

STATE OF WISCONSIN)
)
DEPARTMENT OF AGRICULTURE) ss.
TRADE & CONSUMER PROTECTION)

Clearinghouse Rule
No. 93-232

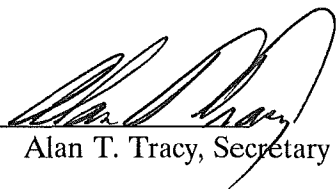
CERTIFICATION:

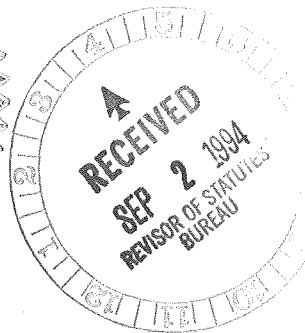
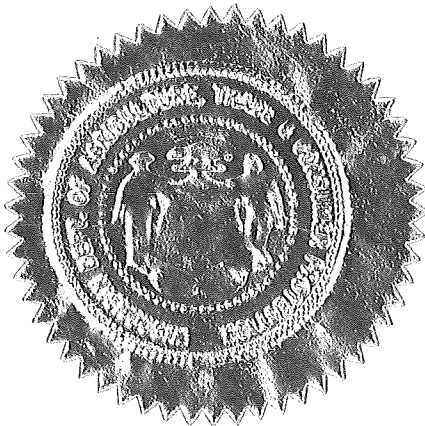
I, Alan T. Tracy, Secretary of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order relating to dairy plants and milk haulers was signed and adopted by the Department on August 31, 1994.

I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this 31st day of August, 1994.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE
TRADE AND CONSUMER PROTECTION

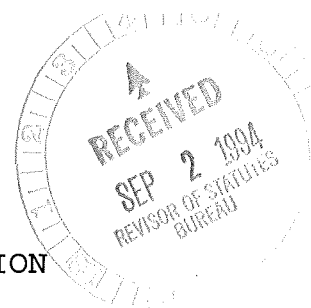
By 
Alan T. Tracy, Secretary



12-1-94

REC-1
89-1-938
1/10/89

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



1 The state of Wisconsin department of agriculture, trade and
2 consumer protection hereby adopts the following order to repeal
3 subch. VI of ch. ATCP 60, chs. ATCP 61 to 68 and ch. ATCP 78; to
4 renumber and amend ATCP 60.24(2); to amend ATCP 60.17, 60.19(d)
5 and (f), and 60.20(1), (2m) and (3); to repeal and recreate ATCP
6 60.02(4) and 60.24(3); and to create ATCP 60.24(2) (b) and chs.
7 ATCP 80 and 82; relating to dairy plants and milk haulers.

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

Statutory authority: ss. 93.07(1), 97.09(4), 97.20(4), 97.21(6),
97.22(2)(b), (7) and (8), 97.24(3) and
97.52, Stats.

Statutes interpreted: ss. 93.06(1r), (1w), (7) and (8), 97.02,
97.03, 97.20, 97.21, 97.22, 97.23,
97.24, 97.52, 98.145, 98.146, 98.15,
100.06 and 100.201, Stats.

This rule consolidates and updates current rules related to dairy plants. It also creates new rules related to milk haulers.

1. DAIRY PLANTS

Dairy Plant Rules; Consolidation

This rule repeals the following 9 rules, and consolidates those rules into a single new rule under ch. ATCP 80 (Dairy Plants):

- ATCP 61 (Dairy Plant Standards)
- ATCP 62 (Pasteurization and Pasteurization Equipment)
- ATCP 63 (Grade A Milk and Milk Products)
- ATCP 64 (Grade A Condensed and Dry Milk Products)
- ATCP 65 (Grade A Cottage Cheese Products)
- ATCP 66 (Frozen Desserts)
- ATCP 67 (Milk and Cream Test Bottles)
- ATCP 68 (Sampling and Testing Milk and Cream)
- ATCP 78 (Grade A Milk and Milk Products; Standards of Identity and Labeling)

This rule establishes basic standards related to all of the

following:

- Dairy plant license and fee requirements (consistent with current statutory requirements)
- Dairy plant facilities and equipment
- The sanitary receipt, storage, processing and handling of milk and dairy products.
- Milk quality testing
- Pasteurization
- Dairy plant records and reports

This rule is largely based on current rules, and current standards contained in the interstate Pasteurized Milk Ordinance (PMO). This rule eliminates current duplication of rules, and harmonizes inconsistent requirements. This rule repeals various obsolete requirements, including dairy product standards of identity that have been preempted by the federal Nutrition Labeling and Education Act of 1990 (NLEA).

Dairy Plants Covered

This rule applies to all dairy plants, including dairy plants handling cow, sheep or goat milk. The rule applies to grade A dairy plants (which produce fluid milk products) as well as grade B dairy plants (which produce dairy products such as butter and cheese). If different requirements apply to grade A versus grade B dairy plants, that fact is specified in the rule.

Dairy Plant License and Permit Requirements

Dairy plants are currently required to obtain an annual license from the department under s. 97.20, Stats. A grade A dairy plant must also obtain a grade A permit from the department. This rule incorporates current license and grade A permit requirements without change, and specifies procedures for issuing a license or permit.

Under this rule, the department must inspect a new dairy plant before issuing a license or permit for that dairy plant. The department may issue a temporary license or permit for up to 40 days, pending final action on a license or permit application. A dairy plant operating under a temporary license may not buy milk from producers, but may buy milk from other dairy plants. The department must act on a license or grade A permit application within 40 days, or before the expiration date of any temporary license or permit, whichever occurs later.

Dairy Plant License Fees

Currently, a dairy plant must pay annual license fees specified under s. 97.20, Stats. This rule incorporates the current annual license fees without change. Currently, a dairy plant is

required to pay a basic annual license fee of \$80, plus a supplementary license fee as follows:

- \$650 for a grade A processing plant receiving more than 2,000,000 lbs. of milk annually from producers.
- \$500 for a grade A processing plant receiving not more than 2,000,000 lbs. of milk annually from producers.
- \$270 for a grade B processing plant that manufactures or processes more than 1,000,000 lbs. of dairy products or more than 200,000 gallons of frozen dairy desserts.
- \$250 for a grade A receiving station.

Currently, under s. 97.20, Stats., a dairy plant must pay a license fee surcharge to obtain a license if the dairy plant is caught operating without a license. This rule incorporates the current surcharge without change. The amount of the current surcharge is \$100, or \$500 if the dairy plant procures milk from producers.

Currently, a dairy plant is not required to pay any additional fee for a grade A permit unless it is caught operating as a grade A dairy plant without a permit. In that case, the dairy plant is currently required to pay a surcharge of \$100. This rule incorporates the current surcharge without change.

Milk Procurement Fees

Currently, under s. 97.20, Stats., a dairy plant must pay a monthly "milk procurement fee" which helps pay for the state's dairy farm inspection program. This rule incorporates the current milk procurement fee without change. The current milk procurement fee is 0.4 cent per hundredweight of grade A milk received from milk producers, and 0.2 cent per hundredweight of grade B milk received from producers.

Reinspection Fees

Currently, under s. 97.20, Stats., a dairy plant must pay a "reinspection fee" if it becomes necessary for the department to reinspect a dairy plant because of violations found on an initial inspection. This rule incorporates the current reinspection fee without change. The current reinspection fee includes a basic fee of \$40, plus a supplementary fee as follows:

- For a grade A processing plant receiving more than 2,000,000 lbs. of milk annually from producers, a supplementary reinspection fee of \$160.
- For a grade A processing plant receiving not more than 2,000,000 lbs. of milk annually from producers, a supplementary reinspection fee of \$140.
- For a grade B processing plant, a supplementary reinspection

- fee of \$140.
- For a grade A receiving station, a supplementary reinspection fee of \$60.

Dairy Product Grading Fees

Currently, under s. 97.20, Stats., a grade B dairy plant producing gradable butter and cheese must pay a dairy product grading fee of 1.09 cents per 100 lbs. of gradable butter and cheese produced during the preceding calendar year. This fee pays for the department's dairy product grading program. This rule incorporates the current grading fee without change.

Milk Producer Fees

Currently, under s. 97.20 and 97.22, Stats., a dairy plant must pay dairy farm license fees, "reinspection fees" and "reinstatement fees" for milk producers who ship milk to that dairy plant. These fees help pay for the department's dairy farm inspection program. This rule incorporates the current fee requirements without change. Currently, the dairy farm license fee is \$20, the dairy farm "reinspection fee" is \$20, and the dairy farm "reinstatement fee" is \$40.

