

CR 88-208

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, William D. Mathias, 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 amending rules relating to pasteurization standards, Chapter Ag 33, Wis. Adm. Code, was duly approved and adopted by the Department on August 10, 1989.

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 offices in the City of Madison, this 10th day of August, 1989.

William D. Mathias
William D. Mathias, Administrator
Food Division

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

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The Wisconsin Department of Agriculture, Trade and Consumer Protection adopts the following order to repeal Ag 33.05(2); to renumber and amend Ag 33.05(1); and to amend Ag 33.01(1)(c) and Ag 33.04 relating to pasteurization standards.

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

Statutory Authority: ss. 93.07(1); 97.09(4) and 97.24(4), Stats.

Statutes Interpreted: ss. 97.09 and 97.24, Stats.

Current rules relating to pasteurization and pasteurization equipment are found in s. Ag 31.06(3). Revisions in the pasteurization requirements, including relocating the rules in a separate chapter of the Wisconsin Administrative Code, (Chapter Ag 33) were adopted by the department in January 1987, with a delayed effective date of October 1, 1989. As of that date, Ag 33.05(2) would require blended dairy ingredients in a high-temperature short-time (HTST) pasteurizer's constant level tank or balance tank to be maintained at a temperature not exceeding 50°F. This requirement would necessitate cooling preheated ingredients immediately prior to heating the blended ingredients in HTST equipment to a temperature ranging from 161°F to 175°F, depending upon the product being pasteurized. Cooling blended ingredients immediately prior to subjecting the blend to pasteurization temperatures is not essential for maintaining the quality and safety of the dairy food product being processed. Retaining this requirement in the rule would also be counter-productive to energy conservation. Ag 33.05(2) is therefore repealed with the same delayed effective date (October 1, 1989) as for the rest of Ch. Ag 33. Dairy plants will still be subject to operating HTST equipment in accordance with subsection (1) which is renumbered and amended as Ag 33.05.

Two technical corrections are made in other sections of ch. Ag 33 in the post-hearing draft. In s. Ag 33.03(1)(c), the temperature listed for adequate batch pasteurization of cream for butter has been corrected to read 166 degrees Fahrenheit. In s. Ag 33.04, the final sentence has been corrected to read "Batch pasteurizers shall have recording thermometers, mercury column product thermometers and a thermometer to record the temperature of the air space above the product in the pasteurizer." The addition of the words "product in the" corrects the current rule provision which, if read literally, inaccurately requires that a batch pasteurizer have a thermometer to record the temperature of the air space above the pasteurizer rather than the product in the pasteurizer.

Section 1. Ag 33.03(1)(c) is amended to read:

(c). Cream for butter	165° <u>166°</u> F. for 30 minutes	185°F. for 15 seconds
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Section 2. Ag 33.04 is amended to read:

Ag 33.04 Batch pasteurization equipment. Batch pasteurization equipment shall be of the non-coil type. Vats shall be constructed so that every particle of milk or dairy product is heated to the appropriate batch pasteurization temperature and held continuously at or above that temperature for the required time. All pasteurization vessels shall be equipped with leak detector valves. Batch pasteurizers shall have recording thermometers, mercury column product thermometers and a thermometer to record the temperature of the air space above the product in the pasteurizer.

Section 3. Ag 33.05(2) is repealed.

Section 4. Ag 33.05(1) is renumbered Ag 33.05 and as renumbered, amended to read:

Ag 33.05 ~~Except as provided in sub. (2), pasteurization~~
Pasteurization by means of high-temperature short-time
pasteurization shall comply with the standards set forth in "3-A
Accepted Practices for the Sanitary Construction, Installation,
Testing and Operation of High-Temperature Short-Time
Pasteurizers, Revised" (1967), published by the International
Association of Milk, Food and Environmental Sanitarians,
Department B, P.O. Box 701, Ames, Iowa 50010. Amended standards
adopted after the effective date of this chapter will have no
effect in this state, until this chapter is amended to include
the amended standards.

Section 5. The rules contained in this order shall take
effect on October 1, 1989, as provided in s. 227.22(2)(b), Stats.

Dated this 10 day of August, 1989.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By William D. Mathias
William D. Mathias
Administrator, Food Division

KWM/012/T2
8/10/89