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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Norman E. Kirschbaum, Administrator, Food 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 and recreating rules relating to sanitation requirements for bakeries and confectionaries, Chapter Ag 39, Wis. Adm. Code, was duly approved and adopted by the Department on September 11, 1984.

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 11th day of September, 1984.

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

11-1-84

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SEP 11 1984

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

Revisor of Statutes
Bureau

- 1 To repeal and recreate ch. Ag 39, relating to sanitation
2 requirements for bakeries and confectionaries.

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

The department's proposed rules on bakeries and confectionaries apply to establishments required to be licensed under ss. 97.36 and 97.38, Stats., at which bakery or confectionary food products are manufactured or prepared for sale as food. Chapter Ag 39 currently consists of brief, general requirements for such establishments, but is not sufficiently specific for either guidance of the regulated industries or effective use as an enforcement standard by the department. The rules therefore repeal and recreate chapter Ag 39.

The rules, which are intended to conform with other state and federal requirements, establish basic uniform standards for the sanitary processing and handling of raw materials and finished products in bakeries and confectionaries. Each type of establishment will be required to maintain clean and sanitary structures and facilities for the baking, cooking, drying, processing or manufacturing, storage, display and handling of bakery or confectionary food products. Structural requirements which might entail major construction or design changes will apply only to establishments constructed or extensively remodeled after the effective date of the rules. The rules also establish basic standards of cleanliness and hygiene for bakery and confectionary establishment personnel, and basic sanitation requirements for equipment and utensils used in the processing or handling of ingredients and finished products.

The rules require that canned and processed foods, milk and dairy products, egg and egg products, and other raw materials used as ingredients be obtained from licensed sources. The ingredient and product handling, display and storage requirements include standards related to safe temperatures, maintenance and display of storage facilities, sanitary storage procedures, disposition of damaged or contaminated food packages, control of insects and rodents, and handling of hazardous substances to avoid food product contamination. The rules also incorporate existing legal requirements related to food labeling.

Mobile concession stands will be regulated by the rule through requirements specific for that type of establishment and by cross referencing to other applicable sections in the chapter.

1 Pursuant to authority vested in the state of Wisconsin
2 department of agriculture, trade and consumer protection by ss.
3 ss 93.07(1) and 97.40(2), Stats., the state of Wisconsin
4 department of agriculture, trade and consumer protection hereby
5 repeals and recreates rules interpreting s. 97.40(2), Stats., as
6 follows:

7 SECTION 1. Ch. Ag 39 is repealed and recreated to read:

8 CHAPTER AG 39

9 BAKERIES AND CONFECTIONARIES

10 Ag 39.01 DEFINITIONS. As used in this chapter:

11 (1) "Approved sanitizer" means a substance or compound approved
12 by the department for sanitizing equipment or utensils under
13 s. Ag 39.09(5).

14 (2) "Bakery" means a facility as defined in s. 97.36,
15 Stats.

16 (3) "Confectionary" means a facility as defined in s. 97.38,
17 Stats.

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

20 (5) "Equipment" means items other than utensils used in the
21 processing, storage, handling, display or transportation of food,
22 such as stoves, ovens, hoods, tables, food shelving, reach-in
23 refrigerators and freezers, sinks, machines for washing food
24 contact surfaces of equipment and utensils, and similar items used
25 in the operation of a bakery or confectionary.

26 (6) "Food" means food as defined in s. 97.01(2), Stats.

27 (7) "Food contact surfaces" means those surfaces of equip-

1 ment and utensils with which food normally comes in direct con-
2 tact, and those surfaces from which food may drain, drip or splash
3 back onto other surfaces normally in contact with food.

4 (8) "Frozen food" means any food intended for sale in a
5 frozen state.

6 (9) "Mobile concession stand" means a bakery or confection-
7 ary mounted on a mobile vehicle or trailer having a non-stationary
8 location for doing business, but does not include a product
9 delivery vehicle or a common carrier regulated by a state or the
10 United States.