Currently, under s. 97.22(2)(c), Stats., a dairy plant may charge dairy farm license fees back to milk producers in a nondiscriminatory fashion, but may not deduct those fees from producers' milk checks. This rule amends s. ATCP 60.02(4) to conform to the current statute, and incorporates the amended rule by reference in ch. ATCP 80.

Currently, under s. 97.22(4)(b), Stats., and ATCP 60.04(3), a dairy plant must charge dairy farm "reinspection fees" and "reinstatement fees" back to milk producers, and may deduct those fees from a producer's milk check. This rule incorporates these current provisions by reference.

Milk Producer Security Fee; Monthly Payment

Currently, under s. 100.06, Stats., and s. ATCP 100.06, a dairy plant must pay a monthly milk producer security fee of 0.1 cent for each 100 lbs. of milk received by the dairy plant. This fee helps pay the cost of the department's program under s. 100.06, Stats., to protect milk producers against payment defaults by dairy plants. This rule incorporates the current fee by reference, but does not change the current fee.

Dairy Trade Practices Fee

Currently, a dairy plant that processes "selected dairy products" (milk, fluid milk products or frozen desserts), must pay a monthly dairy trade practices fee under s. 100.201, Stats. This

fee helps pay for the department's dairy trade practice program under s. 100.201, Stats., which regulates price discrimination and predatory pricing of dairy products at wholesale. This rule incorporates the current fee by reference, but does not change the fee. The current fee is 0.5 cents per hundredweight of milk used in producing "selected dairy products."

Construction and Maintenance

Based on current rules and PMO requirements, this rule establishes construction and maintenance standards for dairy plants. Dairy plants must be soundly constructed, and must be maintained in a clean and sanitary condition. This rule establishes standards for all of the following:

- Floors, walls and ceilings
- Doors, windows and other openings
- Lighting
- Ventilation
- Separation of facilities within a dairy plant
- Safe water supply
- Plumbing and sewage disposal
- Facilities for cleaning equipment and utensils
- Toilet facilities
- Locker and linen facilities
- Handwashing sinks
- Waste disposal
- Pest control
- Cleanliness of interior and exterior premises
- Review of construction plans

Under this rule, the department may grant a variance from a dairy plant or dairy farm construction standard if the department finds that the variance is reasonable and necessary, and will not compromise the purpose served by the standard.

Personnel; Sanitation Standards

Based on current rules and PMO requirements, this rule establishes sanitation standards for dairy plant personnel, including handwashing requirements, clothing requirements, and other requirements to prevent the contamination of dairy products.

Equipment and Utensils

Based on current rules and PMO requirements, this rule establishes sanitary standards for equipment and utensils used to handle or process dairy products. Equipment and utensils must be of sanitary design and construction, and must be kept clean and in good repair.

This rule provides that equipment and utensils, including cleaned-in-place (C-I-P) systems, must comply with applicable "3-A Sanitary Standards" and "3-A Accepted Practices" published jointly by the U.S. Food and Drug Administration and the International Association of Milk, Food and Environmental Sanitarians, Inc. A list of "3-A Sanitary Standards" and "3-A Accepted Practices" is contained in Appendix A to this rule (ch. ATPC 80). The department has received permission from the attorney general and revisor of statutes to incorporate these standards by reference in this rule. Copies are on file with the department, the secretary of state and the revisor of statutes.

This rule establishes standards related to all of the following:

- Product contact surfaces
- Location and installation of equipment
- Measuring devices and controls needed to ensure food safety (e.g., thermometers)
- Cleaning and sanitizing equipment and utensils
- Clean equipment and utensil storage
- Cleaning and sanitizing records
- Review of construction plans for C-I-P systems

Dairy Product Packages

Based on current rules and PMO requirements, this rule establishes standards for dairy product packages. Packages must be of sanitary design and construction, must be clean when filled, and must protect dairy products from reasonably foreseeable risks of contamination. This rule establishes specific standards for single-use and returnable containers, including specific requirements for cleaning and sanitizing returnable containers.

This rule also establishes specific standards for packaging grade A fluid milk products. Under this rule, single-service packages for grade A dairy products must be manufactured by a manufacturer listed in the current quarterly "Interstate Listing of Single-Service Containers," published by the U.S. Food and Drug Administration. A copy of the current quarterly listing is on file with the department.

Sanitizers and Sanitizing Methods

Based on current rules and PMO requirements, this rule identifies effective sanitizers and sanitizing methods that must be used in dairy plants. This rule also specifies standards for the safe use of sanitizers, to prevent toxic residues in dairy products.

Receipt, Storage and Handling of Milk and Dairy Products

Based on current rules and PMO requirements, this rule specifies standards for the receipt, storage and handling of milk and dairy products. Milk and dairy ingredients used in processing must originate from licensed sources. A grade A dairy plant may not process grade B milk except with department approval, and then only under specified conditions.

In dairy plants constructed after the effective date of this rule, raw milk must be received in an indoor facility devoted solely to that purpose. Raw milk receiving facilities at every dairy plant must be separated from other facilities at the dairy plant except that, in dairy plants constructed prior to the effective date of this rule, raw milk may be stored and cooled in an indoor receiving area if the storage and cooling tanks are equipped with effective air filters or vented to a separate storage or processing area.

Under this rule, a dairy plant must, on a daily basis, clean and sanitize bulk milk tankers delivering milk to the dairy plant. Bulk milk tankers must be cleaned in the milk receiving area or in another enclosed facility. The dairy plant must tag each bulk milk tanker to indicate that the tanker has been cleaned and sanitized.

Under this rule, grade A milk and dairy products must be cooled to a temperature of 45 degrees F. or lower until they are pasteurized or processed. Grade B milk and dairy products must be cooled to a temperature of 50 degrees or lower until they are pasteurized or processed. With certain exceptions, pasteurized grade A products must be cooled to a temperature of 45 degrees F. or lower immediately after they are pasteurized. With certain exceptions, no milk or dairy products may be held at a temperature higher than 45 degrees F. and lower than 140 degrees F. for more than 4 hours.

Under this rule, dairy product storage areas must be constructed and maintained to prevent contamination of products. This rule prohibits the reprocessing of packaged grade A dairy products that have left the custody of the dairy plant, or that are received from another dairy plant, unless those products are specifically packaged for use as processing ingredients. Dairy products spilled in processing, and packaged grade A dairy products returned to a dairy plant, must be discarded.

Under this rule, dairy products not intended for human food must be clearly and conspicuously labeled as such. This rule prohibits the sale or use, for human food or as a human food ingredient, any milk or dairy product which is not intended for human food use. (The manufacture and sale of animal feed is subject to separate license requirements under s. 94.72, Stats.)

Pasteurized products may not be combined with unpasteurized products unless the resulting product is subsequently pasteurized. Reconstituted and recombined products must be pasteurized after they are reconstituted or recombined. A dairy plant operator must take effective measures to prevent cross-contamination of pasteurized products by unpasteurized products.

Milk Quality Standards

Currently, raw milk from dairy farms must comply with milk quality standards under ch. ATCP 60 (Dairy Farms), including standards for bacteria counts, somatic cells and drug residues. This rule incorporates these current standards by reference.

Under this rule, the bacterial count of milk held at a dairy plant prior to pasteurization may not exceed 300,000 per ml. for grade A milk or 750,000 for grade B milk. The bacterial count of pasteurized dairy products, other than cultured products, may not exceed 20,000 per ml. The coliform count for pasteurized dairy products may not exceed 10 per ml. The phosphatase level in pasteurized dairy products must be less than 1 microgram per ml. as determined by the Sharer rapid method, or less than 500 milliunits per liter as determined by the fluorometric procedure.

Under this rule, vitamin fortified fluid milk products must be fortified according to standards specified in the PMO. The department has requested permission from the attorney general and the revisor of statutes to incorporate the PMO standards by reference in this rule. Copies of the PMO standards will be kept on file with the department, the secretary of state and the revisor of statutes.

Required Milk Quality Testing and Reports

Currently, under ch. ATCP 60 (Dairy Farms), a dairy plant operator must perform certain milk quality tests on raw milk received from dairy farms, including tests for drug residues, bacteria and somatic cells, and must report test results to the department. This rule incorporates these current testing and reporting requirements by reference, but does not change the current requirements specified under ch. ATCP 60.

Under this rule, a dairy plant operator must test milk and dairy products held or produced at a dairy plant as often as necessary to provide reasonable statistical assurance that the products comply with milk quality standards specified under this rule. This rule also prohibits a dairy plant operator (or the operator's agent laboratory) from falsifying any milk sample or milk quality test result.

