

Chapter Ag 32

RETAIL FOOD ESTABLISHMENTS

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Ag 32.01 Definitions. (1) "Approved sanitizers" mean substances or compounds approved by the department for the sanitizing of equipment or utensils under s. Ag 32.10 (4).

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

(3) "Equipment" means items other than utensils used in the processing, storage, handling, display or transportation of food, such as stoves, ovens, hoods, slicers, grinders, mixers, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, machines for washing food contact surfaces of equipment and utensils, and similar items used in the operation of a retail food establishment. It does not include fork lift trucks or dollies.

(4) "Food" means food as defined in s. 97.01, Stats.

(5) "Food contact surfaces" means those surfaces of equipment and utensils with which food normally comes in direct contact, and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.

(6) "Frozen food" means any food intended for sale in a frozen state.

(7) "Potentially hazardous food" means any food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of pathogenic or toxigenic microorganisms.

(8) "Processing" means the manufacture or preparation of food for sale, and includes canning, extracting, fermenting, distilling, pickling, freezing, drying, smoking, grinding, mixing, stuffing, packing, bottling, cutting, packaging, blending, and cooking. It does not include the trimming and wrapping of raw agricultural commodities.

(9) "Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

(10) "Retail food establishment" means an establishment required to be licensed under s. 97.23, Stats., at which food is processed and sold or offered for sale at retail. It includes retail grocery stores, meat markets, poultry markets, fish markets, delicatessens or other establishments where food is processed and sold or offered for sale at retail. The term

does not include that part of an establishment holding a valid restaurant license and engaged only in activity for which the license is issued; roadside markets offering only fresh fruits and vegetables and other non-potentially hazardous farm products, including honey, cider, maple syrup and similar products for sale; or food and beverage vending machines and vending machine commissaries licensed and inspected under subch. III, ch. 50, Stats., and engaged only in activity for which the license is issued.

(11) "Safe temperatures" as applied to refrigerated foods means temperatures of 45° F (7° C) or below with respect to Grade A milk or Grade A milk products, and 40° F (5° C) or below with respect to other potentially hazardous foods. As applied to potentially hazardous heated foods, safe temperatures means temperatures of 150° F (65° C) or above. As applied to frozen foods, safe temperatures means temperatures of 0° F (-17° C) or below.

(12) "Sanitize" means to destroy pathogens and other organisms, to the maximum extent practicable, by the application of an approved sanitizer or sanitizing method to food contact surfaces of utensils or equipment which are otherwise clean.

(13) "Single-service articles" means cups, containers, lids, napkins, and packaging materials, including bags and similar articles, that are designed for one-time use only.

(14) "Utensil" means any food contact implement such as a knife, fork, spoon, tong, spatula, scoop, pot or pan used in the processing, storage, handling, display, dispensing or transportation of unpackaged food.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80; am. (11), Register, December, 1980, No. 300, eff. 1-1-81.

Ag 32.02 Retail food establishment; construction, facilities and maintenance. (1) BUILDINGS, FACILITIES AND EQUIPMENT; GENERAL. (a) Buildings, facilities and equipment used in the operation of a retail food establishment shall be of sound construction and capable of being maintained in a clean and sanitary condition to prevent the adulteration or contamination of food. Both interior and exterior portions of the buildings, and the premises on which they are located shall be kept free of unclean, unhealthful, or unsanitary conditions, and shall otherwise be maintained in a manner prescribed by this chapter.

(b) All floors, walls and ceilings in retail food establishments shall be kept clean and in good repair. Floors, walls and ceilings in processing areas, toilet rooms, and areas used for the cleaning or storage of equipment or utensils shall be constructed of smooth impervious and easily cleanable materials. This does not prohibit the use of anti-slip floors which are otherwise easily cleanable in areas where necessary for safety. Walls and ceilings in processing areas shall be light colored.

(c) No food processing or handling operations may be conducted in any room used as living or sleeping quarters. Retail food establishment operations shall be separated from adjacent living or sleeping quarters by a tight-fitting, self-closing door.

(d) Doors, windows, skylights, transoms and other openings to the outside shall be tight-fitting, free of breaks, and effectively screened or otherwise protected against the entry of rodents, insects, birds and other animals. Doors opening to the outside shall be kept closed when not in use.