11 (10) "Potentially hazardous food" means any food which
12 consists in whole or in part of milk or milk products, eggs, meat,
13 poultry, fish, shellfish, edible crustacea, or other ingredients,
14 including synthetic ingredients, and which is in a form capable of
15 supporting rapid and progressive growth of infectious or
16 toxicogenic microorganisms. It does not include clean, whole,
17 uncracked, odor-free shell eggs; foods that have a pH level of 4.6
18 or below, or a water activity (a_w) value of 0.85 or less under
19 standard conditions; or food products in hermetically sealed
20 containers processed to prevent spoilage.

21 (11) "Processing" means the manufacture or preparation of
22 bakery or confectionary food for sale.

23 (12) "Safe temperatures" as applied to refrigerated foods
24 means temperatures of 45° F. (7° C.) or below with respect to
25 Grade A milk or Grade A milk products, and 40° F. (5° C.) or below
26 with respect to other potentially hazardous foods. As applied to
27 potentially hazardous heated foods, "safe temperatures" means tem-

1 peratures of 150° F. (65° C.) or above. As applied to frozen
2 foods, "safe temperatures" means temperatures of 0° F. (-17° C.)
3 or below.

4 (13) "Sanitize" means a treatment capable of destroying
5 pathogens and other organisms, to the maximum extent practicable,
6 by the application of an approved sanitizer or sanitizing method
7 to food contact surfaces of utensils or equipment which are
8 otherwise clean.

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

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

16 Ag 39.02 BAKERY OR CONFECTIONARY; CONSTRUCTION, FACILITIES

17 AND MAINTENANCE. (1) BUILDINGS, FACILITIES AND EQUIPMENT;

18 GENERAL. (a) Buildings, facilities and equipment used in the
19 operation of a bakery or confectionary shall be of sound construc-
20 tion and capable of being maintained in a clean and sanitary con-
21 dition to prevent the adulteration or contamination of food. The
22 buildings, and the premises on which they are located, shall be
23 kept clean and free of accumulated rubbish or other nuisance,
24 contamination hazard or vermin harborage.

25 (b) All floors, walls and ceilings in a bakery or confec-
26 tionary shall be kept clean and in good repair. Floors, walls and
27 ceilings in processing areas, toilet rooms, and areas used for the

1 cleaning or storage of equipment or utensils shall be constructed
2 of smooth, impervious and easily cleanable materials. This does
3 not prohibit the use of anti-slip floors in areas where necessary
4 for safety, if the floors are otherwise easily cleanable.

5 (c) No food processing or handling operations may be con-
6 ducted in any room used as living or sleeping quarters. Bakery or
7 confectionary operations shall be separated from adjacent living
8 or sleeping quarters by a tight-fitting, self-closing door.

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

14 (e) Establishments constructed, substantially reconstructed
15 or extensively altered in a manner which changes the dimensions of
16 a manufacturing or processing area after the effective date of
17 this chapter (1984) shall conform to the following requirements:

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

20 2. Floors designed to be waterflushed for cleaning shall be
21 provided with floor drains installed in accordance with the appli-
22 cable plumbing code and be sufficiently sloped to provide adequate
23 drainage.

24 3. At least one service sink or curbed floor drain shall be
25 provided for use in the cleaning of mops or wet floor cleaning
26 tools, and for the disposal of mop water or similar wastes. Mops
27 shall be stored in a manner to preclude contamination of food or

1 food contact surfaces.

2 (2) LIGHTING. Lighting in every area of the bakery or
3 confectionary, whether natural or artificial, shall be sufficient
4 for the purpose for which the area is used. Artificial lights in
5 food processing areas shall be equipped with protective shields or
6 shatterproof bulbs. The following minimum light intensities shall
7 be maintained in processing and storage areas when areas are in
8 use:

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

13 (b) Not less than 10 foot candles in all food storage areas,
14 including frozen or refrigerated storage facilities, as measured
15 at a point 3 feet from the floor.

16 (3) VENTILATION. All areas in which food is processed or
17 handled, or in which equipment or utensils are washed, and all
18 dressing rooms, locker rooms, toilet rooms, and garbage or rubbish
19 storage areas shall have sufficient ventilation to remove
20 excessive heat, steam, condensation, vapors, obnoxious odors and
21 smoke. Exhaust ventilation systems in all areas where bakery and
22 confectionary items are prepared shall comply with the provisions
23 of s. ILHR 64.67. Ventilating units shall be positioned to avoid
24 venting of air where food is exposed. Intake fans shall be
25 equipped with filters that are readily removable for cleaning and
26 replacement. Exhaust and intake fans and ducts shall be kept
27 clean and in good repair, and be screened or louvered in such a

1 manner as to minimize the contamination of food from the entry of
2 dust, dirt, insects or other contaminants.

