CR 91-180

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF AGRICULTURE,)
TRADE AND CONSUMER PROTECTION)

Docket No. 2274

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Steven B. Steinhoff, 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 chapter Ag 60, Wisconsin Administrative Code, relating to milk producer license, permit, and reinspection fees; dairy farm standards; milk quality standards; testing raw milk for drug residues; and producer sanctions related to milk adulterated with drug residues was duly approved and adopted by the Department on May 11, 1992.

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 May, 1992.

Steven B. Steinhoff

Steven B. Steinhoff, Administrator
Food Division

RECEIVED
MAY 11 1992
2:30 pm
Revisor of Statutes
Bureau

7-1-92

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

The state of Wisconsin department of agriculture, trade and consumer protection adopts an order to repeal Ag 60.03(4); to renumber Ag 60.03(5) and (6) and 60.09(2) to (6); to amend Ag 60.01(24)(b), 60.02(2)(a), 60.02(4), 60.03(2)(a), 60.07(2)(f) and (h) and (4)(b), 60.08(1) to (3), (2) and (3), 60.09(1)(title), 60.13(6), 60.15(3), 60.18(1) to (3) and (5), 60.20(1) to (3) and (5), 60.24(1) and (2), 60.26 and 60.27(3); to repeal and recreate Ag 60.04(2), 60.10(6)(a), 60.19, 60.22(title) and (1), and 60.25(2)(a)(Note); and to create Ag 60.01(8m), 60.06(10), 60.09(2), 60.14(8), 60.18(1)(Note), 60.20(1)(Note), and 60.275 relating to milk producer license, permit, and reinspection fees; dairy farm standards; milk quality standards; testing raw milk for drug residues; and producer sanctions related to milk adulterated with drug residues.

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

Statutory authority: ss. 93.07(1), 97.09(4), 97.20(4), 97.22(2)(b) and (8), 97.24(3) and 97.52, Stats.

Statutes interpreted: ss. 93.06(1w), (7) and (8); 97.02; 97.03; 97.20; 97.22; 97.24; 97.50; 97.52; and 100.06(4)(a), Stats.

Introduction

Previous rules under ch. Ag 60, Wis. Adm. Code (Dairy Farms) required dairy plant operators to test raw milk for antibiotics and other adulterants. This order expands and strengthens previous drug residue testing requirements, and makes minor modifications in other milk testing requirements. Drug testing

requirements are mandated, in part, by requirements under the interstate Pasteurized Milk Ordinance (PMO).

The rule also implements dairy farm license and reinspection fee changes enacted in 1991 Wis. Act 39 (biennial budget act) and modifies previous dairy farm standards related to drug storage, water heating standards and milk contact surfaces.

Testing for Drug Residues; General

Under previous rules, a dairy plant has the option of testing each bulk load of milk for antibiotics or, alternatively, testing each producer's milk for antibiotics at least once a month. Under the rule, bulk load testing will no longer be optional, but will be mandatory for every bulk shipment. Under the rule, a dairy plant must also test each producer's milk for drug residues at least once a month.

Bulk Load Testing

Under the rule, a dairy plant must perform a drug residue test on every bulk load of raw milk received at the dairy plant. The drug residue test must be completed before the bulk load is commingled with any other milk. The drug residue test must, at a minimum, be sensitive to beta lactam drug residues.

In addition to performing routine tests for beta lactams, a dairy plant must randomly test bulk loads for other drug residues of concern. Based on directives from the federal food and drug administration (FDA), the department will specify the drug residues for which a dairy plant is required to test during a specified period of time. Random testing requirements will not necessarily be limited to antibiotics, but may include other drug residues of concern.

Rejecting Bulk Loads Containing Drug Residues

Under the rule, if a bulk load of milk tests positive for a drug residue, the dairy plant operator must reject the entire bulk load of milk. Milk from a rejected bulk load may not be used for human food, nor may it be shipped to another recipient for use as human food. Immediately after a bulk load tests positive for a drug residue, the dairy plant must report the test result to the department by telephone. Within 3 business days, the dairy plant must confirm the report in writing. The report must include the volume and disposition of the contaminated bulk load.

Testing Producer Shipments for Drug Residues; Rejecting Contaminated Shipments

Under the rule, whenever a bulk load tests positive for a drug residue, the dairy plant must test individual producer samples to

identify the producer or producers who contaminated the bulk load. The dairy plant must also test every producer's milk for drug residues at least once a month. Before a dairy plant collects or receives milk from a milk producer for the first time, the dairy plant must test that producer's milk for drug residues and must obtain a negative result for drug residue. Immediately after a producer sample tests positive for a drug residue, the dairy plant must report that test result to the department by telephone. Within 3 business days, the dairy plant must confirm the report in writing. The dairy plant must also report the results of all follow-up tests on the producer's milk.

If a producer sample tests positive for a drug residue, the dairy plant must immediately notify that producer and reject further milk shipments from that producer until a sample of the producer's milk tests negative for the same drug residue.

If a dairy plant rejects a producer milk shipment, no person may ship, collect or use that milk for human food, or commingle the milk with milk from any other producer. A producer whose milk is rejected because of a positive drug residue test may not ship milk to another dairy plant until the producer's milk tests negative for drug residue.

Dairy Plant Recovery from Producers

If a dairy plant suffers a monetary loss because a bulk load is rejected, the dairy plant may recover that loss from producers whose milk samples, representing shipments included in that bulk load, test positive for drug residues. If an offending producer has had no other drug residue violation in the preceding 12 months, a dairy plant must recover at least the equivalent of 2 days milk payments from that offending producer. If an offending producer has had a prior drug residue violation in the preceding 12 months, the dairy plant must recover at least the equivalent of 4 days milk payments from that producer.

If a dairy plant is entitled to recover from a producer, the dairy plant may deduct the recovery from the dairy plant's payroll obligation to the producer. Before making any deduction, the dairy plant must give the producer written notice specifying the basis for the deduction, the amount of the deduction, and the date on which the deduction will be made. The dairy plant must offer to meet with the producer to discuss the proposed deduction.

If a producer contests a deduction, and the matter is not resolved after a meeting with the dairy plant, the producer may obtain a hearing before the department. The dairy plant must be included as a party in the hearing. If the department finds that a deduction is invalid, the department may prohibit the deduction or order the dairy plant to repay the amount deducted.