Drug Residues in Milk; Producer Payroll Deductions

Currently, under ch. ATCP 60 (Dairy Farms), a dairy plant operator must reject any bulk milk tanker load of raw milk that tests positive for drug residues. Currently, under ch. ATCP 60, if a dairy plant operator sustains a monetary loss because a bulk load is rejected, the dairy plant operator may recover that loss from the producer who caused the contamination, and may deduct the amount of that loss from the dairy plant operator's payroll obligation to the offending producer.

Currently, a dairy plant operator must give a producer prior written notice before making any drug residue deduction from the producer's milk check. This rule requires the dairy plant operator to give that notice at least 30 days before making that deduction, except when the producer transfers to another dairy plant.

Currently, under ch. ATCP 60, a dairy plant operator must recover at least a minimum specified amount from a milk producer who causes a bulk load of milk to be contaminated with drug residues. Under current rules, the dairy plant operator must recover this minimum amount within 30 days after the producer's milk sample tests positive for drug residue. This rule extends to 60 days the period within which the dairy plant operator must recover the specified amount.

Optional Milk Quality Testing; Quality Premiums

Dairy plants, for their own purposes, typically perform milk quality tests in addition to those currently required under ch. ATCP 60. For example, dairy plants often test raw milk for bacteria and somatic cells, and for valuable milk components such as butterfat and protein. Dairy plants often adjust producer pay prices based on these test results. Since milk quality testing can significantly affect the price paid to producers, testing must be accurate and reliable.

Under this rule, no dairy plant operator may adjust the price paid to a milk producer based on test results for somatic cells, butterfat, protein, total solids or solids-not-fat unless the price adjustment is based on the arithmetic average of results from 3 or more tests conducted at regular intervals on milk shipments received during the biweekly pay period to which the pay adjustment applies. Alternatively, price adjustments for milkfat may be based on the arithmetic average of results from Babcock tests performed on composite samples representing all of the producer's milk shipments during the pay period to which the price adjustment applies.

Persons Authorized to Perform Milk Quality Tests

Under this rule, required milk quality tests and milk quality tests affecting payments to producers must be performed in a laboratory approved by the department and certified by the Department of Health and Social Services. Bulk load screening tests for drug residues need not be performed in an approved and certified laboratory, but must be performed by or under the direct supervision of an approved and certified tester.

Under this rule, a person performing milk component tests affecting producer payments (e.g., tests for milkfat, protein or milk solids) must be licensed to perform those tests, either as a buttermaker or cheesemaker under s. 97.17, Stats., or as a milk and cream tester under s. 98.145, Stats. Persons using automated testing devices to perform milk component tests must also be licensed to use those devices.

Milk Samples Tested

Under this rule, milk quality tests on producer milk shipments (other than bulk milk tanker screening tests for drug residues) must be performed on bulk milk samples or can milk samples collected according to this rule. Bulk milk samples must be collected at the dairy farm according to procedures specified in proposed ch. ATCP 82 (Milk Haulers). Samples must be kept refrigerated prior to testing.

Babcock tests for milkfat may be performed on composite samples representing 2 or more milk shipments. Composite samples must be compiled from fresh milk samples collected under this rule. Composite samples must be compiled according to procedures specified under this rule.

Milk Quality Test Methods

Under this rule, milk quality tests must be performed using one of the following methods:

- A method prescribed in the American Public Health Association, Inc., "Standard Methods for the Examination of Dairy Products," 16th edition.
- A method described in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition.
- A method approved by the department.

The department has received permission from the attorney general and the revisor of statutes to incorporate the "Standard Methods" and the "Official Methods of Analysis" by reference in this rule. Copies will be kept on file with the department, the secretary of state and the revisor of statutes.

Under this rule, milkfat tests must be performed by the Babcock method, the ether extraction method, or another method approved by the department. Bacterial counts must be obtained by means of a standard plate count (SPC), plate loop count (PLC) or petri film aerobic count method. Drug residue tests must be performed using methods prescribed under ch. ATCP 60 (Dairy Farms). Somatic cell counts must be performed by means of a direct microscopic somatic cell count (DMSCC), an optical somatic cell count (OSCC) or, in the case of goat or sheep milk, the Pyronin Y-Methyl green stain test.

Milk Component Testing Devices

Under this rule, if a dairy plant operator uses an automated testing device to perform a milk component test that may affect the amount paid to producers (including a test for milkfat, protein, total solids or solids-not-fat), the dairy plant operator must calibrate and regularly check the performance of that device to ensure that it accurately tests for that milk component. This rule updates current calibration standards for milkfat and protein testing devices, and adds specific calibration standards for total solids and solids-not-fat.

Under this rule, a milk component testing device must be calibrated using a set of calibration samples obtained from the department or another provider approved by the department. Testing devices must be calibrated upon installation, at regular 3 month intervals after installation, immediately after any significant repair or alteration, and whenever the mean difference on a daily performance check exceeds a level specified under this rule.

Under this rule, a milk component testing device must be subjected to a daily performance check prior to each day's testing, using a set of daily performance check samples obtained from the department or another source approved by the department. The testing device must also be subjected to daily and hourly reference checks, according to procedures specified in this rule.

This rule specifies the procedure by which calibration samples and daily performance check samples are to be prepared by the department, or by other approved providers of those samples.

Pasteurization

Under this rule, as under current rules, every dairy product must be pasteurized at the dairy plant where that dairy product is manufactured. This requirement does not apply to any of the following:

- Raw milk shipped in bulk to another dairy plant for use in manufacturing other dairy products, provided that the raw milk shipment is accompanied by a bill of lading that identifies the milk as unpasteurized raw milk.
- A dairy product made entirely from dairy products that have been pasteurized at the same dairy plant.
- Ice cream or frozen dessert made from pasteurized ice cream mix or pasteurized frozen dessert mix, provided that no unpasteurized dairy product is added to the pasteurized mix.
- A dairy product whose standard of identity provides that the dairy product and its ingredients need not be pasteurized.
- A dairy product that is sterilized and packaged in a hermetically sealed package.
- Heat-treated cream, skim milk or lowfat milk shipped in bulk to another dairy plant for use in manufacturing other dairy products, provided that the bulk shipment is accompanied by a bill of lading that identifies the contents of the bulk shipment as being unpasteurized and heat-treated.

Beginning on January 1, 1997, this rule requires that pasteurization equipment must be operated by, or under the direct supervision of a pasteurizer operator who has successfully completed a training course provided by the University of Wisconsin, an equivalent course approved by the department, or an examination approved by the department.

Under this rule, a dairy plant must label every dairy product to indicate whether the dairy product is pasteurized or unpasteurized. Pasteurization labeling is not required for cheese aged over 60 days, or for dairy products that are sterilized and packaged in hermetically sealed packages. For grade A dairy products, pasteurization labeling is required on shipping containers and consumer packages. For grade B dairy products, it is required only on shipping containers.

Based on current rules, this rule establishes minimum time and temperature requirements for batch pasteurization, HTST pasteurization, and ultrapasteurization to ensure that dairy products are effectively pasteurized. Pasteurizers must be equipped with accurate temperature recording devices and other controls to ensure that pasteurization requirements are met.

Testing and Sealing Pasteurizers

Pasteurization is important for the safety of milk and dairy products. Under this rule, the department must test grade A pasteurizers upon installation, and at least once every 3 months, to ensure that they are working properly. The department must test grade B pasteurizers at least once every 12 months. The department must test pasteurizers according to procedures specified in the PMO. The department has received permission from the attorney general and the revisor of statutes to

incorporate PMO standards by reference in this rule. Copies of the PMO standards will be kept on file with the department, the secretary of state and the revisor of statutes.

Under this rule, the department must seal each pasteurizer after it is tested. If a dairy plant operator breaks a seal (e.g., to repair a pasteurizer), the dairy plant operator must immediately notify the department, and the department must promptly retest and reseal the pasteurizer.

Under this rule, the department may certify a dairy plant operator or employee to test and seal a pasteurizer in that dairy plant on an emergency basis. A certified tester may test and seal a pasteurizer pending retesting and resealing by the department. Emergency testing must conform to PMO procedures.