3 (4) TOILET FACILITIES. (a) A sufficient number of sanitary
4 toilets to accommodate all personnel, in accordance with applicable
5 state and local laws and regulations, shall be provided in conve-
6 nient locations. Toilet rooms shall be completely enclosed, well
7 lighted, and equipped with tight-fitting, self-closing doors.
8 Doors shall not open directly into processing areas in any new or
9 extensively remodeled premises. Toilet rooms and fixtures shall be
10 easily cleanable, and be kept clean and in good repair. A sign
11 directing personnel to wash their hands before returning to work
12 shall be posted in all toilet rooms used by them. Hand washing
13 facilities, including hot and cold running water, soap dispenser,
14 and single-service sanitary towels shall be conveniently located in
15 toilet rooms. An easily cleanable trash receptacle and a supply of
16 toilet tissue shall be provided in each toilet room at all times.

17 (b) Toilet rooms constructed, substantially reconstructed or
18 extensively altered as part of a renovation project under s. Ag
19 39.02(1)(e), after the effective date of this chapter (1984) shall
20 be separately vented to the outside and equipped with an exhaust fan
21 capable of creating a negative pressure within the toilet facility.

22 (5) LOCKER AND LINEN FACILITIES. (a) Lockers or comparable
23 facilities shall be provided for the clothing and similar personal
24 belongings of bakery and confectionary workers. Clothing and
25 personal belongings shall not be stored in food processing areas or
26 in areas where equipment or utensils are cleaned or stored. Small
27 personal items, such as purses and jewelry, may for security

1 reasons be kept in processing or equipment areas, provided they are
2 kept covered or separately stored so as to prevent the contamina-
3 tion of food.

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

9 (6) HAND WASHING FACILITIES IN PROCESSING AREAS. Hand
10 washing sinks with hot and cold running water available shall be
11 provided for the use of workers in all bakery or confectionary
12 processing areas. The sinks shall be conveniently located for
13 personnel use and kept in a clean and sanitary condition. Sinks
14 shall be located in the processing area in all new or extensively
15 altered establishments. A supply of soap or handwashing detergent
16 and sanitary single-service towels shall be kept available at the
17 sink for the washing and drying of hands. If disposable towels are
18 used, clean waste receptacles shall be provided for their disposal.
19 The use of common towels is prohibited.

20 (7) WATER SUPPLY. An ample supply of potable hot and cold
21 water shall be available for lavatory facilities and for all pro-
22 cessing operations. Where a private water system is used as the
23 source of water, a sample of the water shall be obtained and tested
24 on an annual basis. Record of test results shall be kept on file
25 on the premises for a period of 3 years. All private water
26 supplies shall comply with ch. NR 112.

27 (8) EXTERIOR PREMISES. Premises on which a bakery or confec-

1 tionary is located shall be well drained. Driveways and parking
2 lots surrounding the bakery or confectionary shall be surfaced or
3 otherwise maintained so as to minimize dust and dirt.

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

7 (b) Garbage and other refuse shall not be allowed to accumu-
8 late in and about the premises and shall be removed as often as
9 necessary to maintain the premises in a clean and sanitary condi-
10 tion. Garbage storage areas shall be constructed and maintained
11 in such a manner as to prevent the attraction or harborage of
12 insects, rodents or other animals. Garbage and refuse shall be
13 held in durable, easily cleanable, insect and rodent-resistant con-
14 tainers. Containers shall be kept covered with tight-fitting lids,
15 and be cleaned as necessary after being emptied and before re-use.

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

21 (10) CONSTRUCTION; PLAN REVIEW. When a bakery or confec-
22 tionary is constructed, substantially reconstructed or extensively
23 altered, or when an existing structure is converted for use as a
24 bakery or confectionary, plans and specifications for the con-
25 struction, conversion or alteration may be submitted to the
26 department for review before the work is begun.