If a dairy plant fails to make a required deduction, the dairy plant must notify the department in writing, and must explain why the dairy plant failed to make the deduction.

Approved Drug Test Methods; Persons Authorized to Test

Previous "screening" tests for drug residues are being validated as "official" tests by the Association of Official Analytical Chemists (AOAC). These tests are more rapid than previous "official" tests, and can be performed on site by qualified individuals rather than in a laboratory. Under the rule, as under the previous rule, drug residue test methods must conform to official standards. Test methods approved by AOAC will meet these standards.

Under previous rules, all milk quality tests must be performed in a laboratory certified by the department of Health and Social Services (DHSS) and approved by the department. Under the rule, drug residue tests need not always be performed in a certified laboratory, but may be performed by a qualified individual who is approved by the department and certified by DHSS. An individual certified by DHSS may also authorize another person to perform drug residue tests under the direct supervision of the certified tester. This will permit the use of on-site "screening" tests which are approved as "official" tests by AOAC. For purposes of a dairy plant's testing and reporting requirements under this rule, a drug residue test is considered positive when the level of drug residue exceeds an "action level" specified in the rule. For the most part, the "action levels" specified in the rule are based on tolerances or "safe levels" specified for those drugs by the United States food and drug administration. The "action levels" specified in the rule do not constitute legal tolerances for drug residues. The department is not precluded from taking enforcement action based on drug residue levels which are lower than the levels specified in this rule.

Drug Residue Violations; Action to Suspend Grade A Permit or License

Under the rule, the department's food division must mail a warning notice to a milk producer whenever a dairy plant reports that the producer's milk has tested positive for drug residue. (The producer is entitled to a prompt informal hearing if the producer contests the drug residue finding.) The notice must warn the producer that, unless the producer implements a drug residue prevention program on the producer's dairy farm, the food division will take action against the producer's license and grade A permit. A licensed veterinarian must certify that the producer has implemented a drug residue prevention program.

If the producer fails to implement a drug residue prevention program within 21 days, the food division must issue a notice suspending the producer's grade A permit. (The producer is entitled to a prompt informal hearing on the suspension notice, and a formal hearing if necessary.) If a producer's grade A permit is suspended, the producer may not ship milk as grade A milk but may continue to ship milk as grade B milk.

If the producer fails to implement a drug residue prevention program within 45 days, the food division must file a complaint with the department, asking the department to suspend the producer's dairy farm license until the producer implements a drug residue prevention program. The department, after notice and hearing, may suspend the producer's license. If the producer's license is suspended, the producer may not ship any milk from the producer's dairy farm until the license is reinstated.

The rule also provides that, whenever a producer violates drug residue standards 3 times within a 12-month period, the food division must file a complaint asking the department to suspend the producer's dairy farm license for at least 30 days. The department, after notice and hearing, may suspend the producer's license. If the producer's license is suspended, the producer may not ship any milk from the producer's dairy farm until the license is reinstated.

Drug Storage and Labeling

Under the rule, a drug prescribed for dairy animals by a veterinarian must be labeled with the drug's active ingredients and the withholding time during which milk from a treated animal must be withheld following cessation of drug therapy. The rule expands and clarifies other provisions related to the storage and labeling of drugs used on dairy farms.

Milk Quality Testing and Reporting; General

The rule makes minor technical adjustments to previous milk quality testing and reporting requirements. Previous 36-hour time limits for bacterial counts and somatic cells are repealed, because appropriate time limits vary with the type of test being used. Under the rule, tests must be completed within the time limits specified in the official test methodology for each approved test.

The rule clarifies that a dairy plant must report routine milk quality test results (bacterial counts and somatic cell counts) to the department within 14 calendar days after the test is completed. The rule also expands the time allowed for certain follow-up tests and inspections. The rule requires the dairy

plant, rather than the department, to perform follow-up tests for somatic cell counts and standard plate counts.

Dairy Farm Standards

Previous rules have no minimum requirement for water heating capacity on farms without bulk tanks. The rule requires a heating capacity of at least 10 gallons for farms at which milk is stored or cooled in cans, and from 30 to 75 gallons for all other dairy farms.

Previous rules require that milk contact surfaces of equipment or utensils be constructed of smooth, non-toxic and nonabsorbent materials. For milking and milk handling systems, the previous rules go further to provide that milk contact surfaces must be made of stainless steel, heat-resistant glass, appropriate plastic or rubber materials, or other materials approved by the department. The rule applies these latter standards to milk contact surfaces of all equipment and utensils, not just milking and milk handling systems.

Milk Handling Systems; Fee for Plan Review

Under previous rules, the department must approve plans for the construction or extensive alteration of milking or milk handling systems on dairy farms. The rule expands this requirement to include bulk tanks, and makes the installer responsible for submitting plans to the department prior to installation. Pursuant to s. 93.06(1w), Stats., as created by 1991 Wisconsin Act 39, the rule provides that the department may charge a fee to cover its cost for performing the plan review.

Dairy Plant Operator to Inspect Dairy Farm

Under previous rules, a dairy plant operator who submits a milk producer's license or grade A permit application to the department must inspect the dairy farm "as necessary" to certify that the farm complies with applicable requirements. Under the rule, the dairy plant operator's certification must always be based on an inspection. The dairy plant must provide a copy of the inspection report to the department, and must certify that the producer complies with applicable requirements.

Dairy Farm Fees

Pursuant to 1991 Wis. Act 39 (biennial budget act), the rule reduces the milk producer license fee from $22 to $20 and eliminates the previous grade A permit fee. As under the previous rule, a dairy plant must pay the dairy farm license fee for producers. However, pursuant to 1991 Wis. Act 39, the rule no longer permits a dairy plant to charge the license fee back to producers.

Pursuant to 1991 Wis. Act 39, the rule establishes the basic reinspection fee for grade A and grade B dairy farms at $20. (Under previous rules, prior to passage of the budget act, the reinspection fee was $20 for grade A farms and $22 for grade B farms.) If the department has suspended a milk producer's license or grade A permit, and reinspection is required for reinstatement of the license or permit, the rule establishes the reinspection fee at $40, pursuant to 1991 Wis. Act 39.

SECTION 1. Ag 60.01(8m) is created to read:

Ag 60.01(8m) "Drug" has the meaning given in 21 U.S.C. 321(g). "Drug" includes antibiotics and inhibitory substances.

