

CR 82-186

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

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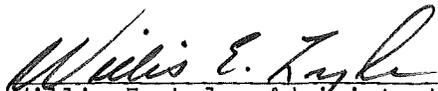
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Willis E. Lyle, Administrator, Animal Health Division, State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order repealing Chapter Ag 13 and amending Chapter Ag 48, Wis. Adm. Code, relating to rules concerning the transportation, processing, identification and disposal of dead animals, was duly approved and adopted by the Department on April 15, 1983.

I further certify that said copy has been compared by me with the original on file in the Department and 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 15th day of April, 1983.



Willis E. Lyle, Administrator
Animal Health Division

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

1 To repeal chapter Ag 13, 48.05(2)(b), 48.06(1) and (2)(c),
2 48.09(9); to renumber 48.05(2)(c) to (f), (h)(i), 48.06(2) and (4);
3 to renumber and amend 48.05(2)(g), and 48.06(3); to amend 48.01,
4 48.02(1), (3), (10) and (12), 48.03(1), 48.04(2), 48.06 (title),
5 48.08, 48.09 (title), 48.09(2) and (7); to repeal and recreate
6 48.09(1), 48.09(8); to create 48.02(14), (15) and (16), 48.06(4),
7 48.10 to 48.13, relating to rules concerning the transportation
8 processing, identification and disposal of dead animals.

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

Chapter 66, Laws of 1981, requires the licensing of animal food processors and collectors of dead animals. Renderers are already licensed under the old law.

The rule repeals chapter Ag 13, "Rendering Plants," and consolidates the essential provisions dealing with the regulation of this industry into chapter Ag 48, "Processing, Identification and Transportation of Inedible Meat and Poultry Products." Substantial changes are also made in chapter Ag 48 to update the rule in accordance with recent legislative revisions in section 95.72, Stats., as created by chapter 66, Laws of 1981. The major changes include:

(1) Changes in definitions:

- (a) "Animal" was more broadly defined to include all members of the animal kingdom, except humans.
- (b) "Dead animal" is redefined.
- (c) "Collector" was defined to clarify the intent of the law and differentiate this business from other users of dead animals.

(2) Modifications were made in the size of required lettering on those display panels which are not more than 100 square inches in size.

(3) The department may place holding orders on inedible animal products improperly labeled, denatured or suspected of being contaminated, diseased or unsuitable for animal feed.

(4) Live animals shall not be transported in a vehicle containing dead animals.

(5) Live downer animals picked up for animal feed or to be rendered shall be killed prior to loading for transport.

(6) Animal food processors and collectors shall meet the same standards as those established for renderers for the transport of dead animals.

(7) Standards for the establishment of animal food processing and rendering plants are uniform and must comply with standards established by DNR.

(8) Vehicle transfer station permits can be issued to any licensee rather than only a renderer.

(9) The length of time a dead animal can be held at a truck transfer station is established.

(10) Construction and operational standards are established for transfer stations.

(11) Only the true nature of the dead animal user's business may be reflected in their advertising (renderer, animal food processor or collector).

1 Pursuant to authority vested in the State of Wisconsin
 2 Department of Agriculture, Trade and Consumer Protection by sections
 3 93.07(1) and (10) and 95.72(5), Stats., the State of Wisconsin
 4 Department of Agriculture, Trade and Consumer Protection adopts
 5 rules interpreting section 95.72, Wis. Stats., as follows:
 6 SECTION 1. Chapter Ag 13 of the Wisconsin Administrative Code
 7 is repealed.
 8 SECTION 2. Ag 48.01 is amended to read:
 9 Ag 48.01 Scope of rules. This chapter applies to all persons
 10 engaged in business as a meat establishment operator, mobile

1 slaughterer, meat broker, renderer, animal feed-manufacturer food
2 processor, collector or wholesaler of animal carcasses or products
3 made from carcasses, whether intended for human food or other
4 purposes, or engaged in business as a public warehouse keeper
5 storing carcasses or the products of carcasses, or engaged in the
6 business of processing, buying, selling or transporting any dead,
7 dying, diseased or disabled animals, or the carcasses or products of
8 carcasses, including the carcasses or products of animals which have
9 died other than by slaughter, and all used waste frying fats or
10 greases containing animal matter and all waste restaurant greases.