27 Ag 39.03 PERSONNEL STANDARDS. (1) CLEANLINESS. Bakery and

1 confectionary personnel shall maintain a high degree of personal
2 cleanliness and observe good hygienic practices during all working
3 periods. Personnel shall wash their hands before beginning work
4 and upon returning to work after using toilet facilities, eating,
5 smoking, or engaging in other activities which may soil or con-
6 taminate the hands. Personnel shall keep their fingernails clean
7 and neatly trimmed. Fingernail polish is prohibited if the worker
8 does not wear sanitary gloves.

9 (2) CLOTHING AND JEWELRY. (a) Clean, washable outer
10 garments and effective hair restraints, including effective hair
11 restraints for beards longer than 1/2 inch, shall be worn by all
12 personnel working in food processing areas. Hair restraints may
13 include hair nets, caps and snoods, but do not include hairsprays
14 or headbands.

15 (b) Personnel shall remove all jewelry from arms, hands and
16 fingers before having any direct manual contact with food. Other
17 jewelry shall not be worn in a manner which may subject food to
18 possible contamination. This paragraph does not apply to plain
19 band wedding rings.

20 (3) COMMUNICABLE ILLNESS. No person who has a disease in
21 a form that is communicable by food handling may be permitted to
22 work in a bakery or confectionary in any capacity which may result
23 in the contamination of food. If required by the local health
24 officer or any officer of the department for the purposes of an
25 investigation, any person who is employed in the handling of foods
26 or is suspected of having a disease in a form that is communicable
27 by food handling shall submit to an examination by the officer or

1 by a physician designated by the officer. The expense of the
2 examination, if any, shall be paid by the person examined.

3 (4) USE OR CONSUMPTION OF FOOD, BEVERAGES AND TOBACCO. The
4 use or consumption of food, beverages or tobacco by bakery and
5 confectionary personnel shall be restricted to designated areas,
6 away from food processing and storage areas and areas in which
7 food processing equipment or utensils are cleaned or stored. On-
8 line quality control sampling in accordance with an establish-
9 ment's written quality control procedures is not prohibited.

10 Ag 39.04 EQUIPMENT AND UTENSILS; DESIGN, INSTALLATION AND

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

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

18 (b) Food contact surface materials, including materials used
19 for the repair of food contact surfaces, shall be smooth, impervi-
20 ous and non-absorbent. Materials shall be easily cleanable, dur-
21 able under normal conditions of use, and capable of withstanding
22 repeated scrubbing and scouring, and the corrosive action of
23 detergents and sanitizers. They shall not impart odors, color or
24 taste, or contribute to the adulteration of food coming in contact
25 with them. Hard maple or other material which is relatively non-
26 absorbent may be used for cutting blocks, boards and bakers'
27 tables. Wood paddles of suitable type may be used in confection-

1 aries. Paint is prohibited on food contact surfaces.

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

10 (b) Equipment shall be designed and constructed in such a
11 manner that gear and bearing lubricants cannot contaminate food or
12 food contact surfaces. Where equipment is not capable of being so
13 designed and lubricants may come in contact with food contact
14 surfaces, only food grade lubricants may be used.

15 (4) EQUIPMENT INTENDED FOR IN-PLACE CLEANING. Cleaned-in-
16 place (CIP) equipment systems intended for in-place cleaning of
17 food contact surfaces shall be designed and constructed to achieve
18 complete cleaning, draining and sanitizing of all interior food
19 contact surfaces in the system.

20 (5) MECHANICAL DISHWASHER. Mechanical dishwashing systems
21 shall be designed to provide for effective cleaning and rinsing of
22 all equipment and utensils in their operation.

23 (6) INSTALLATION OF EQUIPMENT IN PROCESSING AREAS. Equip-
24 ment placed on tables, counters, floors or other surfaces in
25 processing areas, unless readily removable, shall be manufactured
26 and installed in a manner so as to prevent the accumulation of
27 liquids or debris underneath, between or behind the equipment.

1 Ag 39.05 FOOD INGREDIENT SOURCES. (1) CANNED AND PROCESSED

2 FOODS. Canned and processed foods may be used in bakeries or
3 confectionaries only if they have originated from food processing
4 plants licensed or inspected under state or federal law.

5 (2) MILK AND DAIRY PRODUCTS. No milk or dairy products may
6 be used in the processing of food for sale in a bakery or confec-
7 tionary unless they have been processed and packaged in a licensed
8 dairy plant.