SECTION 2. Ag 60.01(24)(b) is amended to read:

Ag 60.01(24)(b) A dairy farm inspection, other than a regularly scheduled inspection under s. Ag 60.24(2) or (3), for which a fee is chargeable under s. Ag 60.18(5), ~~60.19(5)~~ 60.19(9), 60.20(5), 60.25(4), 60.26, 60.27(6), or 60.28(2) or (3).

SECTION 3. Ag 60.02(4) is amended to read:

Ag 60.02(4) LICENSE FEE. (a) General. Except as provided under par. (b), the annual fee for a milk producer license under this section is ~~$22~~ $20. A dairy plant operator shall pay the annual milk producer license fee for every dairy farm from which the dairy plant receives milk at the time the fee payment is due. An applicant for an annual dairy plant license under s. 97.20, Stats., shall submit required producer license fees with the applicant's dairy plant license application. A dairy plant operator who pays a milk producer license fee may not charge that fee back to the milk producer~~, provided that the operator notifies the producer in writing of the operator's intent to~~

~~charge the fee to the producer. A dairy plant operator shall not discriminate between producers with respect to fee charges under this paragraph, but may charge back license fees to those producers who stop shipping milk to the dairy plant during the license year~~.

(b) Farms inspected by special dairy farm inspectors. If a dairy farm is inspected at least once annually by a special dairy farm inspector appointed under s. Ag 60.32, the annual license fee under this subsection is ~~$7~~ $10.

SECTION 4. Ag 60.02(2)(a) is amended to read:

Ag 60.02(2)(a) General. A license application, signed by the milk producer, shall be made on a form provided by the department. A dairy plant operator, after inspecting the dairy farm under s. Ag 60.24(1), shall submit the application on behalf of the milk producer, and shall certify that the dairy farm facilities comply with applicable requirements under this chapter. An annual license may be renewed each year upon payment of the required fees under sub. (4), without further application by the milk producer.

SECTION 5. Ag 60.03(2)(a) is amended to read:

Ag 60.03(2)(a) General. A grade A permit application, signed by the milk producer, shall be made on a form provided by the department. A dairy plant operator, after inspecting the dairy farm under s. Ag 60.24(1), shall submit the application on behalf of the milk producer, and shall certify that the dairy farm facilities comply with applicable grade A requirements under

this chapter. ~~An annual~~ A grade A permit may be renewed each year ~~upon payment of the required fees under sub. (4)~~ in connection with the renewal of the milk producer's license under s. Ag 60.02, without further application by the milk producer.

SECTION 6. Ag 60.03(4) is repealed.

SECTION 7. Ag 60.03(5) and (6) are renumbered (4) and (5).

SECTION 8. Ag 60.04(2) is repealed and recreated to read:

Ag 60.04(2) FEE AMOUNT. (a) Except as provided under par. (b), the reinspection fee under sub. (1) is $20.

(b) If the department has suspended a milk producer's license or grade A permit, and reinspection is required under this chapter for reinstatement of the producer's license or grade A permit, the reinspection fee is $40.

SECTION 9. Ag 60.06(10) is created to read:

Ag 60.06(10) DRUG STORAGE. No drug or medicinal item may be kept in a milking barn or parlor unless it is designed or prescribed for use on dairy animals. Drugs and medicinal items stored in a milking barn or parlor shall be stored above the floor, on racks or in a cabinet. Drugs and medicinal items shall be stored in a manner which prevents the contamination of milk, or equipment and utensils coming in contact with milk. Drugs and medicinal items shall be clearly labeled to indicate their identity and intended use. Prescription drugs shall be labeled as provided under s. Ag 60.13(6). Drugs and medicinal items intended solely for non-lactating animals shall be kept separate from those used on lactating animals.

SECTION 10. Ag 60.07(2)(f) and (h) are amended to read:

Ag 60.07(2)(f) Water heating capacity. Hot water capacity shall be adequate for all milkhouse operations. Hot water heaters or hot water supply systems shall have a capacity of at least 10 gallons for washing equipment and utensils if milk is stored or cooled in cans, 30 gallons for manual washing of bulk tanks, 50 gallons for mechanical washing of bulk tanks, and 75 gallons for cleaning C-I-P equipment. Alternative systems, including heat recovery and continuous flow systems, may be authorized by the department in writing if they provide adequate hot water for all milkhouse operations.

(h) Handwashing facility. A milkhouse shall be equipped with a fixed handwashing facility which is separate from the wash and rinse vat under par. (g). The handwashing facility shall be served by potable hot and cold running water from a faucet or faucets located directly over the facility. Water shall enter and leave the handwashing facility by means which preclude splash. Single service sanitary towels and soap shall be available at all times for use at the handwashing facility. A handwashing facility may be located in a room immediately adjacent to the milkhouse, provided that it is readily accessible from the milkhouse. This paragraph does not apply to grade B dairy farms on which ~~there was no~~ the currently used bulk tank was installed prior to January 1, 1979, or on which milk is stored and cooled only in cans.

SECTION 11. Ag 60.07(4)(b) is amended to read:

Ag 60.07(4)(b)(title) Drugs and medicinal items. No ~~antibiotic, animal~~ drug or ~~other~~ medicinal item may be kept in a milkhouse unless it is designed or prescribed for use on dairy animals. If ~~antibiotics, animal~~ drugs or ~~other~~ medicinal items are kept in a milkhouse, they shall be stored in an enclosed cabinet, separate from all other articles stored in the milkhouse. ~~Antibiotics, animal drugs~~ Drugs and ~~other~~ medicinal items shall be clearly labeled to indicate their identity and intended use, and prescription ~~medications~~ drugs shall be labeled as provided under s. Ag 60.13(6). ~~Antibiotics, animal drugs~~ Drugs and ~~other~~ medicinal items intended solely for non-lactating animals shall be kept separate from those used on lactating animals.

SECTION 12. Ag 60.08(1) to (3), (2) and (3) are renumbered Ag 60.08(1) to (5).

SECTION 13. Ag 60.09(1)(title) is amended to read:

Ag 60.09(1)(title) CONSTRUCTION; GENERAL.

SECTION 14. Ag 60.09(2) to (6) are renumbered (3) to (7).