This rule prohibits a dairy plant operator from operating an unsealed pasteurizer for more than 5 days after a department seal is broken. A dairy plant operator may operate an unsealed pasteurizer for up to 5 days if all of the following conditions are met:

- The operator immediately notifies the department whenever a department seal is broken.
- The operator documents that dairy products are pasteurized for the length of time, and at the temperatures specified under this rule.
- The operator tests pasteurized products at least once during every 8 hours of operation to ensure that phosphatase levels are below the maximum levels specified under this rule.
- The pasteurizer is operated by, or under the direct supervision of a pasteurizer operator certified by the department.

Dairy Plant Records and Reports

Based on current rules, this rule requires a dairy plant operator to keep the following records:

- Records related to milk receipts and producer payrolls, including milk collection records received from milk haulers. A dairy plant must keep these records for at least 3 years.
- Records of all dairy product ingredients received at the dairy plant, including the sources from which those ingredients were received. A dairy plant must keep these records for at least one year.
- Daily records of all finished products produced at the dairy plant. A dairy plant must keep these records for at least one year.
- Records of all milk quality tests performed on milk shipments received by the dairy plant. A dairy plant must

- keep these records for at least 2 years.
- Records of all tests, performed on dairy products held or processed by the dairy plant, which are designed to identify bacterial counts or possible adulteration of dairy products. A dairy plant must keep these records for at least one year.
 - Records of private water supply tests, if any. A dairy plant must keep these records for at least one year.
 - Cleaning and sanitizing records for all C-I-P systems. A dairy plant must keep these records for at least 90 days.
 - Records related to calibration and performance checks on milk component testing devices. A dairy plant must keep these records for at least one year.
 - Pasteurization records. A dairy plant must keep these records for at least one year.
 - Cleaning and sanitizing records for bulk milk tankers. A dairy plant must keep these records for at least 90 days.
 - Temperature records made by the dairy plant operator, including records of dairy product temperatures, storage temperatures and processing temperatures. Except where a longer retention period is specified, a dairy plant must keep these records for at least 30 days.

A dairy plant operator must keep the above records at the dairy plant, and must make them available for inspection and copying by the department upon request.

This rule incorporates current reporting requirements related to dairy plant licensing and fee obligations, security of dairy plant payments to milk producers, and required milk quality tests. This rule also requires a dairy plant operator to report the result of any test on a pasteurized or ready-to-eat dairy product that indicates the presence of a pathogenic microorganism.

Confidential Information

This rule identifies certain categories of information, reported to the department, which the department considers closed to public inspection. This information includes:

- Dairy plant financial statements protected from disclosure under s. 100.06(1g)(c), Stats.
- Trade secrets protected from disclosure under s. 134.90, Stats.
- Dairy plant producer lists protected from disclosure under s. 97.20(3m), Stats.
- Individual milk producer production and milk quality records which identify the producer, and which are protected from disclosure under s. 97.22(10), Stats.

Inspection and Enforcement

This rule incorporates current law related to the suspension or revocation of dairy plant licenses and grade A permits. It also incorporates current grade A dairy plant inspection requirements under the PMO, including requirements related to inspection frequency, audit surveys by DHSS, and dairy product sampling by the department. This rule authorizes the department to implement, with FDA approval, a pilot inspection program involving performance-based dairy farm inspections. The pilot inspection program may provide for different inspection frequencies for grade A farms, depending on the performance of those farms in meeting sanitation and milk quality standards.

"Special Dairy Inspector" Program; Repeal

This rule repeals subch. IV of ch. ATCP 60, which currently authorizes dairy plant employees to perform certain dairy farm inspections on behalf of the department. This "special dairy farm inspector" program has not proven feasible either for the department or for dairy plants. No dairy plants are currently participating in the program.

The "special dairy farm inspector" program also poses significant liability risks for the department. In a recent Wisconsin claims board case, the department was held financially liable for the actions of a dairy plant field representative who also served as a "special dairy farm inspector," even though the actions in question did not occur while he was acting in that official capacity, and even though the actions were inconsistent with the department's rules and instructions.

2. MILK HAULERS

Milk Haulers; Consolidated Rules

This rule creates ch. ATCP 82 (Milk Haulers). Milk haulers are currently subject to licensing requirements under s. 97.21, Stats. (Bulk Milk Tankers) and s. 98.146, Stats. (Bulk Milk Weighers and Samplers). They are also required to collect milk samples from dairy farms according to ch. ATCP 68, Wis. Adm. Code (Sampling and Testing Milk and Cream).

This rule consolidates current rules related to milk haulers. Based on PMO requirements, it also establishes standards for bulk milk tanker construction and maintenance, the collection of milk shipments from dairy farms, the collection of test samples from dairy farm milk shipments, the delivery of milk to dairy plants, and milk hauler records and reports.

Bulk Milk Tanker License and Grade A Permit

Currently, under s. 97.21, Stats., a bulk milk tanker operator must obtain an annual license from the department to operate that bulk milk tanker. This rule incorporates the current licensing requirement without change, and specifies procedures for licensing. Under this rule, the department must grant or deny a license application within 40 days after the department receives a complete application.

Currently, under s. 97.21, Stats., a bulk milk tanker operator must pay an annual license fee of \$30. If any person is caught operating a bulk milk tanker without a license, that person must pay a license fee surcharge of \$100. If it becomes necessary for the department to reinspect a bulk milk tanker because of a violation found on an initial inspection, the operator must pay a "reinspection fee" of \$30. This rule incorporates all of these current statutory fees without change.

Currently, under s. 97.21, Stats., no person may transport grade A milk or dairy products in a bulk milk tanker without an annual grade A permit from the department. This rule incorporates the current grade A permit requirement without change. The department must grant or deny a grade A permit application within 40 days after the department receives a complete application. There is no fee for a grade A permit.

Bulk Milk Weigher and Sampler; License

Currently, under s. 98.146, Stats., no person (other than a licensed buttermaker or cheesemaker) may do either of the following unless that person is biennially licensed by the department as a bulk milk weigher and sampler:

- Weigh or measure milk, for payment purposes, at a dairy farm before that milk is transported in bulk to a dairy plant.
- Collect test samples of milk at a dairy farm if the test results may affect the amount paid to the milk producer.

This rule incorporates the current license requirement without change. Under this rule, applicants must demonstrate their competency by means of a written examination or field examination, and the department must grant or deny a license application within 60 days after the department receives a complete application. Under this rule, the department may require a license holder to pass a written or field examination before that person's license is renewed.

Currently, under s. 98.146, Stats., an applicant for a biennial bulk milk weigher and sampler license must pay a biennial license fee of \$40. If it becomes necessary for the department to reinspect the operations of a bulk milk weigher and sampler,

there is a "reinspection fee" of \$40. This rule incorporates these current statutory fees without change.

Bulk Milk Tankers; Construction and Maintenance

Based on PMO requirements, this rule establishes construction and maintenance standards for bulk milk tankers. Bulk milk tankers must be of sanitary design and construction, and must be kept clean and in good repair.

Under this rule, bulk milk tankers must comply with "3-A Sanitary Standards for Stainless Steel Automotive Milk and Milk Products Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service," No. 05-14 (November 1, 1989), published jointly by the U.S. Food and Drug Administration and the International Association of Milk, Food and Environmental Sanitarians, Inc. The department has received permission from the attorney general and the revisor of statutes to incorporate these standards by reference in this rule. Copies of these standards will be kept on file with the department, the secretary of state and the revisor of statutes.

Daily Cleaning

Under this rule, a bulk milk tanker must be thoroughly cleaned after each day's use, and must be sanitized immediately after cleaning or prior to the next day's use. A bulk milk tanker must be cleaned and sanitized at a fully enclosed facility. After a bulk milk tanker has been cleaned and sanitized, the dairy plant must place a cleaning tag on the bulk milk tanker showing where, when and by whom the bulk milk tanker was cleaned and sanitized. The dairy plant must keep a record of each cleaning and sanitizing operation.

Collecting Milk from Dairy Farms

This rule establishes specific procedures which milk haulers must follow when collecting milk from dairy farms. Under this rule, if milk from any dairy farm violates a current standard for drug residues, bacteria or somatic cells, a milk hauler must collect milk from that farm at least once every 2 days until a subsequent test shows that milk from the dairy farm no longer violates the standard. A milk hauler may not collect milk in violation of any prohibition under ch. ATCP 60.

Under this rule, a milk hauler must comply with specified standards of personal sanitation. A milk hauler must also carry specified equipment needed for the proper collection of milk and milk samples on a dairy farm.

Before collecting milk, a milk hauler must examine milk by sight and smell, and must record the temperature of milk in the bulk

tank. The milk hauler must reject abnormal milk and milk which has not been properly cooled. At least once each month, a milk hauler must verify the accuracy of the dairy farm bulk tank thermometer.