9 (3) EGG AND EGG PRODUCTS. Only clean whole eggs, pasteur-
10 ized eggs in liquid, frozen or dry form, or pasteurized egg prod-
11 ucts may be used in processing bakery or confectionary items.
12 Clean whole eggs shall be equivalent to USDA Grade B or better
13 with shells intact and without cracks and checks.

14 (4) RAW MATERIAL AND INGREDIENTS. Only safe and wholesome
15 foods or food ingredients may be used in the preparation or
16 processing of bakery or confectionary items. Raw materials and
17 ingredients shall be inspected and segregated as necessary to
18 determine if they are clean and fit to process into human food and
19 shall be stored under conditions that will protect against contam-
20 ination and minimize deterioration.

21 Ag 39.06 FOOD HANDLING, DISPLAY AND STORAGE. (1) GENERAL

22 REQUIREMENTS. Food shall be protected from contamination during
23 all periods in which it is stored, processed, displayed, handled,
24 dispensed or otherwise held for sale.

25 (2) FOOD TEMPERATURES. (a) Potentially hazardous foods
26 shall be kept at safe temperatures at all times while being
27 stored, displayed or offered for sale. Frozen foods, the

1 temperature of which may temporarily exceed a safe temperature
2 because of normal defrost cycles, the loading or unloading of a
3 freezer, or other similar reasons, shall be returned to a safe
4 temperature as quickly as possible. In no case shall the internal
5 temperature of frozen food exceed 10° F. (-12° C.).

6 (b) Refrigerator and freezer display cases shall not be
7 filled in excess of the maximum capacity specified by the manufac-
8 turer of the unit.

9 (3) FOOD STORAGE. (a) Storage areas. Food storage areas,
10 including walk-in refrigerated and frozen food storage units,
11 shall be maintained in a clean, sanitary and orderly condition,
12 free from accumulations of litter or other materials which may
13 result in the contamination of food.

14 (b) Thermometers. An easily readable thermometer accurate
15 to within $\pm 2^{\circ}\text{F}$ ($\pm 1^{\circ}\text{C}$) shall be installed in all freezers and
16 refrigerators used for storage or display of potentially hazardous
17 foods. Thermometers shall be installed so that their readings are
18 reasonably representative of the warmest freezer or refrigerator
19 temperature at which the food is being held.

20 (c) Manner of storage. Food shall be stored a minimum of 6
21 inches above the floor, on pallets or in a manner approved by the
22 department so as to protect it from splash, damage and other
23 potential sources of contamination. If multi-service containers
24 are used, they shall be equipped with tight-fitting covers. Food
25 shall be stored away from walls to allow for cleaning and inspec-
26 tion and to prevent the harborage of insects and rodents.

27 (4) DISPLAY AND HANDLING OF FOOD. (a) Display facilities.

1 Display cases and containers, refrigerated display cases, count-
2 ers, shelves and other facilities used for the display of food, or
3 from which food is dispensed to the public, shall be kept in good
4 repair and in a clean and sanitary condition.

5 (b) Single-service articles. Single-service articles shall
6 be stored in the original containers in which they are received or
7 in other closed containers which will protect them from contamina-
8 tion. The re-use of single-service articles is prohibited.

9 (c) Display of unwrapped bulk foods. Unwrapped bulk foods,
10 while on display, shall be kept covered or otherwise protected
11 against contamination. Unwrapped bulk foods, while on display,
12 shall not be available for handling by the public, and shall be
13 handled and dispensed only by bakery or confectionary personnel,
14 or dispensed by a mechanical device which allows customers to
15 serve themselves, but which prevents direct customer contact with
16 food not included in the individual self-served portion.

17 (5) DAMAGED FOOD PACKAGES. (a) Food shall not be sold in
18 packages that are damaged to an extent that the food contents may
19 have been exposed or subjected to possible contamination. Pack-
20 ages or containers which are broken along critical seams, or which
21 have openings whereby the food contents may have been exposed to
22 contamination, shall be considered as damaged food and be removed
23 from sale.