SECTION 15. Ag 60.09(2) is created to read:

Ag 60.09(2) MILK CONTACT SURFACES; CONSTRUCTION. Milk contact surfaces of equipment and utensils shall be constructed of smooth, non-toxic and non-absorbent materials. Only the following materials may be used on milk contact surfaces, unless another material is specifically authorized by the department in writing:

(a) Stainless steel of the American Iron and Steel Institute 300 Series, or an equally corrosion-resistant metal.

(b) Heat resistant glass.

(c) Plastic, rubber or rubber-like materials which are fat resistant and insoluble; which are resistant to scratching, scoring, decomposition, crazing, chipping and distortion under normal use conditions; which do not impart chemicals, flavor or odor to milk; and which maintain their original properties under repeat use conditions.

SECTION 16. Ag 60.10(6)(a) is repealed and recreated to read:

Ag 60.10(6)(a) Before installing, reconstructing or extensively altering a bulk tank, or a milking or milk handling system, the installer shall submit plans to the department for review. The department may charge a fee under s. 93.06(1w), Stats., to cover its cost for providing the review service. The department shall return the plans, together with any comments or objections, within 14 days after the plans are received by the department. No review is required for a portable transfer receptacle or its appurtenances.

SECTION 17. Ag 60.13(6) is amended to read:

Ag 60.13(6) ~~Antibiotics and other animal drugs~~ Drugs prescribed by a veterinarian for use on cows or goats shall be clearly labeled with the name of the drug, the active ingredient or ingredients, directions for use, the length of time for which milk must be withheld following the cessation of drug therapy,

any applicable warnings or precautions to be observed by the milk producer, and the name and address of the prescribing veterinarian. No ~~antibiotic, animal~~ drug or ~~other~~ medicinal item may be used in a manner inconsistent with label directions, or in a negligent manner.

SECTION 18. Ag 60.14(8) is created to read:

Ag 60.14(8) ANIMAL DRUG STORAGE. No animal drug or medicinal item may be kept in or immediately adjacent to dairy farm facilities used for dairying operations unless the animal drug or medicinal item is designed or prescribed for use on dairy animals. Animal drugs and medicinal items stored immediately adjacent to the milking barn, milking parlor or milkhouse shall be protected from the elements, and shall be stored above the floor, on racks or in a cabinet. Animal drugs and medicinal items shall be stored in a manner which prevents contamination of milk, and equipment and utensils coming in contact with milk. Animal drugs and medicinal items shall be clearly labeled to indicate their identity and intended use, and prescription drugs shall be labeled as provided under s. Ag 60.13(6). Animal drugs and medicinal items intended solely for non-lactating animals shall be kept separate from those used on lactating animals.

SECTION 19. Ag 60.15(3) is amended to read:

Ag 60.15(3) DRUG RESIDUES. The milk shall not contain any ~~antibiotic or inhibitory substance~~ drug residue.

SECTION 20. Ag 60.18(1) is amended to read:

Ag 60.18(1) MONTHLY TESTING REQUIRED. During every month in which a dairy plant receives milk from a milk producer, the dairy plant operator shall perform a standard bacterial plate count (SPC) or plate loop count (PLC) on a milk sample obtained from the producer under s. Ag 60.17. ~~The bacteriological test shall be performed on a milk sample which is collected from the producer not more than 36 hours before the test is performed.~~

SECTION 21. Ag 60.18(1)(Note) is created to read:

NOTE: Bacterial tests must be performed using methods prescribed under s. Ag 60.22(2). The maximum time between sample collection and testing depends on the test method used.

SECTION 22. Ag 60.18(2), (3) and (5) are amended to read:

Ag 60.18(2) REPORTING TEST RESULTS. Within ~~10~~ 14 calendar days after a bacteriological test under this section is completed, the dairy plant operator shall report the bacterial count to the producer and the department. If a dairy plant operator performs bacteriological tests on 2 or more samples of milk collected from the same producer during the same month, the dairy plant operator shall report a representative test result to the department. A test is not representative unless it is obtained according to a sampling and testing schedule which is consistently applied to all producers shipping milk to the dairy plant, and unless it is chosen according to standard criteria applied to all producers. If any bacterial count exceeds the immediate response level of 1,000,000 per ml., the dairy plant operator shall report the bacterial count to the producer and the

department within 3 business days after the bacteriological test is completed.

(3) IMMEDIATE RESPONSE LEVEL; CONFIRMATORY TEST. If a bacterial count under this section exceeds the immediate response level of 1,000,000 per ml., the dairy plant operator shall perform a confirmatory bacteriological test on at least one more sample of milk collected from the producer's dairy farm. The confirmatory sample shall be collected from the producer within ~~one week~~ 14 calendar days after the original sample was collected and tested as prescribed under s. Ag 60.22(2). ~~A confirmatory bacteriological test shall be performed within 36 hours after the confirmatory sample is collected from the producer, and the~~ The test result shall be reported to the producer and the department within the time period specified under sub. (2).

(5) INSPECTION BY DEPARTMENT; REINSPECTION FEE. The department may, in its discretion, inspect a dairy farm in response to any bacterial count reported to the department under this section. If the department inspects a dairy farm in response to a confirmatory bacterial count of more than 1,000,000 per ml. under sub. (3), the department shall charge a reinspection fee for the inspection under s. Ag 60.04. The department shall not charge a reinspection fee if the confirmatory bacterial count does not exceed 1,000,000 per ml., or if the inspection is made more than ~~2~~ 3 weeks after the department receives the confirmatory bacterial count under sub. (3).

SECTION 23. Ag 60.19 is repealed and recreated to read:

Ag 60.19 DRUG RESIDUE TESTING. (1) TESTING PRODUCER MILK SHIPMENTS. (a) Monthly testing. During every month in which a dairy plant receives milk from a milk producer, the dairy plant operator shall perform a drug residue test on a milk sample obtained from that producer under s. Ag 60.17. The drug residue test shall be sensitive, at a minimum, to beta lactam drug residues.

(b) New milk producer; initial testing. Before collecting or receiving a producer's milk for the first time, a dairy plant operator shall sample and test the producer's milk for drug residues. The drug residue test shall be sensitive, at a minimum, to beta lactams and to other drug residues for which testing is required under sub. (2)(b). The dairy plant operator shall not collect or receive the producer's milk until the producer's milk tests negative under this paragraph.