11 SECTION 3. Ag 48.02(1), (3), (10) and (12) are amended to
12 read:

13 (1) "Department" means the state of Wisconsin department of
14 agriculture, trade and consumer protection.

15 (3) "Animal" except as used in the term "animal feed" means
16 ~~cattle; sheep; swine; goats; horses; mules and other equines; and~~
17 ~~includes poultry~~ all members of the animal kingdom except humans.

18 (10) "Animal feed-manufacturer food processor" means any
19 person engaged in the business of processing animals or the car-
20 casses or products of carcasses in the manufacture of animal feed,
21 and includes the operator of fur farm if engaged in the processing
22 of animals or the carcasses or products of carcasses for other than
23 their own use. The term does not apply to persons operating solely
24 as a renderer, or persons using only fully rendered products such as
25 meat meal tankage, meat and bone meal, blood meal and feed grade
26 animal fat in the manufacture of animal feed.

27

1 (12) "Renderer" means a person who receives carcasses of dead
2 animals ~~or products derived therefrom~~ and processing processes
3 them by the a dry-rendering separation process to obtain grease,
4 tallow or fat, or and other products such as blood meal, bone
5 meal, or meat meal, meat and bone meal, dry rendered tankage,
6 dry poultry product meal, feather meal or any other rendered
7 animal tankage ~~or collects or processes such carcasses or products~~
8 ~~for further processing at a rendering plant. The term animals as~~
9 ~~used in the subsection means and includes animals as defined in~~
10 ~~subsection (3) and all other animals of any kind.~~

11 SECTION 4. Ag 48.02(14), (15) and (16), are created to read:

12 (14) "Dead animal" has the meaning set forth in s. 95.72(1)(c),
13 Stats.

14 (15) "Collector" has the meaning set forth in s. 95.72(1)(b),
15 Stats.

16 (16) "Premises" means a parcel of land, including buildings,
17 designated on a plot plan agreed to by the owner and the department.
18 A survey is not required for a plot plan.

19 SECTION 5. Ag 48.03(1) is amended to read:

20 Ag 48.03 Registration. (1) No person shall engage in busi-
21 ness as a meat broker, renderer, animal feed-manufacturer food
22 processor, or as a wholesaler of animal carcasses or the products of
23 carcasses, whether intended for human food or other purposes, or
24 engage in business as a public warehouseman warehouse keeper storing
25 such carcasses or the products thereof, or engage in the business of
26 processing, buying, selling or transporting any dead, dying,
27 diseased or disabled animals or the carcasses or products of such

1 these animals including the carcasses or products of animals which
2 have died other than by slaughter, without registering with the
3 department, the name and address, including the business name and
4 address under which such the person does business. Registration
5 shall not be required of persons otherwise licensed with the depart-
6 ment as meat establishment operators, frozen food plant operators or
7 processors, livestock dealers or market operators, renderers, animal
8 food processors, dead animal collectors, and public or cold storage
9 warehouse operators, or registered as a mobile slaughterer. Each
10 person registered shall be assigned a registration number. The
11 owner-operator, business partner or a principal officer of a corpo-
12 ration or cooperative shall be responsible for the conduct of busi-
13 ness in conformity with the standards in this chapter.

14 SECTION 6. Ag 48.04(2) is amended to read:

15 (2) Records shall be readily available at all reasonable
16 times to representatives of the department for inspection and
17 copying. Records shall be retained for a period of 5 2 years
18 following the last day of the calendar or fiscal year in which the
19 transaction occurred, except as otherwise directed by the
20 department.

21 SECTION 7. Ag 48.05(2)(b) is repealed.

22 SECTION 8. Ag 48.05(2)(c) to (i) are renumbered Ag 48.05(2)(b)
23 to (h) and as renumbered, par. (f) is amended to read:

24 (f) Coarse ground charcoal No. 10 mesh (~~2-1/2-lbs.-per-350~~
25 ~~pound-barrel-of-product, for ground product only~~) (sufficient to
26 impart a distinctive coloring to all surfaces).