24 (b) Food and food packages which have been subjected to
25 contamination or possible contamination in a fire, flood or other
26 casualty shall not be sold, offered for sale or reprocessed for
27 sale for human consumption unless the department has first

1 inspected all of the food and food packages, and authorized their
2 sale or disposition. Bakeries or confectionaries shall notify the
3 department when food in their possession has been subjected to
4 damage or possible damage because of fire, flood or other
5 casualty.

6 (6) CONTROL OF INSECTS, RODENTS AND OTHER ANIMALS. Effec-
7 tive measures and programs shall be employed to prevent the
8 presence of insects, rodents and other vermin on the premises.

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

14 Ag 39.07 RAW MATERIALS HANDLING. (1) EGG PRODUCTS. Egg
15 products shall be pasteurized or otherwise treated before use or
16 during processing operations to destroy pathogenic microorganisms,
17 including viable salmonella organisms.

18 (2) BULK FLOUR HANDLING SYSTEMS. (a) Food contact surfaces
19 in bulk flour handling equipment shall comply with the provisions
20 of s. Ag 39.04(2), except that pneumatic systems using storage
21 bins constructed of semi-permeable cloth material are exempt from
22 the requirement that surfaces be smooth, impervious, and non-
23 absorbent, provided the surfaces can be effectively cleaned.

24 (b) Attachment mechanisms for holding inspection port
25 covers, access doors, delivery pipe caps or other removable acces-
26 sories shall have no loose parts. Delivery pipe caps shall be in
27 place and secured against tampering except when a bulk flour

1 handling system is in use.

2 (c) Outside installations shall be watertight or suitably
3 covered to prevent entry of water and foreign material.

4 (d) Intake air used in pneumatic flour handling systems
5 shall be filtered to exclude particles of 50 microns or larger.
6 Air discharged from the system shall be filtered so that no visi-
7 ble dust is permitted to escape. Filters shall be readily remov-
8 able for cleaning or replacement. Straight runs of pneumatic con-
9 veyors shall comply with the provisions of s. Ag 39.04(1), except
10 that piping which is self-purging is exempt from accessibility
11 requirements.

12 (3) REWORK. All bakery and confectionary items and ingre-
13 dients reclaimed from processing in the establishment for rework-
14 ing into finished products shall be handled and stored in properly
15 identified containers as raw materials.

16 (4) MATERIAL HANDLING. Effective measures shall be taken to
17 prevent cross contamination between raw materials and finished
18 food products. Raw materials shall not be handled simultaneously
19 with finished products in a receiving, loading, or shipping area
20 if either the raw materials or the finished products are uncovered
21 or unprotected, and if the handling may result in contamination.
22 Materials and products transported by conveyor shall be protected
23 against contamination from extraneous matter.

24 Ag 39.08 CLEANING AND SANITIZING REQUIREMENTS.

25 (1) CLEANING. (a) All processing areas and all equipment
26 and utensils used in the processing of food shall be thoroughly
27 cleaned immediately after each day's processing operations or at

1 the end of a continuous run, and more frequently as necessary to
2 keep them in a sanitary condition. Equipment and utensils, if
3 washed manually, shall be thoroughly washed in hot water and
4 rinsed free of detergents and other residues. All non-food
5 contact surfaces of equipment and utensils shall be cleaned as
6 often as necessary to prevent the accumulation of dust, dirt, food
7 particles and other possible contaminants.

8 (b) Food contact surfaces of equipment used for processing
9 or holding low moisture raw materials or products such as choco-
10 late, fats and oils, liquid nutritive sweeteners, peanut butter,
11 and similar materials which are not conducive to microbial growth
12 shall be maintained in a sanitary condition. When wet cleaning of
13 such equipment may cause conditions conducive to microbial growth,
14 other appropriate cleaning methods shall be utilized to prevent
15 product contamination.

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

27 (3) SANITIZING METHODS. Utensils and food contact surfaces

1 of equipment which are used to handle potentially hazardous foods
2 shall be sanitized prior to each day's use or the start of a
3 continuous run, or more frequently as necessary with an approved
4 sanitizer by one of the following sanitizing methods:

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

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

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

15 (d) Spraying, swabbing or other application of a non-toxic
16 chemical sanitizer in accordance with the manufacturer's direc-
17 tions for use, or other sanitizing method which has been demon-
18 strated to be equally as effective in the sanitizing of equipment
19 and utensils as the methods described under pars. (a) through (c),
20 and which has been approved by the department.