Under this rule, a milk hauler must follow specified procedures for connecting the milk hose, measuring milk in the bulk tank, collecting milk samples for testing, making a collection record, and transferring milk to the bulk milk tanker. These procedures are designed to ensure that milk is not contaminated in the collection process, that farmers are paid for the actual amount of milk produced, and that test samples are representative.

Milk Samples for Testing

Milk quality and milk component tests are performed on test samples collected at dairy farms by milk haulers. Under this rule, a milk hauler must collect a representative test sample of milk from each dairy farm bulk tank before that milk is transferred to the bulk milk tanker. Alternatively, the department may authorize the use of an automated in-line sampling device to collect representative samples.

Under this rule, a milk hauler must follow specified procedures to ensure that each test sample is representative, and to ensure that neither the sample nor the milk shipment is contaminated during the sample collection process. A milk hauler must place each test sample in a commercially sterile sample container which is marked to identify the producer and the sample date. Sample containers must comply with standards specified in the rule.

A milk hauler must immediately refrigerate each milk sample. The milk hauler must promptly deliver the sample to the dairy plant that receives the milk shipment from the producer, or to a certified testing laboratory designated by the dairy plant. A milk hauler may not falsely identify any milk sample, or submit a false or manipulated sample to a dairy plant or testing laboratory.

Delivering Milk to Dairy Plant

Under this rule, no milk may be unloaded, or transferred to another bulk milk tanker, at any place other than a dairy plant licensed under s. 97.20 and this rule, or equivalent laws of another state. (There is an exception for accidents or similar emergencies, if the department is notified.) Milk must be unloaded in a sanitary manner.

1

2

SECTION 1. ATCP 60.01(10) is amended to read:

1 ATCP 60.01(10) "Food division" means the ~~feed~~ department's
2 division of ~~the department~~ food safety.

3 **SECTION 1m.** ATCP 60.02(4) is repealed and recreated to
4 read:

5 ATCP 60.02(4) LICENSE FEE. (a) The annual fee for a milk
6 producer license under this section is \$20. A dairy plant
7 operator shall pay the annual milk producer license fee for every
8 dairy farm from which the dairy plant receives milk at the time
9 the fee payment is due. An applicant for an annual dairy plant
10 license under s. 97.20, Stats., shall submit the required
11 producer license fees with the applicant's dairy plant license
12 application.

13 (b) A dairy plant operator who pays a milk producer license
14 fee under par. (a) may charge that fee back to a milk producer if
15 the dairy plant operator notifies the milk producer in writing of
16 the dairy plant operator's intent to charge the fee to the milk
17 producer, but the dairy plant operator may not deduct the fee
18 from any payment which the dairy plant operator owes the milk
19 producer for milk which the dairy plant operator receives from
20 the milk producer. A dairy plant operator may not discriminate
21 between milk producers with respect to fee charges under this
22 paragraph, but may charge back license fees to all milk producers
23 who cease shipping milk to the operator's dairy plant during the
24 license year.

25 NOTE: See s. 97.22(2)(c), Stats.

26 **SECTION 2.** ATCP 60.17 is amended to read:
27

1 ATCP 60.17 COLLECTING MILK SAMPLES. Whenever milk is
2 received or collected from a milk producer, the person receiving
3 or collecting the milk shall obtain a representative sample of
4 the milk for quality testing purposes. If milk is collected from
5 a producer at a dairy farm, and transported in bulk to a dairy
6 plant, the required milk sample shall be obtained at the dairy
7 farm ~~by a milk weigher and sampler licensed under s. 98.146,~~
8 ~~Stats., or a cheesemaker or buttermaker licensed under s. 97.17,~~
9 ~~Stats.~~ according to ch. ATCP 82. Milk received or collected from
10 a producer shall not be commingled with milk from another
11 producer until a representative milk sample has been obtained
12 under this section. ~~Milk samples shall be obtained, identified~~
13 ~~and preserved in compliance with ch. ATCP 68.~~ A person who
14 obtains a sample of producer milk under this section shall
15 promptly deliver the sample to the dairy plant which receives the
16 milk from the producer, or to a certified testing laboratory
17 designated by the dairy plant operator.

18 **SECTION 3.** ATCP 60.19(5) (d) and (f) are amended to read:

19 ATCP 60.19(5) (d) Payroll deduction. A dairy plant operator
20 may deduct any recovery under par. (a) from the dairy plant
21 operator's total payroll obligation to the offending producer. A
22 dairy plant operator shall recover the minimum amount under par.
23 (b) from an offending producer within ~~30~~ 60 days after the
24 producer's milk sample tests positive for drug residue under sub.
25 (3).

26 (f) Notice to producer. Before making any deduction under

1 par. (d), a dairy plant operator shall give the producer written
2 notice of the proposed deduction. The dairy plant operator shall
3 give the notice at least 30 days before making the deduction
4 unless the producer transfers to another dairy plant. The notice
5 shall specify the basis for the deduction, the total amount of
6 the deduction, and the date on which each deduction shall be
7 made. The notice shall also state that a representative of the
8 dairy plant operator will meet with the producer to discuss the
9 proposed deduction, at the producer's request.

10 **SECTION 4.** ATCP 60.20(1), (2m) and (3) are amended to read:

11 ATCP 60.20(1) MONTHLY TESTING REQUIRED. During every month
12 in which a dairy plant receives milk from a milk producer, the
13 dairy plant operator shall perform a somatic cell count on a milk
14 sample obtained from the producer under s. ATCP 60.17. The
15 somatic cell count shall be made using a direct microscopic
16 somatic cell count (DMSCC) or an ~~electronic somatic cell count~~
17 ~~(ESCC)~~ optical somatic cell count (OSCC). If the somatic cell
18 count on sheep or goat milk exceeds 1,000,000, the somatic cell
19 count shall be confirmed using the Pyronin Y-Methyl green stain
20 test, unless that test was used to obtain the initial count.

21 (2m) IMMEDIATE RESPONSE LEVEL. The immediate response
22 level under this section is 1,000,000 somatic cells per ml. for
23 cow's milk, and 1,500,000 for sheep and goat milk.

24 (3) IMMEDIATE RESPONSE LEVEL; CONFIRMATORY TEST. If a
25 somatic cell count under sub. (1) exceeds an immediate response
26 level under sub. (2m), the dairy plant operator shall make a

1 confirmatory somatic cell count on at least one more sample of
2 milk collected from the producer's dairy farm. The confirmatory
3 sample shall be collected from the producer within 14 calendar
4 days after the original sample was collected and tested as
5 prescribed under s. ATCP 60.22(2). The test result shall be
6 reported to the producer and the department within the time
7 period specified under sub. (2). The confirmatory somatic cell
8 count on sheep or goat milk shall be made using the Pyronin Y-
9 Methyl green stain test.

10 **SECTION 5.** ATCP 60.24(2) is renumbered (2)(a) and amended
11 to read:

12 ATCP 60.24(2)(a) The department shall inspect dairy farms
13 for compliance with applicable standards under this chapter. The
14 Except as provided under par. (b), the department shall inspect a
15 grade A farm at least once every 6 months, and a grade B farm at
16 least once every 2 years. For the purpose of conducting a lawful
17 inspection under this chapter, the department may exercise its
18 authority under ss. 93.08, 93.15(2) and 97.12(1), Stats.

19 **SECTION 6.** ATCP 60.24(2)(b) is created to read:

20 ATCP 60.24(2)(b) The department may conduct a pilot program
21 of performance-based grade A dairy farm inspections, under which
22 the department inspects selected grade A dairy farms at a
23 frequency other than the frequency specified under par. (a), if
24 the pilot program is approved by the food and drug
25 administration, public health service, United States department
26 of health and human services.

