

Chapter ATCP 71

COLD STORAGE WAREHOUSES

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Note: Chapter Ag 42 was renumbered ch. ATCP 71 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 448.

**ATCP 71.01 Definitions.** (1) The term "cold storage" as used in these rules and regulations shall mean the storage or keeping of articles or food at or below a temperature of 50° above zero Fahrenheit in a "cold storage warehouse".

(2) The term "cold storage warehouse" as used in these rules and regulations shall mean any place artificially cooled to or below a temperature of 50° above zero Fahrenheit in which "articles of food" are placed and held for 40 days or more.

(3) The term "articles of food" as used in these rules and regulations shall mean any article of food as defined in s. 97.01, Stats.

(4) The term "marked" means the labeling, stamping, stenciling or painting of legible and permanent letters and figures, not less than three-eighths of an inch high, on each lot of the articles of food or on a tag attached to each lot of such food or to the containers in which foods are placed.

**ATCP 71.02 Containers or wrappers.** (1) Articles of food intended for cold storage shall, when they are offered for or placed in cold storage, be enclosed in boxes, barrels, crates, or other packages sufficiently strong to protect them from injury and of such construction as to protect them from dust, filth or other contamination, unless the articles are of such a nature that it is impracticable to pack them in containers, in which case the articles of food shall be wrapped in suitable material to protect them from dust or other contamination, and all articles of food so wrapped while in cold storage shall be elevated at least four inches from the floor.

(2) Livers or other articles of food difficult to freeze shall be packed in containers of such size as to contain not to exceed 150 pounds avoirdupois, or in containers one dimension of which shall not exceed 12 inches in which case they must be separated by strips of wood or other suitable material to permit a free circulation of air between the boxes, crates or other cases.

**ATCP 71.03 License.** (1) Application for a license to operate a cold storage warehouse shall be made to the state department of agriculture, trade and consumer protection in writing, specifying definitely the location of each warehouse for which a license is desired, and in case the said cold storage warehouse is located in a building of more than one story in height, the applicant must state the floor as first, second, third, etc., on which the cold storage warehouse is located and also locate the room or rooms thereon

used as a cold storage warehouse if only a part of the said building is used.

(2) A license to operate a cold storage warehouse will be granted by the department of agriculture, trade and consumer protection for a period of one year only, after an examination of the warehouse has been made and the warehouse is found to be in proper sanitary condition and otherwise properly equipped for its intended use and upon the payment of the required fee, said fee made payable to the state treasurer. The department shall grant or deny a license application within 40 business days after the application is filed with the department, provided that the application is accompanied by all requisite information and documentation.

(3) The license to operate a cold storage warehouse shall be conspicuously displayed in the office of the cold storage warehouse and a copy of the latest rules and regulations shall be on file in such office.

History: 1-2-56; am. (2), Register, December, 1985, No. 360, eff. 1-1-86; correction in (1) made under s. 13.93 (2m) (b) 6, Stats., Register, December, 1985, No. 360.

**ATCP 71.04 Condition of food.** (1) Articles used for food or drink or condiment by humans shall not be placed in any cold storage warehouse if diseased, tainted, infested or contaminated with maggots or any other form of insect organism or with animal excreta or if otherwise unfit for human consumption, or which may not reasonably be expected to keep wholesome for human consumption, unless said articles bear a label or brand in accordance with forms to be prescribed by the department showing plainly the fact that the said articles are not intended for human consumption and are not to be sold or used as and for such, and the date when such articles were received in cold storage, and unless the aforesaid articles shall be stored separate and apart from all foods intended for human consumption.

(2) The aforesaid articles will be deemed "stored separate and apart from all foods intended for human consumption" if they are so securely packed in containers and so located as to effectively prevent the spreading of any contamination therefrom.

(3) The aforesaid articles if tainted, infested or contaminated with maggots or with any other form of insect life or animal excreta or which may not reasonably be expected to keep wholesome or fit for human consumption, or the containers thereof, shall bear conspicuously a red tag not less than 6 by 3 inches in size whereon it shall be printed in black face capital letters not less than three-eighths inch in

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height the words, "Not intended for, not to be sold for, and not to be used for human consumption"; also the date received in cold storage.

**History:** 1-2-56; correction in (1) made under s. 13.93 (2m) (b) 5, Stats., Register, April, 1993, No. 448.

**ATCP 71.05 Marking.** (1) Where articles of food are placed in cold storage each lot shall be marked as follows: The name and address of the cold storage warehouse in which the articles of food are stored followed by the word "Received" and the month, day and year when such articles were received in cold storage. In stating this customary abbreviations may be used, as "Rec'd 9-1-17".

(2) Whenever tags are used for markings, they must be of such material and so securely fastened to the article to which they are affixed that they cannot readily become detached, mutilated or made illegible. Stamping on cheesecloth or burlap used as wrappers will not be considered compliance with the provisions of the law.

(3) The removal, alteration, mutilation or concealment of dates of entry of cold storage is forbidden by law.

**ATCP 71.06 Records.** Every licensee of a cold storage warehouse shall keep an accurate record showing the following:

(1) Name of owner or depositor of each lot of food received.

(2) Date of entry into cold storage.

(3) Kinds, including number of individual units and total quantities of goods stored.

(4) Dates of withdrawals of whole or portions of entry.

(5) Name of parties withdrawing same, specifying kinds including number of individual units, and the total quantity withdrawn.

**ATCP 71.07 Sanitation.** (1) The floors, walls, ceilings, receptacles, vats, tables, benches, implements, machinery and other appliances of every cold storage warehouse shall be of such construction that they can be conveniently maintained in a clean and sanitary condition, and the floors, walls and ceilings shall be of such construction as to exclude vermin.

(2) Insanitary conditions will be deemed to exist if the food stored is not securely protected from filth, flies, dust, dirt, insects, vermin and from any other contamination or, if other unclean or filthy practice in the handling thereof or

caring therefor prevail or if the walls and ceilings are not seasonably renovated, or if waste or offal incident to the cleaning, storing or preparation of food is not promptly removed from the premises and disposed of in a sanitary manner.

(3) All parts of the cold storage warehouse must be adequately lighted and any water that necessarily comes in contact with any food product intended for human consumption must be uncontaminated.

(4) All cold storage warehouses are required to be provided with adequate toilet facilities and equipped with wash basins or sinks of adequate size and clean towels or toweling, so located as to be readily accessible to all employees. In cities having a sewerage system all such sinks, wash basins and toilets are required to be connected with the city sewage system and all plumbing is required to be in compliance with the state plumbing code.

(5) Every cold storage warehouse shall be provided with a suitable place where persons employed may change their clothing and keep their garments in a clean and sanitary condition.

(6) The failure to put a cold storage warehouse in proper sanitary condition or to properly equip the same for its intended use within the time specified by the department shall be considered cause for revoking of license.

**ATCP 71.08 Personnel.** No person having any communicable or contagious disease shall be employed in any capacity in a cold storage warehouse.

**ATCP 71.09 Precooling or current receipts.** (1) In each cold storage warehouse there may be provided and maintained a separate room known as a precooling or current receipts room in which articles of food may be stored temporarily, said storage not to exceed 39 days.

(2) The licensee of a cold storage warehouse where a precooling or current receipts room has been provided and maintained is required to report to the department the location and capacity in square feet of the said precooling or current receipts room and must report to the department any change in location or capacity thereof whenever such change occurs. The said precooling or current receipts room must be plainly and conspicuously marked or placarded as precooling or current receipts room and must not be used for any other purposes than those specified in this regulation.