(e) Establishments constructed, substantially reconstructed or extensively altered after the effective date of this chapter shall conform to the following requirements:

1. The junctions of walls and floors in processing areas shall be coved to facilitate cleaning.

2. Floors waterflushed for cleaning or on which water or fluid wastes are discharged shall be provided with floor drains and be sufficiently sloped to provide adequate drainage.

3. At least one service sink or curbed floor drain shall be provided for use in the cleaning of mops or wet floor cleaning tools, and for the disposal of mop water or similar wastes.

(2) LIGHTING. Lighting in every area of the retail food establishment, whether natural or artificial, shall be sufficient for the purpose for which the area is used. Artificial lights in food processing areas shall be equipped with protective shields or shatterproof bulbs. In processing and storage areas, the following minimum light intensities shall be maintained:

(a) Not less than 20 foot candles on working surfaces including produce handling surfaces, except that working surfaces used for mixing, grinding, stuffing, packaging or other processing operations shall be illuminated to an intensity of not less than 50 foot candles.

(b) Not less than 10 foot candles in frozen or refrigerated storage facilities as measured at a point 3 feet from the floor.

(c) Not less than 5 foot candles in food storage areas as measured at a point 3 feet from the floor.

(3) VENTILATION. All areas in which food is processed or handled, or in which equipment or utensils are washed, and all dressing rooms, locker rooms, toilet rooms, and garbage or rubbish storage areas shall have sufficient ventilation to remove excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Intake fans shall be equipped with filters that are readily removable for cleaning and replacement. Exhaust and intake fans and ducts shall be kept clean and in good repair, and be screened or louvered in such a manner as to prevent the entrance of dust, dirt, insects and other contaminants.

(4) TOILET FACILITIES. (a) A sufficient number of sanitary toilets to accommodate all employes, in accordance with applicable state and local laws and regulations, shall be provided in convenient locations. Toilet rooms shall be completely enclosed, well lighted, and equipped with tight-fitting, self-closing doors. Doors shall not open directly into processing areas. Toilet rooms and fixtures shall be easily cleanable, and be kept clean and in good repair. A sign directing employes to wash their hands before returning to work shall be posted in all toilet rooms used by employes. Handwashing facilities, including hot and cold running water, soap dispenser, and a sanitary single-service means of drying the hands, shall be conveniently located in toilet rooms. An easily cleanable trash receptacle and a supply of toilet tissue shall be provided in each toilet room at all times.

(b) Toilet rooms constructed, substantially reconstructed or extensively altered after the effective date of this chapter shall be separately

vented to the outside and equipped with an exhaust fan capable of creating a negative pressure within the toilet facility.

(5) **LOCKER AND LINEN FACILITIES.** (a) Lockers or comparable facilities shall be provided for the clothing and similar personal belongings of employes. Clothing and personal belongings of employes shall not be stored in food processing areas or in areas where equipment or utensils are cleaned or stored. Small personal items, such as purses and jewelry, may for security reasons be kept in processing or equipment areas, provided they are kept covered or separately stored so as to prevent the contamination of food.

(b) Damp or soiled linen and clothing shall be placed and kept in non-absorbent containers or laundry bags until removed for laundering. Damp or soiled linen and clothing shall be removed as often as necessary to prevent the creation of unsanitary conditions.

(6) **HANDWASHING FACILITIES IN PROCESSING AREAS.** (a) Handwashing sinks with available hot and cold running water shall be provided for the use of employes working in all food processing areas. The sinks shall be conveniently located for the use of the employes and be kept in a clean and sanitary condition. A supply of soap or detergents and sanitary single-service towels shall be kept available at the sink for the washing and drying of hands. If disposable towels are used, clean waste receptacles shall be provided for their disposal. The use of common towels is prohibited.

(b) In establishments constructed, substantially reconstructed or extensively altered after the effective date of this chapter handwashing sinks required under par. (a) shall be of a type which are not hand operated, and be provided with hot and cold running water.

(7) **WATER SUPPLY.** An ample supply of potable hot and cold water shall be available for lavatory facilities and for all processing operations. Where a private water system is used as the source of water, a sample of the water shall be obtained and tested on an annual basis. Record of test results shall be kept on file on the premises for a period of 3 years.

(8) **EXTERIOR PREMISES.** Premises on which retail food establishments are located shall be well drained and kept in a clean and orderly condition, free from accumulations of trash, garbage, and other sources of contamination. Driveways and parking lots surrounding the retail food establishment shall be surfaced or otherwise maintained so as to minimize dust and dirt.

