

Ag 46

STATE OF WISCONSIN)
DEPARTMENT OF AGRICULTURE,) SS
TRADE & CONSUMER PROTECTION)

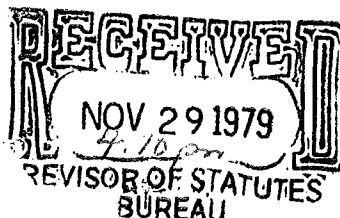
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Norman E. Kirschbaum, Administrator, Food Division, and custodian of the official records of said Division do hereby certify that the annexed order amending and adopting rules relating to smoked fish processing plants, Wis. Adm. Code Chapter Ag 46, was duly adopted by the Department on November 26, 1979.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the City of Madison, this 26th day of November, 1979.

Norman E. Kirschbaum
Norman E. Kirschbaum, Administrator
Food Division



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ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION
ADOPTING, AMENDING OR REPEALING RULES

Relating to rules concerning the processing, labeling and sale of
smoked fish.

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

The proposed revisions of Wis. Adm. Code Chapter Ag 46 encompass the following smoked fish rule changes:

1. Amend the definition of smoked fish to provide that the products processed in accordance with Title 21 of the CFR Part 172.175 be exempt from the Wisconsin definition of smoked fish. This means that smoked salmon, sable fish and smoked and cured shad processed in accordance with that regulation are not smoked fish subject to Ag 46 of the Wisconsin Administrative Code.
2. Adoption of a definition of the term "water phase salt" prescribing the manner in which the salt content of smoked fish is to be determined, i.e., in accordance with official methods of analysis of the association of official analytical chemists.
3. Amending section Ag 46.06(5) to provide that equipment used in the brining process be made of nonerodable materials rather than corrosion resistant materials.
4. Prohibiting the use of sodium nitrite as a preservative or color fixation in the processing of smoked fish.
5. Lowering temperature requirements for the heat treatment of smoked fish from 180 degrees to 160 degrees Fahrenheit.
6. Extending the sale date from 14 to 17 days after date of processing.
7. Clarifying existing labeling provisions relating to the date coding of smoked fish.
8. Renumbering and desexing changes, correction of department name, and addition of section Ag 46.12 specifying statutory authority under which the rules are adopted.

Pursuant to authority vested in the State of Wisconsin Department of Agriculture, Trade and Consumer Protection by sections 93.07(1), 97.09(1), and 97.28, Wis. Stats., the State of Wisconsin Department of Agriculture, Trade and Consumer Protection hereby repeals, amends and adopts rules interpreting section 97.28, Wis. Stats. as follows:

1. Sections Ag 46.01(3) and (4) of the Wisconsin Administrative Code are amended to read:

Ag 46.01(3) "Smoked fish" means any product obtained by subjecting fresh fish, frozen fish, dried fish or cured fish to the direct action of smoke or smoke flavor, either from the burning of wood, wood sawdust, or a similar burning material, or the immersion or spraying with a smoke-flavored solution, for the prime purpose of imparting the flavor and the color of smoke to fish. Smoked, cured salmon, sable fish and shad processed in accordance with federal standards under 21 CFR 172.175, Smoked smoked fish which containing 10% or more salt (sodium chloride) in the water phase, or which have been canned and properly heat treated in the hermetically sealed container containers, are exempt from the provisions of ~~Wis. Admin. Code sections~~ ss. Ag 46.08, Ag 46.09(4) and (5), and Ag 46.10, and Ag 46.11, Wis. Adm. Code.

(4) "Smoked fish processors" means any person engaged in the processing of smoked fish except for his the person's own consumption.

2. Section Ag 46.01(8) of the Wisconsin Administrative Code is renumbered section Ag 46.01(10) and amended to read:

Ag 46.01(10) "Department" means ~~Department of Agriculture~~ the state of Wisconsin department of agriculture, trade and consumer protection.

3. Section Ag 46.01(8) and (9) of the Wisconsin Administrative Code are created to read:

Ag 46.01(8) "Water phase salt" means the percent salt (sodium chloride) in the finished product as determined by the method described in ss. 18.009 and 18.010 of the official methods of analysis, multiplied by 100 and divided by the percent salt (sodium chloride) plus the percent moisture in the finished product as determined by the method described in section 18.006 of the official methods of analysis.

(9) "Official methods of analysis" means the "Official Methods of Analysis of the Association of Official Analytical Chemists", eleventh edition (1970),

published by the Association of Official Analytical Chemists, P. O. Box 540, Benjamin Franklin Station, Washington, DC 20044. Copies are on file in the offices of the department, the secretary of state and the revisor of statutes, and may be obtained directly from the Association of Official Analytical Chemists at its Washington address.

4. Section Ag 46.02 of the Wisconsin Administrative Code is amended to read:

Ag 46.02 Responsibility. Every smoked fish processor shall maintain a plant which is in conformity with the requirements of ~~these regulations~~ this chapter.

5. Section Ag 46.06(5) of the Wisconsin Administrative Code is amended to read:

Ag 46.06(5) All equipment used in the brining of smoked fish shall be ~~of material and construction~~ made of materials that can be readily cleaned and which ~~is corrosion-resistant~~ are not erodable by the action of salt (sodium chloride) used in the brining process.

6. Sections Ag 46.07(1), (2) and (4) of the Wisconsin Administrative Code are amended to read:

Ag 46.07(1) ~~Employees~~ Employes handling fish shall keep hands clean and shall wash hands prior to returning to work from the toilet room. Signs to this effect shall be posted.

(2) No ~~employee~~ employes shall handle fish product without thoroughly washing and sanitizing ~~his~~ their hands. This restriction applies especially to the handling of finished product after touching or handling raw fish or raw fish containers. It shall be the responsibility of plant operators properly to instruct and caution ~~employees~~ employes.

13. Section Ag 46.11(2)(b) of the Wisconsin Administrative Code is repealed and section Ag 46.11(2)(a) is renumbered Ag 46.11(2).

14. Section Ag 46.11(3) of the Wisconsin Administrative Code is amended to read:

Ag 46.11(3) No smoked fish shall be sold under any processing date other than the original processing date assigned by the processor. Smoked fish held beyond ~~74~~ 17 days subsequent to processing date shall be immediately removed from sale and immediately destroyed or treated so as to render it unfit for human consumption.

15. Section Ag 46.12 of the Wisconsin Administrative Code is created to read:

Ag 46.12 Authority. This chapter is adopted under authority of ss. 93.07(1), 97.09(1), and 97.28, Stats.

Dated: November 26, 1979.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

Norman E. Kirschbaum
Norman E. Kirschbaum, Administrator
Food Division