(2) TESTING BULK LOADS. (a) Beta lactam drug residues; routine bulk load testing. The operator of every dairy plant shall perform a drug residue test on every bulk load of raw milk received at that dairy plant. The drug residue test shall be sensitive, at a minimum, to beta lactam drug residues.

(b) Other drug residues; random bulk load testing. 1. In addition to performing routine beta lactam tests under par. (a), the operator of a dairy plant shall randomly test bulk milk deliveries received at that dairy plant for other drug residues whenever random testing is required by the department under subd.

2. The random testing program shall be designed so that, during any consecutive 6 month period, a milk shipment from each producer is included in at least 4 separate bulk load tests in each of 4 separate months.

2. The department may issue a periodic written notice to dairy plant operators, requiring dairy plant operators to perform random tests under subd. 1 for drug residues specified in the department's notice. The department shall issue the same notice to every dairy plant licensed by the department. The notice shall specify the effective date of the random testing requirements and the period of time during which the random testing requirements remain in effect.

(c) Bulk load testing procedure. Whenever a dairy plant operator performs a drug residue test on a bulk load of milk under par. (a) or (b), the operator shall perform the test on a sample taken from the bulk milk tanker. The test shall be completed before the bulk load is commingled with any other milk. For testing purposes under pars. (a) and (b), a milk shipment received in cans is considered a bulk load.

(d) Responsibility for follow-up testing. If a bulk load of milk tests positive for drug residue, and if the dairy plant receiving that milk from producers is not the dairy plant to which those producers are assigned for licensing purposes under s. Ag 60.02, the operator of the receiving dairy plant shall immediately notify the operator of the assigned dairy plant. The assigned dairy plant is responsible for performing follow-up

tests on producer samples under sub. (3), and for rejecting producer shipments under sub. (6).

(3) DRUG RESIDUE FOUND IN BULK LOAD; FOLLOW-UP TESTING. If a bulk load of milk tests positive for a drug residue under sub. (2), the dairy plant operator shall perform a drug residue test on each of the individual milk producer samples collected for that bulk load under s. Ag 60.17. The dairy plant operator shall test each producer sample before collecting any further milk from that producer. The drug residue test performed on each producer sample shall be sensitive to the same drug residue that was detected in the bulk load.

(4) DRUG RESIDUE FOUND IN BULK LOAD; LOAD REJECTED. If a bulk load of milk tests positive for a drug residue under sub. (2), the dairy plant operator shall reject the entire bulk load. Milk from a rejected bulk load shall not be used for human food, and shall not be shipped to any other dairy plant or recipient for use as human food.

(5) REJECTED BULK LOAD; DAIRY PLANT RECOVERY FROM PRODUCERS. (a) Dairy plant may recover loss. If a dairy plant operator sustains a monetary loss because a bulk load of milk is rejected under sub. (4), the dairy plant operator may recover that monetary loss from producers whose individual milk samples, representing shipments included in that bulk load, test positive under sub. (3). The loss recoverable under this paragraph may include the value of the rejected load before that load tested positive for a drug residue, the cost to dispose of the rejected

load, and any additional transportation and testing costs made necessary because the load tested positive for a drug residue.

(b) Minimum recovery. Except as provided under par. (e), a dairy plant operator shall, at a minimum, recover the following amount under par. (a) from each producer whose milk sample tests positive under sub. (3):

1. If the producer's milk has not tested positive for any drug residue during the 12 months immediately preceding the positive test under sub. (3), the dairy plant shall recover an amount that is at least equivalent to the value of 2 days milk shipments from the producer, as calculated under par. (c).

2. If the producer's milk has tested positive for any drug residue during the 12 months immediately preceding the positive test under sub. (3), the dairy plant operator shall recover an amount that is at least equivalent to the value of 4 days milk shipments from the producer, as calculated under par. (c).

(c) Minimum recovery; how calculated. The minimum recovery under par. (b) shall be based on the volume of milk which the offending producer shipped as part of the rejected bulk load, and the prevailing price for that producer on that day exclusive of quality premiums. The dairy plant operator may not pay an offending producer any quality premiums for milk shipped as part of the rejected bulk load, nor may the operator make any other payment designed to reduce the minimum recovery under par. (b).

(d) Payroll deduction. A dairy plant operator may deduct any recovery under par. (a) from the dairy plant operator's

payroll obligation to the offending producer. A dairy plant operator shall recover the minimum amount under par. (b) from an offending producer within 30 days after the producer's milk sample tests positive for drug residue under sub. (3).

(e) Recovery may not exceed dairy plant's loss. Notwithstanding par. (b), a dairy plant operator's recovery from offending producers may not exceed the amount of the dairy plant operator's loss under par. (a). If the dairy plant operator is entitled to recover from 2 or more offending producers, and if the operator's loss is less than the minimum amount that would otherwise be recoverable from those producers under par. (b), the operator shall recover the loss from producers on a pro rata basis, according to the amount of milk which each producer shipped as part of the rejected bulk load.

(f) Notice to producer. Before making any deduction under par. (d), the dairy plant operator shall give the producer written notice of the proposed deduction. The notice shall specify the basis for the deduction, the total amount of the deduction, and the date on which each deduction will be made. The notice shall also state that a representative of the dairy plant operator will meet with the producer to discuss the proposed deduction, at the producer's request.

(g) Meeting to discuss proposed deduction. If requested by an affected producer, a representative of the dairy plant operator shall meet with the producer to discuss any proposed deduction under par. (d). The meeting shall be held within 3

business days unless the producer requests a later meeting. If the producer contests the validity of the deduction, and if the matter is not resolved between the producer and the dairy plant operator, the dairy plant operator shall notify the producer that the producer may request a hearing before the department under par. (i).

(h) Failure to deduct; notice to department. If a dairy plant operator fails to deduct the minimum amount required under par. (b) within 30 days after the producer's milk sample tests positive for drug residue under sub. (3), the dairy plant operator shall give the department written notice of that fact. The notice shall explain why the dairy plant operator failed to make the deduction.

(i) Hearing before department. 1. If a producer contests the validity of a dairy plant operator's deduction under par. (d), and if the producer has met with a representative of the dairy plant operator under par. (g), the producer may request a hearing before the department. A request for hearing does not automatically stay the dairy plant operator's deduction under par. (d).