(9) **SEWAGE AND WASTE DISPOSAL.** (a) Sewage and waste materials shall be disposed of in a sanitary manner, and in accordance with applicable state and local laws and regulations.

(b) Garbage and other refuse shall not be allowed to accumulate in and about the premises and shall be removed as often as necessary to maintain the premises in a clean and sanitary condition. Garbage storage areas shall be constructed and maintained in such a manner as to prevent the attraction or harborage of insects, rodents or other animals. Garbage and refuse shall be held in durable, easily cleanable, insect and rodent-resistant containers. Containers shall be kept covered with tight-fitting lids, and be cleaned as necessary after being emptied and before re-use.

(c) Garbage and other refuse shall not be burned on the premises except in a manner which complies with state and local laws and regulations, and presents no threat of contamination to food, or areas used in the processing, handling or storage of food.

(10) **CONSTRUCTION; PLAN REVIEW.** When a retail food establishment is constructed, substantially reconstructed or extensively altered, or when an existing structure is converted for use as a retail food establishment, plans and specifications for the construction, conversion or alteration may be submitted to the department for review before the work is begun.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**Ag 32.03 Personnel standards.** (1) **CLEANLINESS.** Retail food establishment employes shall maintain a high degree of personal cleanliness and observe good hygienic practices during all working periods. Employes shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or engaging in other activities which may soil or contaminate the hands. Employes shall keep their fingernails clean and neatly trimmed.

(2) **CLOTHING AND JEWELRY.** (a) Clean, white or light colored washable outer garments and effective hair restraints, including effective hair restraints for beards longer than ½ inch, shall be worn by all employes working in food processing areas. Hair restraints may include hair nets, caps and snoods, but do not include hairsprays or headbands.

(b) Employes shall remove all jewelry from their hands and fingers before having any direct manual contact with food. Jewelry shall not be worn in such a manner as to subject food to possible contamination. This paragraph does not apply to plain band wedding rings.

(3) **EMPLOYEE HEALTH.** No person afflicted with a communicable disease, or having a discharging or open wound, sore or lesion on the hands, arms or other exposed portions of the body, may be permitted to work in a retail food establishment in any capacity which may result in the contamination of food, or equipment or utensils used in the processing or handling of food. This prohibition shall also apply to persons reasonably suspected of being affected with any of these conditions.

(4) **USE OR CONSUMPTION OF FOOD, BEVERAGES AND TOBACCO.** The use or consumption of food, beverages or tobacco by employes shall be restricted to designated areas, away from food processing areas and areas in which food processing equipment or utensils are cleaned or stored.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**Ag 32.04 Equipment and utensils; design, installation and maintenance.**

(1) **GENERAL REQUIREMENTS.** Equipment and utensils shall be of sanitary design and construction. They shall be readily accessible for cleaning and inspection, and be kept clean and in good repair.

(2) **FOOD CONTACT SURFACES.** (a) Food contact surfaces shall be smooth and free of breaks, open seams, cracks, chips, pits and similar defects.

(b) Food contact surface materials, including materials used for the repair of food contact surfaces, shall be smooth, impervious, and non-absorbent. Materials shall be easily cleanable, durable under normal

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conditions of use, and capable of withstanding repeated scrubbing and scouring, and the corrosive action of detergents and sanitizers. They shall not impart odors, color or taste, or contribute to the adulteration of food coming in contact with them. Hard maple or other material which is relatively non-absorbent may be used for cutting blocks, boards and bakers tables. Paint is prohibited on food contact surfaces.

(3) **NON-FOOD CONTACT SURFACES AND PARTS.** (a) Equipment surfaces, other than food contact surfaces, which are exposed to splash or food debris or require frequent cleaning to prevent accumulation of dirt or waste, shall be constructed of reasonably smooth, washable materials, and be free of unnecessary ledges, projections or crevices, so as to facilitate cleaning. Equipment surfaces shall be accessible for cleaning and inspection, and be kept in clean and sanitary condition.

(b) Equipment shall be designed and constructed in such a manner that gear and bearing lubricants cannot contaminate food or food contact surfaces. Only food grade lubricants shall be used in equipment.

