

suspended, revoked or placed on probation after hearing under s. 93.18 and ch. 227, Stats.

History: Cr. Register, August, 1967, No. 140, eff. 9-1-67; am. Register, November, 1980, No. 299, eff. 12-1-80.

**Ag 80.04 Inspection.** (1) Before the issuance of an original grade A dairy plant license or farm permit, the department shall inspect the plant or dairy farm to determine compliance with the requirements of this chapter. The department shall grant or deny an application for a grade A dairy plant license or farm permit within 40 business days after the application is filed with the department, provided that the application is accompanied by all requisite information and documentation. After the issuance of a license or permit, each dairy farm and transfer station shall be inspected at least once every 6 months. Grade A dairy plants other than transfer stations shall be inspected at least once every 3 months. If a violation of any requirement is found to exist on an inspection a second inspection may be made as necessary, but not before 3 days to determine compliance. Any violation of the same requirement on reinspection shall constitute grounds for the immediate suspension of the license or permit, with right of hearing before the department if requested in writing within 10 days. Hearings, if requested, shall be conducted as expeditiously as possible.

(2) Each bulk milk tank truck and milk hauler's weighing and sampling procedures shall be inspected at least every 12 months by the department to determine compliance with the requirements of this chapter.

(3) Every milk producer, hauler, distributor or dairy plant operator shall, upon the request of the department, permit access to all parts of any establishment or facilities used in the production or distribution of milk and dairy products. Refusal to permit access for inspection and sampling during reasonable hours shall constitute grounds for the summary suspension of the license or permit. Dairy plant operators and distributors shall furnish, upon request, for official use only, true and accurate statements of the actual quantities of milk and milk products purchased and sold, lists of sources of milk and milk products, records of inspections, test results, and recording thermometer charts.

History: Cr. Register, August, 1967, No. 140, eff. 9-1-67; am. (1), renum. (2) to be (3) and am., cr. (2), Register, November, 1980, No. 299, eff. 12-1-80; am. (1), Register, December, 1985, No. 360, eff. 1-1-86.

**Ag 80.05 Examination of milk and milk products.** (1) Dairy plants shall, at least once each month, submit for testing a representative sample of raw milk from each grade A producer to a certified laboratory approved by the department. A standard plate count or plate loop count, antibiotic test, and an abnormal milk screening test shall be conducted by the laboratory on each milk sample. In place of the monthly testing of milk from individual producers for antibiotics, daily laboratory tests for antibiotics may be made on samples of each individual load of milk received at the dairy plant.

(a) Antibiotic tests on milk samples of individual producers may be conducted by any recognized test method. Daily load samples may be tested for antibiotics only by the *Sarcina lutea* cylinder plate method or other test method approved by the department. If a positive load sample is found, individual producer samples of milk making up the load shall be tested.

(b) Abnormal milk screening tests shall be conducted on samples of milk from each producer by the Wisconsin mastitis test (WMT), direct microscopic somatic cell count (DMSCC), or electronic somatic cell count (ESCC). If the WMT is used and the test value exceeds 21, a confirmatory test of the same milk sample shall be conducted either by the DMSCC or ESCC test method. If a DMSCC or ESCC test indicates the presence of 1,000,000 or more somatic cells per milliliter, the test results shall be submitted to the producer in writing within 48 hours after completion of the test.

(c) Temperature determinations shall be made and sediment tests conducted by persons designated by the dairy plant. Sediment tests may be conducted on the dairy farm.

(2) During any consecutive 6 month period at least 4 samples of pasteurized milk, 4 samples of raw commingled milk, and 4 samples of each milk product shall be taken by the department from each dairy plant. Samples of pasteurized milk and milk products shall be taken while the pasteurized milk and milk products are in the possession of the dairy plant or distributor, and before final sale or delivery. Samples of pasteurized milk and pasteurized milk products shall be tested for standard plate counts, coliform determinations, phosphatase tests, and antibiotics. Samples of commingled raw milk shall be tested for bacterial counts and antibiotics. Temperature determinations of commingled raw milk, pasteurized milk, and milk products shall be made at the time samples are taken. Other tests may be made as considered necessary by the department.

(3) Samples of milk and milk products from stores, restaurants and other places where milk and milk products are sold shall be examined as often as the department considers necessary. Operators of these business establishments shall furnish to the department, on request, the names of all dairy plants or distributors from whom milk and milk products are obtained.

(4) Bacterial plate counts, coliform determinations, phosphatase tests, antibiotic tests, abnormal milk screening tests, and other laboratory tests shall conform to the procedures in "Standard Methods for the Examination of Dairy Products," 14th Edition (1978), and in "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th Edition (1975), copies of which are on file at the offices of the department, the secretary of state and revisor of statutes. Copies of "Standard Methods for the Examination of Dairy Products" may be obtained from the American Public Health Association, Inc., 1790 Broadway, New York, N.Y. 10019. Copies of "Official Methods of Analysis" may be obtained from the Association of Official Analytical Chemists, Inc., Box 540, Benjamin Franklin Station, Washington, D.C. 20044. Examinations may include such other chemical and physical determinations as the department may consider necessary for the detection of adulteration.

(5) If 2 of the last 4 consecutive bacteria counts, coliform determinations, cooling temperatures, DMSCC's and ESCC's taken on separate days exceed the limit of the standard for the milk or milk products prescribed in this chapter, the department shall send written notice of this fact to the licensee or permittee. This notice shall continue in effect as long as 2 of the last 4 consecutive samples exceed the limit of the standard. An additional sample shall be taken within 21 but not before 3 days

AGRICULTURE, TRADE & CONSUMER PROTECTION 396-1  
Ag 80

after sending of the notice. Violation of the standard by 3 of the last 5  
bacteria counts, coliform determinations, cooling temperatures,

Next page is numbered 397.