2. If a producer requests a hearing under subd. 1, the food division shall hold an informal hearing at the division's nearest regional office or by telephone. The food division shall hold the informal hearing within 3 business days after the division receives the hearing request, unless the producer agrees to a

later hearing date. The food division shall include the dairy plant operator as a party to the informal hearing.

3. If a matter is not resolved upon informal hearing under subd. 2, the producer may request a formal contested case hearing before the department under ch. Ag 1 and ch. 227, Stats. A request for hearing does not automatically stay the dairy plant's deduction under par. (d). If the department grants the producer's request for a formal hearing, the department shall include the dairy plant operator as a party to that hearing.

(j) Invalid deduction. If the department determines that a dairy plant operator's deduction under par. (d) is invalid, the department may prohibit the dairy plant operator from making that deduction, or may order the dairy plant operator to repay to the producer the amount deducted. The food division may issue an order under this paragraph after the division holds an informal hearing under par. (i). If the food division issues an order under this paragraph, the dairy plant operator may request a formal hearing before the department to contest the food division's order. A request for hearing does not automatically stay the food division's order.

(6) PRODUCER MILK SHIPMENTS REJECTED. (a) Dairy plant to reject. A dairy plant operator shall immediately notify a milk producer, and shall reject that producer's milk shipments as required under par. (b), if any of the following occurs:

1. A sample of the producer's milk under sub. (1) tests positive for a drug residue.

2. A sample of the producer's milk under sub. (3) tests positive for a drug residue.

3. A sample of the producer's milk tests positive for a drug residue after that milk has been commingled with milk from other producers, regardless of whether the drug residue test is required under this chapter.

(b) Producer milk rejected. If a dairy plant operator is required to reject producer milk shipments under par. (a), the dairy plant operator shall reject all milk produced on that dairy farm until a sample of that milk tests negative for that same drug residue which caused the dairy plant to reject the producer's milk.

(c) Rejected milk; use prohibited. If a dairy plant operator rejects a producer's milk under par. (b), no person may do any of the following:

1. Ship, collect or use that milk for human food.

2. Commingle that milk with milk from any other producer.

(d) Transfer between dairy plants. If a dairy plant operator rejects a producer's milk under par. (b), the milk producer may not ship milk to another dairy plant until a dairy plant operator tests that producer's milk and the milk tests negative for that same drug residue which caused the producer's milk to be rejected.

(7) REPORTING DRUG RESIDUE FINDINGS; BULK LOADS. If any bulk load of milk tests positive for a drug residue under sub. (2), the dairy plant operator shall immediately report the drug

test result to the food division by telephone. The dairy plant operator shall confirm the report in writing, in a form approved by the department, within 3 business days after the drug residue test is completed. The report shall indicate the result of the drug residue test, the volume of milk contained in the bulk load, and the dairy plant's disposition of that milk.

(8) REPORTING DRUG RESIDUE FINDINGS; PRODUCER MILK SHIPMENTS. (a) Dairy plant to report. Whenever any of the following occurs, the dairy plant operator that performs the drug residue test shall report the test result to the department under par. (b):

1. A milk producer sample under sub. (1) tests positive for a drug residue.

2. A milk producer sample under sub. (3) tests positive for a drug residue.

3. A sample of a producer's milk tests positive for a drug residue after that milk has been commingled with milk from other producers, regardless of whether the drug residue test is required under this chapter.

(b) Form of report. Whenever a dairy plant operator is required to report a drug residue test result under par. (a), the dairy plant operator shall immediately report that result to the food division by telephone. The dairy plant operator shall confirm the report in writing within 3 business days after the drug residue test is completed.

(9) INSPECTION BY DEPARTMENT; REINSPECTION FEE. The department may, in its discretion, inspect a dairy farm in response to any positive drug residue test report under sub. (8). The department shall charge a reinspection fee for the inspection under s. Ag 60.04. The department shall not charge a reinspection fee if it makes its inspection more than 3 weeks after the dairy plant operator reports the drug residue test result to the department.

(10) DRUG RESIDUE TEST RESULTS. (a) Positive test result; general. For purposes of this section and s. Ag 60.275, a drug residue test is considered positive if the detected amount of drug residue exceeds the action level specified for that drug under par. (b) or (c). The action levels under pars. (b) and (c) do not establish legal tolerances for drug residues in milk, nor do they preclude the department from taking enforcement action where drug residues are present at levels below these action levels.

(b) Bacillus stearothermophilus disc assay test for beta lactams; positive test result. If the Bacillus stearothermophilus disc assay test is used to test for a beta lactam drug, the action level is exceeded if there is a clear zone of inhibition equal to or greater than 16 mm. in diameter surrounding the disc.

(c) Other drug tests; positive test result. In a test for any of the following drugs, the action level is exceeded whenever

the drug residue level found in the test exceeds the level specified below:

Drug	Action Level (ppb)
Ampicillin	10
Amoxicillin	10
Cephapirin	20
Cloxacillin	10
Neomycin	150
Novobiocin	100
Sulfadimethoxine	10
Tylosin	50
Chlortetracycline*	30
Oxytetracycline*	30
Erythromycin*	50
Gentamicin*	30
Dihydrostreptomycin*	125
Sulfachloropyridazine*	10
Sulfadiazine*	10
Sulfamerazine*	10
Sulfamethazine*	10
Sulfamethizole*	10
Sulfanilamide*	10
Sulfapyridine*	10
Sulfaquinoxaline*	10
Sulfathiazole*	10
Tetracycline*	80

NOTE: Action levels specified under this paragraph are based on tolerances or "safe levels" specified by the United States food and drug administration, and identified in a memorandum from FDA's Milk Safety Branch, HFF-346, dated July 21, 1991. A copy of the memorandum is on file with the department, and is available upon request.

For drugs identified with an asterisk (*), the levels in this paragraph are based on "safe levels" specified by FDA. "Safe levels" are merely enforcement guides and do not constitute legal tolerances. They do not legalize residues found in milk that are below the "safe level." "Safe levels" are not binding on the courts or the department. They do not limit the department's discretion in any way, and they do not protect milk producers or milk itself from enforcement action. "Safe levels" do not constitute animal drug tolerances under section 512(b) of the federal food, drug and cosmetic act.