(4) **EQUIPMENT INTENDED FOR IN-PLACE CLEANING.** Equipment systems intended for in-place cleaning of food contact surfaces shall be designed and constructed to permit the circulation of cleaning and sanitizing solutions throughout all interior food contact surfaces in the system. The system shall be self-draining or otherwise capable of being completely evacuated.

(5) **INSTALLATION OF EQUIPMENT IN PROCESSING AREAS.** Equipment placed on tables, counters, floors or other surfaces in processing areas, unless readily removable, shall be installed in such a manner as to prevent the accumulation of liquids or debris underneath, between or behind such equipment.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**Ag 32.05 Food sources.** (1) **CANNED AND PROCESSED FOODS.** Canned and processed foods may be used or offered for sale in retail food establishments only if they have originated from food processing plants licensed or inspected under state or federal law.

(2) **MILK AND DAIRY PRODUCTS.** No milk or dairy products may be sold, offered for sale, or used in the processing of food for sale in a retail food establishment unless they have been processed and packaged in a licensed dairy plant.

(3) **MEAT AND POULTRY.** No meat, poultry or meat food products may be sold or offered for sale, or used in the processing of food for sale at retail except meat, poultry and meat food products obtained from state or federally inspected meat slaughtering or processing plants. Only meat, poultry, and meat food products from inspected sources shall be permitted in a retail food establishment. This does not prohibit the processing of meat, poultry or meat food products for sale directly to consumers as provided under s. 97.42 (2) (b), Stats., or the custom processing of wild game in compliance with s. Ag 32.07 (5).

(4) **ICE.** Ice which is sold at retail or which may come in contact with food shall be made from potable water and be manufactured, stored, transported and handled in a sanitary manner.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

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Ag 32.06 Food handling, display and storage. (1) **GENERAL REQUIREMENTS.** Food shall be protected from contamination during all periods in which it is stored, processed, displayed, handled, dispensed or otherwise held for sale.

(2) **FOOD TEMPERATURES.** (a) Frozen and potentially hazardous foods shall be kept at safe temperatures at all times while being stored, displayed or offered for sale. Frozen foods, the temperature of which may temporarily exceed a safe temperature because of normal defrost cycles, the loading or unloading of a freezer, or other similar reasons, shall be returned to a safe temperature as quickly as possible. In no case shall the internal temperature of frozen food exceed 10° F (-12° C).

(b) Easily readable thermometers accurate to within 2° F (1° C) shall be installed in all freezers, and in all refrigerators and hot food holding units used for the storage or display of potentially hazardous foods. Thermometers shall be installed so that their readings are reasonably representative of the warmest freezer or refrigerator temperature at which food is being held, and the coolest hot food holding unit temperature at which food is being held.

(c) Refrigerator and freezer display cases shall not be filled in excess of the maximum capacity specified by the manufacturer of the unit.

(3) **FOOD STORAGE.** (a) *Storage areas.* Food storage areas, including walk-in refrigerated and frozen food storage units, shall be maintained in a clean, sanitary and orderly condition, free from accumulations of litter or other materials which may result in the contamination of food. Waste water and other waste materials shall not be permitted to drain or accumulate on the floors in food storage areas.

(b) *Manner of storage.* Food shall be stored a minimum of 6 inches above the floor or on pallets in such manner as to protect it from splash, damage and other potential sources of contamination. Food shall be stored away from walls to allow for cleaning and inspection and to prevent the harborage of insects and rodents. Unpackaged foods, except for raw agricultural commodities, shall not be stored in direct contact with racks, dollies, shelves or other such storage surfaces. Food packaged in metal, glass or other vermin proof containers need not be elevated off the floor or kept away from walls, provided that floors and walls of the storage area are clean and not exposed to water or excessive moisture, and rodents, insects or other vermin are not in evidence.

(c) *Storage in re-used containers.* Poultry crates, meat boxes, and other containers used for the packaging or storage of potentially hazardous foods shall not be re-used for the packaging or storage of foods other than those for which they were originally used. Containers used for the packaging or storage of poisonous materials shall not be reused for the packaging or storage of food.

(4) **DISPLAY AND HANDLING OF FOOD.** (a) *Display facilities.* Display cases and containers, refrigerated display cases, counters, shelves and other facilities used for the display of food, or from which food is dispensed to the public, shall be kept in good repair and in a clean and sanitary condition.

(b) *Single-service articles.* Single-service articles shall be stored in the original containers in which they were received or in other closed con-

tainers which will protect them from contamination. The re-use of single-service articles is prohibited.