- 1 ATCP 80.24 Milk Quality Standards
- 2 ATCP 80.26 Milk Quality Testing
- 3 ATCP 80.28 Persons Authorized to Perform Milk Quality Tests
- 4 ATCP 80.30 Test Samples
- 5 ATCP 80.32 Test Methods
- 6 ATCP 80.34 Milk Component Testing Devices
- 7 ATCP 80.36 Milk Quality Test Records and Reports
- 8 ATCP 80.38 False Samples, Test Results or Reports

9
10 Subchapter V
11 Pasteurization

- 12
- 13 ATCP 80.40 Pasteurization Required
- 14 ATCP 80.42 Labeling Pasteurized and Unpasteurized Products
- 15 ATCP 80.44 Pasteurization Time and Temperature
- 16 ATCP 80.46 Batch Pasteurization
- 17 ATCP 80.48 High-Temperature Short-Time (HTST) Pasteurization
- 18 ATCP 80.50 Pasteurization Records
- 19 ATCP 80.52 Pasteurizer Testing

20

21 Subchapter VI
22 Dairy Plant Records and Reports

- 23
- 24 ATCP 80.54 Dairy Plant Records
- 25 ATCP 80.56 Dairy Plant Reports to Department
- 26 ATCP 80.58 Confidential Information

27

28 Subchapter VII
29 Inspection and Enforcement

- 30
- 31 ATCP 80.60 License Suspension or Revocation
- 32 ATCP 80.62 Grade A Dairy Plants; Compliance Monitoring

33

34 APPENDIX A: 3-A Sanitary Standards and Accepted Practices

35

36 NOTE: See also ch. ATCP 60 (Dairy Farms), ATCP 82 (Milk
37 Haulers) and ATCP 100 (Dairy Plant Payments to Milk
38 Producers; Security)

39

40

41 SUBCHAPTER I

42

43 DEFINITIONS

44

45 ATCP 80.01 DEFINITIONS. In this chapter:

46 (1) "Bulk milk tanker" has the meaning specified under s.

47 ATCP 82.01(1).

48 (2) "Certifying agency" means the state of Wisconsin

1 department of health and social services.

2 (3) "C-I-P system" means equipment that is designed,
3 constructed and installed to be cleaned in place by the internal
4 circulation of cleaning and sanitizing solutions onto product
5 contact surfaces.

6 (4) "Composite sample" means a sample of milk which is
7 collected from 2 or more milk shipments from the same milk
8 producer, and which is compiled and preserved according to s.
9 ATCP 80.30(4).

10 (5) "Dairy plant" means any place where a dairy product is
11 manufactured or processed for sale or distribution as human food,
12 and includes a receiving station or transfer station.

13 (6) "Dairy plant operator" means a person who operates a
14 dairy plant and who is required to be licensed under s. ATCP
15 80.02(1).

16 (7) "Dairy product" means all of the following:

17 (a) Raw or processed milk.

18 (b) A milk product or by-product, including all dairy and
19 nondairy ingredients incorporated into that milk product or by-
20 product.

21 (c) A commodity in which milk or any milk product or by-
22 product is a principal ingredient.

23 (8) "Department" means the state of Wisconsin department of
24 agriculture, trade and consumer protection.

25 (9) "Equipment" means an implement, vessel, pipeline,
26 machine or apparatus, other than a utensil, that has one or more

1 product contact surfaces and is used in moving, handling, storing
2 or processing dairy products at a dairy plant. "Equipment"
3 includes C-I-P systems.

4 (10) "Fluid milk product" means cream, sour cream, half-
5 and-half, sour half-and-half, whipped cream, concentrated milk,
6 concentrated milk products, low fat milk, skim milk, flavored
7 milk, buttermilk, cultured buttermilk, cultured milk, yogurt, low
8 fat yogurt, nonfat yogurt, egg nog, holiday nog, nog flavored
9 milk, vitamin and mineral fortified milk or milk products, and
10 any other fluid product made by adding any substance to milk or
11 any of these products.

12 (11) "Frozen dessert" means ice cream, French ice cream,
13 artificially sweetened ice cream, frozen custard, frozen
14 concentrates, ice milk, sherbet, water ice, quiescently frozen
15 confection, quiescently frozen dairy confection, manufactured
16 frozen dessert mix and frozen whipped cream confections. "Frozen
17 dessert" includes frozen dessert mix.

18 (12) "Frozen dessert mix" means a mixture of frozen dessert
19 ingredients that has not yet been processed and frozen to create
20 a frozen dessert. "Frozen dessert mix" includes a mix of
21 previously pasteurized dry dairy ingredients that is combined
22 with potable water to create a liquid mix.

23 (13) "Grade A dairy plant" means a dairy plant required to
24 hold a permit under s. ATCP 80.06.

25 (14) "Grade A dairy product" means a fluid milk product
26 that is produced from grade A milk and processed and distributed

1 in compliance with grade A standards under this chapter.

2 (15) "Grade A milk" means milk produced, processed and
3 distributed in compliance with grade A requirements under this
4 chapter and chapter ATCP 60.

5 (16) "Grade B dairy plant" means a dairy plant other than a
6 grade A dairy plant.

7 (17) "Grade B dairy product" means a dairy product other
8 than a grade A dairy product.

9 (18) "Grade B milk" means milk other than grade A milk.

10 (19) "Milk" means the lacteal secretion of cows, sheep or
11 goats, and includes skim milk and cream.

12 (20) "Milk component test" means a test that determines the
13 amount of milkfat, protein, total solids, solids-not-fat or other
14 components in milk, and that may affect the price which a dairy
15 plant operator pays a milk producer for milk.

16 (21) "Milk component testing device" means an automated
17 testing device used to perform milk component tests.

18 (22) "Milk producer" means any person who owns or operates
19 a dairy farm, and sells or distributes milk produced on that
20 farm.

21 (23) "Milk quality test" means a bacteria count, somatic
22 cell count, drug residue test, milk component test, or other
23 analytical test which is used to determine compliance with milk
24 quality standards under s. ATCP 60.15 or ATCP 80.24, or which may
25 affect the price that a dairy plant operator pays a milk producer
26 for milk.

1 (24) "Multi-use package" means a returnable bottle or other
2 package that is designed for repeated use.

3 (25) "Package" means a container or wrapping, having one or
4 more product contact surfaces, that is designed or used to
5 enclose a dairy product sold or shipped from a dairy plant.

6 "Package" includes package covers and other package components.

7 "Package" includes all of the following:

8 (a) A returnable bottle or other multi-use package.

9 (b) A single-service package.

10 (c) A bulk or shipping container, other than a bulk milk
11 tanker, that has one or more product contact surfaces and is used
12 for the sale or shipment of a dairy product from a dairy plant.

13 (26) "Pasteurize" means to thermally process a dairy
14 product, according to subch. V, in order to destroy pathogenic
15 microbes in that dairy product. "Pasteurize" includes batch
16 pasteurization, high-temperature short-time (HTST)
17 pasteurization, ultrapasteurization, and other equally effective
18 pasteurization processes that are approved by the department in
19 writing.

20 (27) "Person" means an individual, corporation,
21 partnership, cooperative, association, or any other business
22 organization or entity. "Person" includes the state of
23 Wisconsin, and any subunit or agency of the state, to the extent
24 that the state or its subunit or agency is engaged in operating a
25 dairy plant.

26 (28) "Potable water" means water that is bacteriologically

1 and chemically safe to drink, and that is free from harmful
2 parasites.

3 (29) "Potentially hazardous food" means any food that
4 consists wholly or in part of milk, milk products, eggs, meat,
5 poultry, fish, shellfish, edible crustacea or other ingredients,
6 and that is capable of supporting rapid and progressive growth of
7 pathogenic or toxigenic microorganisms. "Potentially hazardous
8 food" does not include foods having a Ph level of 4.6 or below,
9 foods having a water activity value of 0.85 or less under
10 standard conditions, or foods that are processed to prevent
11 spoilage and packaged in hermetically sealed containers.

12 (30) "Processing" means pasteurizing, manufacturing,
13 blending or packaging dairy products, or cooling processed dairy
14 products.

15 (31) "Processing plant" means a dairy plant at which dairy
16 products are processed.

17 (32) "Product contact surface" means a surface of
18 equipment, or a surface of a utensil or package, with which a
19 dairy product normally comes in direct contact, or from which
20 materials may drain, drip or be drawn into a dairy product.

21 (33) "Receiving station" means a facility which is designed
22 for the receipt and bulk storage of milk, and which is used to
23 receive or store milk in bulk. "Receiving station" does not
24 include a processing plant or a facility used to distribute
25 pasteurized milk in bottled or packaged form to consumers.

26 (34) "Safe temperatures" as applied to potentially

1 hazardous refrigerated foods means temperatures of 40 degrees F.
2 (5 degrees C.) or below. As applied to potentially hazardous
3 heated foods, "safe temperatures" means temperatures of 150
4 degrees F. (65 degrees C.) or above. As applied to frozen foods,
5 "safe temperatures" means temperatures of 0 degrees F. (-17
6 degrees C.) or below.

7 (35) "Sanitize" means to destroy pathogens and other
8 microorganisms by applying, to a clean product contact surface, a
9 sanitizing procedure that complies with s. ATCP 80.18.

10 (36) "Shipping container" means a box, carton or similar
11 container in which packaged dairy products are shipped in bulk
12 from a dairy plant.