27 SECTION 9. Ag 48.06 (title) is amended to read:

1 Ag 48.06 (title) LABELING.

2 SECTION 10. Ag 48.06(1) and (2)(c) are repealed.

3 SECTION 11. Ag 48.06(2) to (4) are renumbered 48.06(1) to (3),
4 and as renumbered, sub. (2) is amended to read:

5 (2) Except as provided under sub. (5), ~~Inedible~~ inedible
6 products, other than products naturally inedible by humans, prior to
7 being frozen or placed in storage, or prior to being offered for
8 sale, sold, transported, shall be conspicuously labeled on the 2
9 opposite side or end panels of any container thereof, or the front
10 panel of any bag with the statement "INEDIBLE (SPECIES) NOT INTENDED
11 FOR HUMAN FOOD" in letters not less than 2 inches high. The
12 inedible statement for packages containing less than 25 lbs. of
13 processed animal food shall be in letters not less than one inch
14 high on a principal display panel of not more than 100 square
15 inches. If the type size of the product name or trade name is less
16 than one inch in height, the size of the letter for the "inedible
17 statement" shall be as large as the letters used for the product
18 name or trade name. The label shall include the net weight of the
19 contents of the container and the name and principal address of the
20 shipper, manufacturer or distributor. A way-bill or invoice shall
21 be tendered to the purchaser which includes the net weight, animal
22 species of the product's contents, and the name and address of the
23 distributor.

24 SECTION 12. Ag 48.06(4) is created to read:

25 (4) All labels and labeling information used in the labeling
26 of products in licensed animal food processing establishments
27 shall be submitted for approval prior to use. The department may

1 seize and destroy all unauthorized labels. Existing stocks of
2 labels may be used up, if mutually agreed upon by the owner and the
3 department. All new labels must be in compliance.

4 SECTION 13. Ag 48.08 is amended to read:

5 Ag 48.08 DETECTION AND DISPOSITION OF NON-COMPLYING PRODUCT.

6 The department may place under holding ~~orders~~ order or otherwise
7 retain any carcasses or products thereof capable of use as human
8 food, whether or not intended for use as human food, or other
9 inedible products including hides produced from dead animals found
10 in any animal feed food processing establishment, rendering plant,
11 fur farm, storage plant, or other location, or in transportation,
12 which is not denatured; ~~or labeled or transported as required under~~
13 in accordance with the requirements of this chapter or is suspected
14 to be contaminated, diseased or unsuitable for animal food.

15 Material which has been detained may be disposed of only under
16 departmental supervision, as soon as possible and so as not to
17 interrupt the normal flow of business, if at all possible.

18 SECTION 14. Ag 48.09 (title) is amended to read:

19 Ag 48.09 (title) ANIMAL FOOD PROCESSOR AND RENDERER;
20 FACILITIES AND OPERATION.

21 SECTION 15. Ag 48.09(1) is repealed and recreated to read:

22 (1) CONSTRUCTION OF BUILDINGS AND EQUIPMENT. (a) Buildings,
23 facilities and equipment used in the receiving, holding, storing
24 or processing of dead animals or other products in the manufac-
25 ture of animal feed or the rendering process shall be constructed
26 in a manner which will permit thorough cleaning thereof.

27 (b) The interior walls of rendering or animal food processing

1 plants hereafter constructed or altered shall be of a smooth,
2 impervious surface.

3 (c) When floors or other parts of a rendering plant, animal
4 food processing plant, or vehicle station or equipment used in these
5 facilities are in unsatisfactory condition so that they cannot be
6 sanitized readily or effectively operated, they shall be removed or
7 replaced with suitable materials or operative equipment or both.

8 (d) Effective processing equipment and condensing or other
9 effective vapor control facilities shall be provided in licensed
10 plants. The plant and equipment shall be maintained in a clean con-
11 dition at all times and operated in a manner so as to avoid offen-
12 sive conditions and odor nuisance. Odor control standards shall
13 meet the requirements of Chapter NR 154.

14 SECTION 16. Ag 48.09(2) and (7) are amended to read:

15 (2) RECEIVING FACILITIES. Plants or premises where rendering
16 or animal feed food processing operations are conducted shall be
17 provided with an enclosure for the receiving and temporary
18 temporarily holding of dead animals and the carcasses or the
19 products thereof of carcasses while awaiting further processing.
20 ~~Such enclosures~~ The enclosure shall be constructed in a manner to
21 exclude the entry of dogs, cats, wild animals or birds and be
22 equipped with a paved floor which can be thoroughly drained, cleaned
23 and disinfected.