(d) Test result presumed valid. For purposes of this section and s. Ag 60.275, whenever a dairy plant operator reports

a positive test result to the department under sub. (8), that test result is rebuttably presumed to be valid.

SECTION 24. Ag 60.20(1) is amended to read:

Ag 60.20(1) MONTHLY TESTING REQUIRED. During every month in which a dairy plant receives milk from a milk producer, the dairy plant operator shall perform a somatic cell count on a milk sample obtained from the producer under s. Ag 60.17. The somatic cell count shall be made using a direct microscopic somatic cell count (DMSCC) or an electronic somatic cell count (ESCC). ~~The somatic cell count shall be performed within 36 hours after the milk sample is initially obtained from the producer under s. Ag 60.17.~~ If the somatic cell count on goat milk exceeds 1,000,000 the somatic cell count shall be confirmed using the Pyronin Y Methyl green stain test, unless that test was used to obtain the initial count.

SECTION 25. Ag 60.20(1)(Note) is created to read:

NOTE: Somatic cell tests must be performed using methods prescribed under s. Ag 60.22(2). The maximum time between sample collection and testing depends on the test method used.

SECTION 26. Ag 60.20(2), (3) and (5) are amended to read:

Ag 60.20(2) REPORTING TEST RESULTS. Within ~~10~~ 14 calendar days after a somatic cell count under this section is completed, the dairy plant operator shall report the somatic cell count to the producer and the department. If a dairy plant operator performs a somatic cell count on more than one sample of milk collected from the same producer during the same month, the dairy plant operator shall report a representative somatic cell count

to the department. A test result is not representative unless it is obtained according to a sampling and testing schedule which is consistently applied to all producers shipping milk to the dairy plant, and unless it is chosen according to the same criteria applied to all producers. If any somatic cell count under this section exceeds an immediate response level under sub. (2m), the dairy plant operator shall report the somatic cell count to the producer and the department within 3 business days after the bacteriological test is completed.

(3) IMMEDIATE RESPONSE LEVEL; CONFIRMATORY TEST. If a somatic cell count under sub.(1) exceeds an immediate response level under sub.(2m), the dairy plant operator shall make a confirmatory somatic cell count on at least one more sample of milk collected from the producer's dairy farm. The confirmatory sample shall be collected from the producer within ~~one week~~ 14 calendar days after the original sample was collected and tested as prescribed under s. Ag 60.22(2). ~~A confirmatory somatic cell count shall be made within 36 hours after the confirmatory sample is obtained from the producer, and~~ The test result shall be reported to the producer and the department within the time period specified under sub. (2). The confirmatory somatic cell count on goat milk shall be made using the Pyronin Y-Methyl green stain test.

(5) INSPECTION BY DEPARTMENT; REINSPECTION FEE. The department may, in its discretion, inspect a dairy farm in response to any somatic cell count reported to the department

under this section. If the department inspects a dairy farm in response to a confirmatory somatic cell count under sub. (3) which exceeds the immediate response level under sub. (2m), the department shall charge a reinspection fee for the inspection under s. Ag 60.04. The department shall not charge a reinspection fee if the confirmatory somatic cell count does not exceed the immediate response level, or if the inspection is made more than ~~2~~ 3 weeks after the department receives the confirmatory somatic cell count under sub.(3).

SECTION 27. Ag 60.22(title) and (1) are repealed and recreated to read:

Ag 60.22 CERTIFIED TESTERS; TEST METHODS; REPORTING. (1) CERTIFIED TESTERS. (a) General. Except as provided under par. (b), milk testing under ss. Ag 60.18 to 60.20 shall be performed in a laboratory which is approved by the department, and certified by the state of Wisconsin department of health and social services under s. 143.15, Stats., to conduct milk quality tests.

(b) Drug residue tests. Drug residue tests under s. Ag 60.19 may be conducted in a certified laboratory under par. (a) or by either of the following:

1. An individual approved by the department and certified by the Wisconsin department of health and social services to conduct drug residue testing.

2. An individual who performs drug residue tests only under the direct supervision of an individual approved and certified under subd. 1.

NOTE: Approval of individuals to perform drug residue tests will become effective only after a certification program for individuals is developed by the department of health and social services.

(c) Department may withdraw approval. The department may withdraw its approval of any laboratory or individual for cause, whether or not the laboratory is certified by the department of health and social services. Cause may include false or inaccurate test results or reports, or failure to conduct tests in compliance with required procedures.

SECTION 28. Ag 60.24(1) and (2) are amended to read:

Ag 60.24(1) INSPECTION BY DAIRY PLANT. ~~If~~ Before a dairy plant operator submits a milk producer license application under s. Ag 60.02 or a grade A permit application under s. Ag 60.03 on behalf of a milk producer, the dairy plant operator shall inspect the dairy farm~~, as necessary, in order to certify~~. The dairy plant operator, when submitting the producer's license or permit application, shall include a copy of the operator's inspection report and shall certify that the dairy farm facilities comply with applicable dairy farm standards under this chapter. The department may, at other times, require a dairy plant operator to inspect a dairy farm as necessary.

(2) INSPECTION BY THE DEPARTMENT. The department shall inspect dairy farms for compliance with applicable standards under this chapter. The department shall inspect a grade A farm

at least once every 6 months, and a grade B farm at least once ~~annually~~ every 2 years. For the purpose of conducting a lawful inspection under this chapter, the department may exercise its authority under ss. 93.08, 93.15(2) and 97.12(1), Stats.

SECTION 29. Ag 60.25(2)(a)(Note) is repealed and recreated to read:

NOTE: The following conditions, individually or in combination, may constitute evidence of an imminent public health hazard under this paragraph:

1. An inspection of the producer's dairy farm reveals gross violations of dairy farm standards under subchapter III, or reveals violations which pose an acute health risk.

2. Confirmed bacterial plate counts or plate loop counts on the producer's milk indicate bacterial counts of more than 1,000,000 per ml. in the milk.

3. Drug tests on the producer's milk indicate that drug residues are present in the milk.

4.Milk from the producer's dairy farm is reliably believed to contain pesticides or toxic substances which may be harmful to humans.