13 (37) "Single-service utensil" means a utensil that is
14 designed to be used only once prior to disposal.

15 (38) "Single-service package" means a package that is
16 designed to be used only once prior to disposal.

17 (39) "Standard of identity" means a dairy product standard
18 of identity adopted or incorporated by reference under s. 97.09,
19 Stats.

20 (40) "Transfer station" means a facility that is designed
21 and used solely to transfer milk from one bulk milk tanker to
22 another without intervening storage.

23 (41) "Ultrapasteurize" means to thermally process a dairy
24 product according to s. ATCP 80.44(3).

25 (42) "Utensil" means a hand-held or similarly portable
26 container or device, such as a knife, spatula, strainer or scoop,

1 that has one or more dairy product contact surfaces and is used
2 in processing or handling milk or dairy products at a dairy
3 plant.

4
5 **SUBCHAPTER II**

6 **DAIRY PLANT LICENSE AND FEES**

7 **ATCP 80.02 DAIRY PLANT LICENSE. (1) LICENSE REQUIRED.**

8 Except as provided under sub. (2), no person may operate a dairy
9 plant without a valid license issued by the department for that
10 dairy plant. A dairy plant license expires on April 30 annually
11 and is not transferable between persons or locations.

12 NOTE: See s. 97.20 and 100.06, Stats.

13 (2) LICENSE EXEMPTIONS. A dairy plant license is not
14 required under sub. (1) for any of the following:

15 (a) A farm manufacturing or processing dairy products
16 solely for consumption by the owner or operator of the farm,
17 members of the farm household, or nonpaying farm guests or
18 employees.

19 (b) The retail preparation or processing of meals for sale
20 directly to consumers or through vending machines, if the
21 preparation and processing is covered under a restaurant permit
22 or other permit issued under s. 254.64, Stats.

23 (c) A retail food establishment licensed under s. 97.30,
24 Stats., if the establishment processes dairy products solely for
25 retail sale at the establishment.

26 (d) A milk receiving station or transfer station operated.

1 at the same location, and by the same person, as a processing
2 plant licensed under sub. (1).

3 (e) A milk transfer station operated at the same location,
4 and by the same person, as a milk receiving station licensed
5 under sub. (1).

6 (3) LICENSE APPLICATION. An application for a dairy plant
7 license shall be made on a form provided by the department and
8 shall be accompanied by each applicable fee required under s.
9 ATCP 80.04. The application shall include the following
10 information, and any other information reasonably required by the
11 department for licensing purposes:

12 (a) The correct legal name of the dairy plant operator and
13 any trade name used by the operator.

14 (b) The address and telephone number of the dairy plant to
15 which the license application pertains, and the name of a
16 responsible person who may be contacted at that address.

17 (c) A statement indicating whether the dairy plant is a
18 processing plant, receiving station or transfer station.

19 (d) A description of the processing operations, if any,
20 conducted at the dairy plant.

21 (e) All information required under s. ATCP 100.05.

22 (4) ACTION ON LICENSE APPLICATION; DEADLINE. The
23 department shall grant or deny a license application under sub.

24 (3) within 40 days after the department receives a complete
25 application, or before the expiration date of any temporary
26 license issued under sub. (6), whichever occurs later.

1 (5) PREREQUISITES FOR LICENSING. The department may not
2 issue or renew a dairy plant license, or issue a temporary
3 license under sub. (6), unless all of the following conditions
4 are met:

5 (a) The license applicant has paid all fees and surcharges,
6 set forth in a statement from the department, that are due and
7 payable by the applicant under s. ATCP 80.04. The department
8 shall refund a fee or surcharge paid under protest if the
9 department determines that the fee or surcharge is not due and
10 payable under s. ATCP 80.04.

11 (b) The license applicant has filed all financial
12 information and security which the department requires of that
13 applicant under ch. ATCP 100. If an applicant has not filed
14 required financial information or security, the department may
15 issue a conditional license that prohibits the licensed operator
16 from buying milk or fluid milk products from producers or their
17 agents, but allows the operator to buy milk or fluid milk
18 products from other sources.

19 (c) The department has inspected the dairy plant under sub.
20 (7)(b) if the dairy plant is not currently licensed.

21 (6) TEMPORARY LICENSE. (a) Except as provided under par.
22 (c), the department may issue a temporary dairy plant license to
23 an applicant under sub. (3) pending the department's final action
24 on that person's license application. A temporary license may be
25 issued for a period of not more than 40 days. If the department
26 denies a license application before the applicant's temporary

1 license expires, the temporary license is automatically
2 terminated when the applicant receives written notice of the
3 denial.

4 (b) The holder of a temporary license under par. (a)
5 acquires no rights beyond those conferred by the temporary
6 license. The holder of a temporary license may not purchase milk
7 or fluid milk products from milk producers or their agents, but
8 may purchase milk or fluid milk products from other sources.

9 (c) The department may not issue a temporary license under
10 par. (a) in response to a license renewal application by the
11 holder of an existing license.

12 (7) PRE-LICENSE INSPECTION. (a) The department may
13 inspect a dairy plant, as the department deems necessary, before
14 issuing a license for that dairy plant.

15 (b) The department may not issue a dairy plant license
16 under sub. (1) or a temporary license under sub. (6) for a dairy
17 plant that is not currently licensed until the department
18 inspects that dairy plant for compliance with this chapter.

19 NOTE: The department is not required to inspect a currently
20 licensed dairy plant before renewing the license of the
21 current operator, or before issuing a license to a new
22 operator of that dairy plant.
23

24 (8) ADDED OPERATIONS. No dairy plant operator may add a
25 new category of operations at a licensed dairy plant during the
26 time period for which the license was issued unless the operator
27 notifies the department and obtains written authorization for the
28 new category of operations. In this subsection, "new category of
29 operations" includes the manufacture or processing of any of the

1 following which was not identified in the operator's most recent
2 license application under sub. (3):

- 3 (a) Fluid milk products.
- 4 (b) Cheese and cheese products.
- 5 (c) Ice cream or frozen desserts.

6 **ATCP 80.04 DAIRY PLANT FEES.** (1) DAIRY PLANT LICENSE FEE.

7 (a) Annual license fee. 1. An applicant for a dairy plant
8 license shall pay the annual license fee specified under par.

9 (b). Except as provided under subd. 2, license fees under par.
10 (b) are based on the dairy plant's milk receipts or production
11 during the previous calendar year, regardless of who operated
12 that dairy plant in that previous calendar year.

13 2. If a dairy plant had no milk receipts or production
14 during the previous calendar year, license fees under par. (b)
15 shall be based on projected milk receipts or production during
16 the license year for which application is made. At the end of
17 that license year, the license holder shall report the actual
18 milk receipts or production during the license year, and the
19 department shall determine the appropriate fee under par. (b)
20 based on actual receipts or production. If the fee based on
21 actual receipts or production differs from the fee based on
22 projected receipts or production, the license holder shall pay
23 the balance due or receive a credit from the department on the
24 next year's license fee.

25 (b) License fee amounts. An applicant for a dairy plant
26 license shall pay a basic license fee of \$80 plus a supplementary

1 license fee as follows:

2 1. For a grade A processing plant, a supplementary license
3 fee of \$650 if the plant received more than 2,000,000 pounds of
4 milk from milk producers, or a supplementary license fee of \$500
5 if the plant received 2,000,000 pounds or less of milk from
6 producers.

7 2. For a grade B processing plant that manufactured or
8 processed more than 1,000,000 pounds of dairy products or more
9 than 200,000 gallons of frozen dairy products, a supplementary
10 license fee of \$270.

11 3. For a grade A receiving station, a supplementary license
12 fee of \$250.

13 (c) Surcharge and past fees for operating without license.

14 1. An applicant for a dairy plant license shall pay a license
15 fee surcharge if the department determines that, within 365 days
16 prior to submitting the license application, the applicant
17 operated the dairy plant without a license in violation of s.
18 ATCP 80.02(1). The amount of the surcharge is \$100, or \$500 if
19 the dairy plant operator procured milk or fluid milk products
20 from milk producers or their agents.

21 2. In addition to paying the license fee surcharge under
22 subd. 1, an applicant who violated s. ATCP 80.02(1) shall pay all
23 fees, set forth in a statement from the department, that are due
24 for the license year in which the applicant violated s. 80.02(1).

25 3. Payment of the license fee surcharge and past fees under
26 subd. 1 and 2 does not relieve the applicant of any other civil

1 or criminal liability that results from the unlicensed operation
2 of a dairy plant, but does not constitute evidence of any
3 violation of law.