24 (7) TOILET FACILITIES. Toilets shall be of an approved water
25 closet or chemical type and kept clean and sanitary. A bathroom in
26 the residence of the operator will fulfill this requirement.

27 SECTION 17. Ag 48.09(8) is repealed and recreated to read:

1 (8) STORAGE. Finished products shall not be stored in contact
2 with any raw material or dead animals.

3 SECTION 18. Ag 48.09(9) is repealed.

4 SECTION 19. Ag 48.10 to 48.13 are created to read:

5 Ag 48.10 TRANSPORTATION OF ANIMALS AND CARCASSES. (1) Live
6 animals shall not be transported in a vehicle containing dead ani-
7 mals. Live downer animals picked up for animal food processing or
8 rendering shall be killed before loading for transport to a process-
9 ing or rendering plant. Dispatching shall be done by humane methods
10 as defined in s. 95.80(1)(c), Stats..

11 (2) Live animals, other than a guard dog, shall not be unload-
12 ed or held in the processing or storage areas of a rendering plant
13 or animal food processor.

14 (3) All vehicles, containers and equipment shall be thoroughly
15 cleaned and sanitized after each day's use or more frequently as
16 necessary. When a vehicle has been used to transport a dead animal
17 which has died or has been killed as the result of an infectious or
18 contagious disease, the vehicle shall be cleaned, washed and thor-
19 oughly disinfected before going onto any highway or premises other
20 than the premises of the rendering plant or vehicle station.

21 Ag 48.11 VEHICLE PERMITS. (1) Vehicle permits under s.
22 95.72(7)(c), Stats., may be issued for the operation of vehicles
23 which are used by an animal food processor, renderer, a dead animal
24 collector or their employes. The licensee or person to whom the
25 vehicle permits are issued shall be held strictly accountable at all
26 times for the operation of vehicles. The owner-operator, business
27 partner or a principal officer of a corporation or cooperative shall

1 be responsible for the conduct of business in conformity with the
2 standards in this chapter.

3 (2) Equipment used in the transportation of dead animals shall
4 bear the name and plant location of the renderer, animal food
5 processor or the dead animal collector using it. The name shall be
6 prominently displayed on both sides of such equipment in block
7 lettering not less than 3 inches high. The location of the receiv-
8 ing plant shall be displayed below the name of the licensee in
9 lettering not less than 2 inches high.

10 (3) The department may suspend, revoke or refuse to renew the
11 license of any animal food processor, renderer or dead animal
12 collector who it has reasonable grounds to believe has obtained by
13 fraud, deception or misrepresentation a permit to operate a vehicle
14 used for the transportation of dead animals upon the highways of the
15 state by anyone not an employe.

16 Ag 48.12 VEHICLE TRANSFER STATIONS; PERMITS. Vehicle transfer
17 stations may be used only for unloading or reloading dead animals
18 for delivery to a licensee. No person may operate a vehicle trans-
19 fer station unless a building is constructed, maintained and oper-
20 ated according to s. Ag 48.09(1) to (3), (5) and (6). Dead animals
21 shall be removed to a rendering plant or an animal food processing
22 plant within 24 hours of arrival or within 48 hours of a Saturday or
23 Sunday followed by a holiday so as to avoid an odor nuisance. If
24 public sewerage is not available, a treatment and disposal system
25 shall be provided which conforms with chapters NR 108 and NR 258. A.
26 transfer station shall have a safe water supply for drinking pur-
27 poses and an adequate supply of 180° F. hot water for washing and

1 cleaning of the buildings, containers and vehicles. The owner-
2 operator, business partner or a principal officer of a corporation
3 or cooperative shall be responsible for the conduct of business in
4 conformity with the standards in this chapter.

5 Ag 48.13 VEHICLE PARKING. A vehicle loaded with a dead animal
6 shall not be parked or stored on any street nor upon any highway or
7 other place where such parking or storing shall constitute a
8 nuisance.

9 The rules contained in this order shall take effect on the
10 first day of the month following publication in the Wisconsin
11 administrative register, as provided in s. 227.026(1), Stats.

12 Dated: April 15, 1983.

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STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Willis E. Lyle
Willis E. Lyle, DVM
Administrator
Animal Health Division

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