(c) *Display of bulk, unwrapped, ready-to-eat or delicatessen foods.* Bulk, unwrapped, ready-to-eat or delicatessen foods, while on display, shall be kept covered or otherwise protected against contamination. Except for salad ingredients displayed in a salad bar, the displayed foods shall not be available for handling by the public, and shall be handled only by employees. This paragraph does not apply to:

1. Raw agricultural commodities.

2. Foods which are dispensed by a mechanical device which allows customers to serve themselves, but which prevents direct customer contact with food not included in the individual self-served portion. Foods, while on display in the dispensing device, shall be kept covered or otherwise protected against contamination. Dispensing devices shall be approved by the department for compliance with this subdivision. Approvals shall comply with par. (d).

3. Foods which are not potentially hazardous, including processed foods requiring further heat treatment, if specifically approved by the department for sale in unwrapped bulk form, by means of customer self-service. Approvals shall comply with par. (d).

(d) *Sale of unwrapped foods in bulk form; department approval.* The department may approve the display and sale of unwrapped food in bulk form, by means of customer self-service, if the method of display and sale provides adequate protection against the contamination of food, and if the food is not potentially hazardous. Approval shall be specific to the individual retail food establishment, the type of food being displayed and sold, and the method of display and sale. Approval may be revoked at any time, if it appears that food is not adequately protected from contamination. The following conditions shall apply to all approvals under this paragraph:

1. Unwrapped bulk foods, while on display or in storage, shall be adequately separated from all potential sources of contamination within the retail food establishment. Areas used for the storage of unwrapped bulk foods, and for the filling of retail display containers, shall be clean and sanitary.

2. Equipment and utensils, including retail display containers, used for the storage, handling, display or transportation of unwrapped bulk foods shall be cleaned and sanitized as necessary to keep them in a sanitary condition. Cleaning and sanitizing facilities and methods shall comply with s. Ag 32.10.

3. Self-service display containers, other than mechanical dispensing devices under par. (c) 2, shall be equipped with a tight-fitting lid. The lid shall be permanently attached in such a manner that the lid, when opened, is prevented from touching the floor or other containers. The lid shall be self-closing or kept in a closed position at all times, except when food is being removed from the container by a customer. Salad ingredients, while on display in a salad bar, may be protected by an overhead canopy and food shield over the salad bar, rather than by individual covers or lids on the salad ingredient containers. Salad ingredients shall be

arranged so that customers may have access to the ingredients without reaching over uncovered food.

4. Each self-service display container shall be equipped with a utensil, complete with handle, to be used by customers in removing food from the container. A sign, prominently posted on or near the self-service display container, shall direct customers to use the utensil provided for self-service of unwrapped bulk foods.

5. Individual serving containers provided to customers by a retail food establishment shall be for single-service use. Containers shall not be returnable for re-use by other customers for purchases of unwrapped foods in bulk form. Containers supplied by customers shall not be used in a manner which may cause contamination of displayed food.

6. Every retail food establishment shall maintain a record of sources from which unwrapped foods, displayed for sale in bulk form, were obtained. Records shall identify the wholesale source of the food, and the bulk packager or manufacturer of the food. Records shall be made available for inspection and copying by the department upon request.

7. The contents of each self-service display container shall be labeled as provided in s. Ag 32.11 (4).

8. Retail food establishment employes engaged in the handling of un-packaged foods in bulk form shall be given appropriate sanitation training and instructions, including appropriate written or posted instructions. Copies of all written instructions shall be made available for inspection and copying by the department upon request.

9. Bulk food returned to a retail food establishment shall not be resold, or placed together with food inventory held for sale. Bulk food returns shall be promptly discarded, except where the retail food establishment contemplates a possible recall action related to the bulk food. Bulk food returns kept in anticipation of, or pursuant to a recall action shall be kept in segregated storage, and be identified and maintained so as to facilitate testing and the identification of source lots or batches.

(5) DAMAGED FOOD PACKAGES. (a) Food shall not be sold in packages that are damaged to such an extent that the food contents may have been exposed or subjected to possible contamination. Packages or containers with bulging ends, ruptures, hairline fractures, breakage along critical seams, or openings whereby the food contents may have been exposed to contamination, shall be considered as damaged food and be removed from sale.