5. An infectious disease, transmissible to humans through milk, is reliably diagnosed in the producer's herd.

SECTION 30. Ag 60.26 is amended to read:

Ag 60.26 SUSPENSION OR REVOCATION OF GRADE A FARM PERMIT; GENERAL. A milk producer's grade A permit may be suspended or revoked for cause, as provided in s. 93.06(7), Stats. Except as provided under s. Ag 60.25, 60.26, 60.275 or 60.28, a grade A permit may not be suspended or revoked except by order of the secretary or the secretary's designee, after notice and opportunity for hearing under ch 227, Stats. The food division may file a written complaint with the department, seeking the suspension or revocation of a grade A permit. Pending completion of the proceedings, the secretary or the secretary's designee may

issue interim orders as necessary to protect the public health, safety and welfare. If an inspection is required for the reinstatement of a grade A permit which is suspended or revoked under this section, the department shall charge a reinspection fee under s. Ag 60.04 for the inspection.

SECTION 31. Ag 60.27(3) is amended to read:

Ag 60.27(3) TESTING SUBSEQUENT TO WARNING NOTICE. Not less than 3 calendar days nor more than 21 calendar days after a warning notice under subs. (1) and (2) becomes effective, the ~~department~~ dairy plant operator shall obtain and test a sample of the producer's milk for compliance with the milk quality standard cited under sub. (1). A milk sample collected under s. Ag 60.17 and tested by a dairy plant operator under subchapter IV satisfies this requirement, provided that the sample is ~~collected and the test result is reported to the department~~ obtained and tested within the time period specified under this paragraph, and the dairy plant operator reports the test result to the department within the applicable reporting time specified under subch. IV.

SECTION 32. Ag 60.275 is created to read

Ag 60.275 DRUG RESIDUE VIOLATIONS; PRODUCER SANCTIONS.

NOTE: The producer sanctions under this section are in addition to any other sanctions provided under this chapter or ch. 93 or 97, Stats., and do not limit the application of those other sanctions.

(1) WARNING NOTICE. (a) Requirement. Whenever the food division receives notice under s. Ag 60.19(8) that a producer milk sample has tested positive for a drug residue, the food

division shall mail a warning notice to that producer. The warning notice takes effect 3 days after it is mailed. The warning notice shall include all of the following:

1. A description of the positive drug residue findings which caused the department to issue the notice.

2. The warnings specified in pars. (b) and (c).

3. Notice of the producer's right to hearing under par. (d).

(b) Grade A permit suspension; 21-day notice. The warning notice under par. (a) shall state that, 21 days after the effective date of the warning notice, the food division will suspend the producer's grade A dairy farm permit unless, prior to that date, the producer certifies to the food division that the producer has implemented a drug residue prevention program on the producer's dairy farm in consultation with a licensed veterinarian.

(c) Dairy farm license suspension; 45-day notice. The warning notice under par. (a) shall state that, 45 days after the effective date of the warning notice, the food division will initiate action to suspend the producer's dairy farm license unless, prior to that date, the producer certifies to the food division that the producer has implemented a drug residue prevention program on the producer's dairy farm in consultation with a licensed veterinarian.

NOTE: The drug residue prevention program under this section should conform to the "Milk and Dairy Beef Quality Assurance Program" published by Agri-Education, Inc. A copy of that program which is endorsed by the federal food and drug administration, is on file in the offices of the department, the secretary of state, and

the revisor of statutes. A copy may be purchased from Agri-Education, Inc., P.O. Box 497, Stratford, IA, 50249.

(d) Right to informal hearing. If a producer receiving a warning notice under par. (a) disputes the drug residue findings on which the notice is based, the producer may request an informal hearing to discuss the drug residue findings. A request for hearing does not automatically stay the warning notice. If the producer requests an informal hearing, the food division shall hold an informal hearing at the division's nearest regional office or by telephone. The food division shall hold the informal hearing within 3 business days after the division receives the request for hearing, unless the producer agrees to a later hearing date. The food division may withdraw a warning notice if it appears that the notice was not justified.

(2) GRADE A PERMIT SUSPENSION. (a) Notice suspending permit. If the food division does not receive certification from a producer under sub. (1)(b) within 21 days after the effective date of the warning notice under sub. (1)(a), the food division shall mail a notice to the producer suspending the producer's grade A dairy farm permit. The suspension notice shall comply with s. Ag 60.29. The suspension notice takes effect 3 days after it is mailed. The food division shall notify the dairy plant operator of the suspension, and shall provide the operator with a copy of the suspension notice.

(b) Permit reinstatement. 1. If a milk producer's grade A dairy farm permit is suspended under par. (a), the producer may

file with the food division a written request for reinstatement of the permit. The reinstatement request shall be made on a form provided by the department under s. Ag 60.29(4). The reinstatement request shall be accompanied by the producer's certification stating that the producer has implemented a drug residue prevention program on the producer's dairy farm in consultation with a licensed veterinarian.

2. Within 7 days after the department receives a complete reinstatement request under subd. 1, the department shall inspect the producer's dairy farm. The department shall charge a reinspection fee for the inspection, pursuant to s. Ag 60.04. If, upon inspection, it appears that all conditions potentially responsible for the positive drug residue finding have been corrected, the inspector shall reinstate the producer's grade A farm permit, and shall notify the dairy plant of the reinstatement.

3. If a milk producer does not request reinstatement under subd. 1 within 6 months after the producer's grade A permit is suspended under par. (a), the permit is revoked automatically at the end of the 6 month period. A permit, once revoked, may not be reinstated unless the producer files a new application under s. Ag 60.03. Written notice to this effect shall be included in the suspension notice under par. (a), and shall also be provided to the producer at the time of revocation. This subdivision does not apply if the producer's grade A permit suspension has been contested and the contested case proceeding is pending.

(3) LICENSE SUSPENSION. (a) License suspension; failure to implement drug residue prevention program. If the food division does not receive certification from a producer under sub. (1)(c) within 45 days after the effective date of the warning notice under sub. (1)(a), the food division shall file a complaint with the department, asking the department to suspend the producer's dairy farm license until a drug residue prevention program is implemented.

(b) License suspension; 3 violations within 12 months. If, within any 12 month period, the food division receives 3 notices under s. Ag 60.19(8) that milk samples from the same producer have tested positive for drug residues, the food division shall file a complaint with the department asking the department to suspend the producer's dairy farm license for at least 30 days.

SECTION 33. EFFECTIVE DATE. The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 11th day of May, 1992.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Steven B. Steinhoff
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Administrator
Food Division