21 (e) Pans used during baking or cooking operations when time
22 and temperature combinations are adequate to destroy pathogenic
23 organisms and which meet industry standards are considered in
24 compliance with the sanitizing requirements of this section.

25 (4) SANITIZERS; DEPARTMENTAL APPROVAL. The department shall
26 approve sanitizers and sanitizing methods which in its judgment
27 are determined to be safe and effective for sanitizing utensils or

1 equipment. Sanitizers and sanitizing methods approved by the
2 United States department of agriculture under the poultry products
3 inspection act, 21 USC 451 et. seq., or the federal meat
4 inspection and wholesome meat acts 21 USC 601 et. seq., or by the
5 Wisconsin department of health and social services under subch.
6 III, ch. 50, Stats., shall be considered pre-approved by the
7 department. The department may deny or withdraw approval of any
8 sanitizer or sanitizing method, whether or not approved by any
9 other state or federal agency, if it determines that the sanitizer
10 or sanitizing method is not safe or effective for the purposes or
11 under the conditions for which it is to be used, or that it
12 adversely affects the sanitary characteristics of equipment or
13 utensils. Persons affected by denial or withdrawal of approval
14 shall be entitled to a hearing, if requested within 10 days after
15 the denial or withdrawal of approval.

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

24 Ag 39.09 MOBILE CONCESSION STANDS. (1) Food sold from
25 mobile concession stands shall be produced, packed, prepared and
26 held under sanitary conditions.

27 (2) Mobile concession stands shall be of sound construction

1 and kept clean and in good repair. Walls and ceilings shall be
2 impervious, reasonably smooth and light colored. Floors shall be
3 smooth and easily cleanable. Doors shall be tightfitting.
4 Windows, including service windows, shall be screened. Lighting
5 shall be adequate, and light fixtures shall be equipped with
6 protective shields or shatterproof bulbs.

7 (3) Equipment, utensils and counters in mobile concession
8 stands shall be of sound construction, easily cleanable, and meet
9 the requirements of s. Ag 39.04. Ingredient containers shall be
10 easily cleanable, and be equipped with tight-fitting covers.
11 Containers shall be stored in the mobile concession stand or in an
12 approved remote storage facility. Ingredients may be kept in
13 their original containers.

14 (4) An ample supply of potable water shall be available in
15 mobile concession stands for cleaning and hand washing. If water
16 storage tanks are used, they shall be constructed of non-toxic and
17 non-corrosive material. Equipment and utensil cleaning facilities
18 shall be sufficient to permit their adequate cleaning. Mobile
19 concession stands constructed or extensively altered in a manner
20 which changes the location of equipment or fixtures within the
21 mobile concession stand after the effective date of this chapter
22 (1984) shall be equipped with a 2-compartment sink for cleaning
23 equipment and utensils, and a handwashing facility equipped with
24 running water, soap and single-service towels.

25 (5) Mobile concession stand personnel shall comply with all
26 standards set forth in s. Ag 39.03.

27 (6) Premises surrounding temporary locations for a mobile

1 concession stand shall be kept clean. Trash and rubbish shall not
2 be permitted to accumulate. Effective measures and control
3 programs shall be utilized to exclude insects, rodents and other
4 vermin from mobile concession stands.

5 Ag 39.10 LABELING. All pre-packaged food products offered
6 for sale in a bakery or confectionary shall be labeled in compli-
7 ance with ch. 97, Stats., and ch. Ag 53.

8 Ag 39.11 DISPLAY OF LICENSE. Bakery or confectionary
9 licenses shall be displayed in a conspicuous place on the bakery
10 or confectionary premises.

11 Ag 39.12 EFFECT OF RULES ON LOCAL ORDINANCES. (1) This
12 chapter does not prohibit or nullify any local government ordi-
13 nance with which it is not in direct conflict as provided in sub.
14 (2).

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

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

21 Ag 39.13 AUTHORITY. These rules are adopted under authority
22 of ss. 93.07(1) and 97.40(2), Stats.

23 SECTION 2. The rules contained in this order shall take
24 effect on the first day of the month following their publication
25 in the Wisconsin administrative register, as provided in s.
26 227.026(1)(intro.), Stats.

Dated this 11th day of September, 1984.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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

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