(b) Food and food packages which have been subjected to contamination or possible contamination in a fire, flood or other casualty shall not be sold, offered for sale or reprocessed for sale for human consumption unless the department has first inspected all such food and food packages, and authorized their sale or disposition. Retail food establishments shall notify the department when food in their possession has been subjected to damage or possible damage because of fire, flood or other casualty.

(6) CONTROL OF INSECTS, RODENTS AND OTHER ANIMALS. (a) Effective measures and programs shall be employed to control the presence of insects, rodents and other vermin on the premises.

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(b) Live birds, turtles and other animals shall be excluded from all retail food processing, storage, display, and sales areas. This does not apply to edible crustacea, shellfish or fish, or to fish in aquariums. Patrol dogs accompanying security or police officers and guide dogs accompanying handicapped persons are permitted in areas other than processing areas.

(7) **POISONOUS AND HAZARDOUS SUBSTANCES.** Pesticides and other poisonous and hazardous substances shall not be displayed, stored or used in a manner which may contaminate food, equipment, utensils, or single-service articles, or constitute a hazard to employees or the public.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80; am. (4) (c) and cr. (4) (d), Register, May, 1984, No. 341, eff. 6-1-84.

Ag 32.07 Meat operations. (1) **FLOOR CLEANLINESS.** Sawdust, wood shavings, baked clay and similar materials are not permitted on the floors of retail food establishments. This does not prohibit the use of granular salt as an anti-slip covering on floors where necessary for safety, provided the salt is removed at the close of each day's operation. Meat wastes shall be placed in inedible waste containers, and not be allowed to accumulate on floors. Floors shall be cleaned as often as necessary to maintain them in a sanitary condition. Mats or duckboards, if used, shall be easily removable for cleaning and be kept in a clean condition.

(2) **MEAT HANGING RAILS.** (a) Meat rails for the hanging of carcasses shall be kept clean and in good repair, and free of accumulated residues or rust at all times. Wooden meat rails which cannot be kept clean or in good repair shall be replaced with metal rails. Wooden rails shall be varnished, lacquered or otherwise treated with harmless, non-toxic materials so as to be easily cleanable. Paint is prohibited on meat rails.

(b) Meat rails in facilities constructed, substantially reconstructed or extensively altered after the effective date of this chapter shall be of metal construction, and be located at least 18 inches from the nearest wall, and be spaced at least 30 inches from each other. Carcasses and parts of carcasses shall hang no lower than 6 inches above the floor.

(3) **CLEANING OF EQUIPMENT BETWEEN MEAT TYPES.** Equipment and utensils used in the cutting, handling or processing of pork, poultry, seafood or wild game shall be cleaned and sanitized prior to the cutting, handling or processing of any other type or class of animal product.

(4) **POULTRY HANDLING.** Unpackaged poultry and poultry products, while being processed or held in storage, shall not come in contact with any other food. Frozen and refrigerated storage facilities shall have a separate designated compartment or area for the storage of poultry and poultry products. Persons handling poultry or poultry products shall wash their hands before handling any other food.

(5) **WILD GAME.** Wild game shall be conspicuously labeled as such, and be prominently and conspicuously marked with the words "NOT FOR SALE". Wild game, while being processed or held in storage, shall be kept separate and apart from other food. Trimmings shall not be permitted to come in contact with other food. No wild game may be brought into a retail food establishment with the hide or feathers attached, and without prior evisceration.

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(6) **STORAGE OF MEAT PRODUCTS.** Frozen and potentially hazardous meat products shall, immediately upon being received at the retail food establishment, be placed at safe temperatures in frozen or refrigerated display or storage facilities. Meat products in packages or containers, while in frozen or refrigerated storage areas, shall be kept at least 6 inches above the floor or on pallets to permit air flow around the packages or containers for adequate freezing or refrigeration.

(7) **INEDIBLE PRODUCTS; HANDLING AND STORAGE.** Inedible meat products and wastes shall be placed in containers prominently and conspicuously marked "INEDIBLE" and segregated in such a manner as to preclude contamination of food, equipment or utensils. Containers shall be reasonably clean, and free from odors, accumulated residues and rust, and not create a health hazard or nuisance. Containers received from rendering plants are prohibited in food processing and storage areas unless they have been thoroughly cleaned and sanitized.

