this
22 chapter.

23 (8) Wrongfully alter, deface or remove any label or inspection legend required under

1 s. ATCP 55.10.

2 (9) Custom slaughter a food animal, or custom process the meat of a slaughtered food
3 animal, if the person knows or has reason to know all the following:

4 (a) That the slaughter was not inspected by the department or the United States
5 department of agriculture.

6 (b) That the recipient of the custom slaughter or processing service will sell the meat
7 of that animal for human consumption, in violation of s. ATCP 55.04(1).

8 **ATCP 55.14 Enforcement. (1) INVESTIGATIONS.** The department may conduct
9 inspections and other investigations to determine compliance with this chapter and ch. 97,
10 Stats. The department may exercise its authority under chs. 93 and 97, Stats., in support of
11 its inspections and investigations.

12 **NOTE:** Under chs. 93 and 97, Stats., the department may inspect meat slaughtering,
13 processing, selling and distributing facilities and practices, regardless of
14 whether those practices occur at meat establishments licensed under s. ATCP
15 55.03. The department will provide ante mortem and post mortem slaughter
16 inspection only for persons licensed under s. ATCP 55.03.
17

18 (2) MEAT HOLDING ORDER. (a) The department may issue a holding order to
19 prohibit the sale or movement of any meat or meat food product if the department has
20 reasonable grounds to suspect that the meat or meat food product is unwholesome,
21 adulterated or misbranded. The department may issue a holding order pending further
22 examination or analysis to determine whether the meat or meat food product is
23 unwholesome, adulterated or misbranded.

24 (b) The department shall serve a holding order by delivering a copy to the owner or
25 custodian of the meat or meat food products, or by placing a copy in a conspicuous place on
26 or near the meat or meat food products. A “**WIS. RETAINED**” tag applied under s. ATCP

1 55.06(5)(f) has the effect of a holding order served under this subsection.

2 (c) A holding order remains in effect for 14 days unless the department withdraws it
3 earlier. The department may extend a holding order for one additional 14-day period by re-
4 serving the order or by leaving the “**WIS. RETAINED**” tag on the meat.

5 (d) No person may sell, move or alter any meat or meat food product under holding
6 order, except with the department’s permission. The department may authorize the owner
7 or custodian to take appropriate corrective action.

8 (e) The department may release a holding order if the department finds that the
9 suspect meat or meat food product is not unwholesome, adulterated or misbranded, or that
10 the violation has been corrected.

11 **(3) MEAT CONDEMNATION ORDER.** (a) If the department finds that meat or a meat
12 food product is unwholesome, adulterated or misbranded, the department may order the
13 owner or custodian to do any of the following:

14 1. Correct the violation within a reasonable time period specified by the department.

15

16 2. Dispose of the meat or meat food product, in a manner specified by the
17 department. The department may order disposal of meat or a meat food product if a
18 violation cannot be corrected, or if the owner or custodian fails to correct the violation within
19 the time specified under subd. 1. Returning meat to the recipient of a custom slaughter or
20 custom processing service does not correct a violation.

21 (b) The department shall serve an order under par. (a) by delivering a copy to the
22 owner or custodian of the meat or meat food products, or placing a copy in a conspicuous
23 place on or near the meat or meat food products. An order takes effect when served. A

1 **“WIS. INSP’D and CONDEMNED”** mark applied under s. ATCP 55.06(5)(e) has the
2 effect of a meat condemnation order served under this subsection.

3 (c) No person may sell, move or alter any meat or meat food product covered by the
4 department’s order except as directed by this chapter or by the department.

5 **(4) ORDER TO CORRECT VIOLATION.** The department may order a person to
6 correct a violation of this chapter or ch. 97, Stats. The department may specify a deadline for
7 correcting the violation.

8 **(5) REJECTED FACILITIES, EQUIPMENT OR UTENSILS.** The department may issue
9 an order prohibiting the use of unsanitary facilities, equipment or utensils that may
10 contaminate meat or meat food products. The department may issue an order under this
11 subsection by applying a **“REJECTED”** tag to the facilities, equipment or utensils. A
12 person may not use the equipment or utensils until the violation is corrected and the
13 department withdraws its order.

14 **(6) MEAT INSPECTION STAFF AUTHORIZED TO ISSUE ORDERS.** An authorized
15 department employee may issue orders under this section.

16 **NOTE:** Under ss. 93.06 and 97.42, Stats., the department may deny, suspend or
17 revoke a license or permit for violations of this chapter. The department may
18 also pursue court enforcement under ss. 93.21, 97.72 and 97.73, Stats., and
19 other applicable laws.

20 **ATCP 55.15 Appeals. (1)** A person directly affected by any of the following
21 department actions under this chapter may ask the department to reconsider that action:

22 (a) The denial of any application for a license or registration certificate.

23 (b) Ante mortem or post mortem inspection findings affecting the disposition of
24 animals, carcasses or meat.

25 (c) Any order issued under s. ATCP 55.14.

1 (d) Decisions denying, limiting or withdrawing slaughter inspection services.

2 (e) Slaughter inspection billings.

3 (2) Whenever the department receives a request for reconsideration under par. (a), the
4 department shall schedule a prompt informal conference with the requester. If the matter
5 concerns an ante mortem or post mortem inspection finding by an inspector who is not a
6 veterinarian, the department may have a veterinarian review the inspector's findings.

7 (3) If a requester's dispute is not resolved by informal action under par. (b), a
8 requester may request a contested case hearing under ch. 227, Stats., and ch. ATCP 1.

9 (4) A request for reconsideration or hearing does not stay a department action under
10 this chapter.

11 (5) This section does not limit a person's rights under ch. 227, Stats., or other
12 applicable law.

13 **SECTION 2.** Chapter ATCP 56 is repealed.

14

15 **EFFECTIVE DATE.** The rules contained in this order shall take effect on the first day
16 of the month following publication in the Wisconsin administrative register, as provided
17 under s. 227.22(2)(intro.), Stats.

18

19 Dated this _____ day of _____, 2002.

20

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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By _____
James E. Harsdorf
Secretary

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