(8) **MISREPRESENTATION OF APPEARANCE OR QUALITY.** The use of lighting or colored see-through wrappings to misrepresent the true appearance, color or quality of meat or meat products, including poultry and seafood, processed at a retail food establishment, is prohibited.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**Ag 32.08 Delicatessen operations. (1) PROCESSING OF DELICATESSEN FOOD.** (a) Only safe and wholesome foods or food ingredients may be used in the preparation or processing of delicatessen foods. Raw agricultural commodities shall be thoroughly washed, peeled, or otherwise cleaned or processed as necessary to prevent the contamination of delicatessen foods, including contamination from pesticide residues.

(b) Equipment and utensils used in the processing of different types of delicatessen foods shall be thoroughly cleaned before being used for the processing of other foods, to prevent cross-contamination or adulteration of one food with another, resulting from the use of the same equipment or utensils. Delicatessen foods and food ingredients shall be processed with a minimum of contact with the hands. Hands shall be kept clean throughout all processing operations, to prevent the contamination of foods, or the cross-contamination or adulteration of one food with another.

(c) Only Grade A pasteurized fluid milk and fluid milk products obtained from a licensed dairy plant may be used in the preparation and processing of delicatessen foods. Dry milk and dried milk products may be reconstituted for use only in products which are to be thoroughly cooked or heat sterilized.

(2) **STORAGE, DISPLAY AND HANDLING OF DELICATESSEN FOODS.** (a) All delicatessen foods, including raw and prepared products and ingredients, shall be kept in covered containers while in storage, to protect them from contamination. Containers shall be identified as to their contents. The nesting of containers of raw and prepared products is prohibited.

(b) Containers in which delicatessen foods are displayed for sale shall be located or situated in such a manner as to prevent the cross-contamination or adulteration of delicatessen foods displayed in adjoining containers. Newly or separately prepared delicatessen foods shall not be mixed with or added to foods already on display in retail display containers.

(c) Only clean and sanitized utensils shall be used in transferring delicatessen foods from bulk containers to retail display containers, or in dispensing delicatessen foods to purchasers from retail display containers. Common utensils may not be used for the handling or dispensing of differing types of delicatessen foods, unless thoroughly cleaned after each use and before being used for the handling or dispensing of another type of food.

(d) Tags, labels, or other nonfood items coming in direct contact with displayed food shall be cleaned and sanitized at least daily.

(e) During transportation to or from a delicatessen, all potentially hazardous and ready-to-eat foods shall be maintained at safe temperatures, and be kept in covered containers unless otherwise wrapped or packaged to protect them from contamination. All vehicles used for transporting the food shall be constructed or equipped in such a manner that safe temperatures can be maintained during the course of transportation. Vehicles shall be kept in a clean and sanitary condition, and not be overloaded to such an extent that foods being transported cannot be maintained at safe temperatures.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**Ag 32.09 Produce operations.** All produce and produce packaging materials shall be stored at least 6 inches off the floor or on pallets. All areas used for the packaging, storage or display of produce shall be maintained in a clean, sanitary and orderly condition. Food waste grinders used in disposing of deteriorated produce or other food waste shall be constructed and installed so as to comply with applicable state and local plumbing laws, rules and ordinances. All equipment used in the packaging, trimming, or handling of produce, or the grinding or disposal of produce wastes, shall be kept clean and in good repair.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**Ag 32.10 Cleaning and sanitizing requirements.** (1) **CLEANING.** All processing areas, and all equipment and utensils used in the processing of food, shall be thoroughly cleaned immediately after each day's processing operations and more frequently as necessary to keep them in a sanitary condition. Equipment and utensils, if washed manually, shall be thoroughly washed in a hot detergent solution and rinsed free of detergents and other residues. All nonfood contact surfaces of equipment and utensils shall be cleaned as often as necessary to prevent the accumulation of dust, dirt, food particles and other possible contaminants.

(2) **CLEANING FACILITIES.** A sink constructed of stainless steel or other approved material, with at least 2 compartments and an attached drain board or other suitable draining device or facility, shall be provided for the cleaning of equipment and utensils which are to be cleaned or sanitized manually. Sinks used for manual cleaning and sanitizing shall be of adequate length, width and depth to permit 50% immersion of the largest item to be cleaned or sanitized in the sink. Each sink compartment shall be supplied with hot and cold running water, and be cleaned prior to each use. Brushes and cleaning tools shall be kept clean and in good repair.

(3) **SANITIZING METHODS.** Utensils and food contact surfaces of equipment shall be sanitized prior to each use with an approved sanitizer by one of the following sanitizing methods:

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(a) Immersion for at least 30 seconds in clean water at a temperature of at least 170° F (77° C).

(b) Immersion for a period of at least 2 minutes in a sanitizing solution containing at least 100 ppm of available chlorine at a temperature not less than 75° F (24° C) nor more than 110° F (44° C).

(c) Immersion for a period of at least one minute in a sanitizing solution containing at least 12.5 ppm of available iodine, and having an acid pH not higher than 5.0, at a temperature of not less than 75° F (24° C) nor more than 110° F (44° C).

(d) Application, according to manufacturer's instructions, of a non-toxic chemical sanitizer or sanitizing method which has been demonstrated to be equally as effective in the sanitizing of equipment and utensils as the methods described under pars. (a)-(c), and which has been approved by the department.

(4) **SANITIZERS; DEPARTMENTAL APPROVAL.** The department shall approve sanitizers and sanitizing methods which in its judgment are determined to be safe and effective for the sanitizing of utensils or equipment. Sanitizers and sanitizing methods approved by the United States department of agriculture under the poultry products inspection act, 21 USC 451 et. seq., or the federal meat inspection and wholesome meat acts, 21 USC 601 et. seq., or by the Wisconsin department of health and social services under subch. III, ch. 50, Stats., shall be approved by the department. The department may deny or withdraw approval of any sanitizer or sanitizing method, whether or not approved by any other state or federal agency, if it determines that the sanitizer or sanitizing method is not safe or effective for the purposes or under the conditions under which it is to be used, or that it adversely affects the sanitary characteristics of equipment or utensils. Persons affected by denial or withdrawal of approval shall be entitled to a hearing if requested within 10 days after the denial or withdrawal of approval.

(5) **STORAGE OF EQUIPMENT.** Cleaned and sanitized utensils and portable equipment shall be stored above the floor in a clean, dry location. Food contact surfaces of utensils and equipment, including fixed equipment, shall be protected from dust, splash and other possible sources of contamination. Utensils shall be air-dried prior to storage, or stored in a self-draining position on suitably located hooks or racks constructed of corrosion resistant impervious material.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**Ag 32.11 Labeling. (1) PREPACKAGED FOOD PRODUCTS.** All pre-packaged food products offered for sale in a retail food establishment shall be labeled in compliance with ch. 97, Stats., and chs. Ag 47 and 53.

(2) **DELICATESSEN LABELING.** All delicatessen foods displayed for sale at retail shall be conspicuously labeled or placarded to show the name of the food. A list of ingredients for each food product shall be kept on file at the establishment and be available for inspection by consumers and the department upon request.

(3) **LABELING OF FRESH MEAT CUTS.** All fresh meat cuts offered for sale in a retail food establishment shall be labeled in compliance with ch. 97, Stats., and ch. Ag 47.

(4) UNWRAPPED FOODS DISPLAYED FOR SALE IN BULK FORM. (a) The contents of every self-service display container, used for the display and sale of unwrapped food in bulk form under s. Ag 32.06 (4) (d), shall be conspicuously labeled on the container, or immediately adjacent to the container. The label shall include:

1. The common name of the food.
2. In the case of a processed food, a declaration of the ingredients used in the manufacture of the food. Ingredients shall be identified by their common or usual names, in descending order of predominance by weight.

(b) No manufacturer, packer or distributor shall sell or distribute an unwrapped, processed food for resale in bulk form unless the bulk distribution container is accompanied by a label which complies with par. (a).

(c) If a bulk food is not readily identifiable on sight, the retail food establishment shall provide labels or marking devices which may be used by customers to identify the contents of the individual serving containers in which the bulk food is sold.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80; or (4), Register, May, 1984, No. 341, eff. 6-1-84.

Ag 32.12 Effect of rules on local ordinances. (1) This chapter does not prohibit or nullify any local government ordinance with which it is not in direct conflict as provided in sub. (2).

(2) In the event of any direct conflict between this chapter and any local government ordinance, so that compliance with one can only be achieved by violating the other, this chapter shall be controlling.

(3) Compliance with local government ordinances shall not relieve any person from the duty of complying with this chapter.

Ag 32.13 Authority. These rules are adopted under authority of ss. 93.07 (1) and 97.28, Stats.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.