4 (2) MILK PROCUREMENT FEE; MONTHLY PAYMENT. (a) Monthly
5 fee required. On or before the 18th day of each month, a dairy
6 plant operator shall pay a milk procurement fee in the amount
7 specified under par. (b). The monthly fee shall be based on the
8 amount of milk that was delivered to the dairy plant from milk
9 producers in the month preceding the month when the fee payment
10 is due, regardless of who operated that dairy plant during that
11 preceding month.

12 (b) Fee amounts. Milk procurement fees required under par.
13 (a) are as follows:

14 1. For each 100 pounds of grade A milk received from milk
15 producers, 0.4 cent.

16 2. For each 100 pounds of grade B milk received from milk
17 producers, 0.2 cent.

18 (c) Out-of-state milk shipments. A milk producer who ships
19 milk to an out-of-state dairy plant shall pay a monthly milk
20 procurement fee under par. (a) on that milk, in the amount
21 specified under par. (b), unless the operator of that
22 out-of-state dairy plant voluntarily pays that fee for the milk
23 producer.

24 (3) REINSPECTION FEE. (a) Fee required. If the
25 department reinspects a dairy plant because the department has
26 found a violation of this chapter, the department shall charge

1 the dairy plant operator the reinspection fee specified under
2 par. (b). A reinspection fee is payable when the reinspection is
3 completed, and is due upon written demand from the department.
4 The department may issue a demand for payment when it issues a
5 license renewal application form to the dairy plant operator, or
6 at any other time after the fee payment becomes payable.

7 (b) Fee amounts. The reinspection fee required under par.
8 (a) includes, for each reinspection, a basic reinspection fee of
9 \$40 plus a supplementary reinspection fee as follows:

10 1. For a grade A processing plant, a supplementary
11 reinspection fee of \$160 if the plant received more than
12 2,000,000 pounds of milk from milk producers during the previous
13 calendar year, or a supplementary reinspection fee of \$125 if the
14 plant received 2,000,000 pounds or less of milk from milk
15 producers during the previous calendar year.

16 2. For a grade B processing plant, a supplementary
17 reinspection fee of \$140.

18 3. For a grade A receiving station, a supplementary
19 reinspection fee of \$60.

20 (4) MILK PRODUCER FEES. A dairy plant operator shall pay
21 milk producer license and reinspection fees on behalf of milk
22 producers, as required by ss. ATCP 60.02(4) and ATCP 60.04(3). A
23 milk producer reinspection fee is payable by a dairy plant
24 operator when a dairy farm reinspection is completed, and is due
25 upon written demand from the department. The department may
26 issue a demand for payment when it issues a license renewal

1 application to the dairy plant operator, or at any other time
2 after the reinspection fee becomes payable.

3 NOTE: Under s. ATCP 60.02(4), a dairy plant operator
4 who pays milk producer license fees may charge those
5 fees back to those producers in a nondiscriminatory
6 fashion after giving prior notice to the producers, but
7 may not deduct the license fees from the producers'
8 milk checks. Under s. ATCP 60.04(3), a dairy plant
9 operator who pays milk producer reinspection fees must
10 charge those reinspection fees back to milk producers.
11

12 (5) DAIRY PRODUCT GRADING FEE. (a) General requirement.

13 Except as provided under par. (b), an applicant for a license for
14 a grade B dairy plant that produces butter or cheese shall pay a
15 grading fee of 1.09 cents for each 100 pounds of gradable butter
16 or cheese produced by that dairy plant during the previous
17 calendar year, regardless of who operated that dairy plant during
18 the previous calendar year.

19 (b) New dairy plant. If a dairy plant under par. (a) was
20 not operated in the previous calendar year, the license applicant
21 shall estimate the amount of gradable butter and cheese that will
22 be produced at that dairy plant during the calendar year in which
23 the license application is made, and shall pay an estimated
24 grading of fee of 1.09 cents for each 100 pounds of estimated
25 production. At the end of the license year, the license holder
26 shall report the actual calendar year production which the
27 license holder had previously estimated, and the department shall
28 recompute the grading fee based on actual production. If the fee
29 based on actual production differs from the estimated fee, the
30 license holder shall pay the balance due or receive a credit from
31 the department on the next year's grading fee.

1 (6) MILK PRODUCER SECURITY FEE; MONTHLY PAYMENTS. A dairy
2 plant operator shall pay the monthly milk producer security fee
3 specified under s. ATCP 100.06. The dairy plant operator shall
4 pay the fee on each month's milk deliveries on or before the 18th
5 day of the following month.

6 (7) DAIRY TRADE PRACTICES FEE; MONTHLY PAYMENTS. A dairy
7 plant operator shall pay a monthly dairy trade practice fee if
8 required under s. 100.201(6), Stats.

9 NOTE: A dairy plant operator is required to pay a monthly
10 dairy trade practice fee under s. 100.201(6), Stats.,
11 if the operator sells milk, fluid milk products, ice
12 cream or other frozen desserts at wholesale or retail,
13 in consumer package form, to persons in this state.
14

15 **ATCP 80.06 GRADE A DAIRY PLANT; PERMIT.** (1) GRADE A
16 PERMIT REQUIRED. (a) Except as provided under sub. (2), no
17 person operating a dairy plant at which milk or fluid milk
18 products are received, transferred or processed may sell or
19 distribute that milk or those fluid milk products as grade A milk
20 or grade A milk products unless that person holds a valid grade A
21 dairy plant permit issued by the department for that dairy
22 plant. If a grade A receiving station or transfer station is
23 operated at the same location as a grade B processing plant, a
24 grade A permit is required for that receiving station or transfer
25 station.

26 (b) A grade A dairy plant permit expires on April 30
27 annually and is not transferable between persons or locations. A
28 grade A dairy plant permit may be issued in the form of an
29 endorsement on a dairy plant license under s. ATCP 80.02(1).

1 (2) PERMIT EXEMPTIONS. A grade A permit is not required
2 under sub. (1) for any of the following:

3 (a) A grade A receiving station or transfer station
4 operated at the same location, and by the same person, as a grade
5 A processing plant covered by a permit under sub. (1).

6 (b) A grade A transfer station operated at the same
7 location, and by the same person, as a grade A receiving station
8 covered by a permit under sub. (1).

9 (3) PERMIT APPLICATION. An application for a grade A dairy
10 plant permit shall be made on a form provided by the department.
11 A grade A permit application may be made in conjunction with a
12 dairy plant license application under s. ATCP 80.02(3).

13 (4) SURCHARGE FOR OPERATING WITHOUT A PERMIT. An applicant
14 for a grade A dairy plant permit shall pay a permit surcharge of
15 \$100 if the department determines that, within 365 days prior to
16 submitting the permit application, the applicant operated the
17 dairy plant as a grade A dairy plant without a grade A permit in
18 violation of sub. (1). Payment of the surcharge does not relieve
19 the applicant of any other civil or criminal liability that
20 results from the operation of a grade A dairy plant without a
21 grade A permit, but does not constitute evidence of any violation
22 of law.

23 (5) ACTION ON PERMIT APPLICATION; DEADLINE. The department
24 shall grant or deny a permit application under sub. (3) within 40
25 days after the department receives a complete application, or
26 before the expiration of any temporary permit issued under sub.

1 (6), whichever occurs later.

2 (6) TEMPORARY PERMIT. The department may issue a temporary
3 grade A permit to an applicant under sub. (3) pending final
4 action on that person's permit application. A temporary permit
5 may be issued for a period of not more than 40 days, and may not
6 exceed the term of the dairy plant license or temporary license.
7 If the department denies a permit application before the term of
8 the temporary permit expires, the temporary permit is
9 automatically terminated when the applicant receives notice of
10 the denial. The department may not issue a temporary permit in
11 response to a permit renewal application by the holder of an
12 existing permit.

13 (7) PREREQUISITES FOR PERMIT. The department may not issue
14 or renew a grade A dairy plant permit, or issue a temporary
15 permit under sub. (6), unless all of the following conditions are
16 met:

17 (a) The permit applicant holds a dairy plant license under
18 s. ATCP 80.02, or the department issues the permit and license
19 simultaneously. The department may issue a temporary grade A
20 permit under sub. (6) to an applicant holding a temporary dairy
21 plant license under s. ATCP 80.02(6), or may issue the temporary
22 permit and temporary license simultaneously.

23 (b) The department inspects the dairy plant if the dairy
24 plant is not currently covered by a grade A dairy plant permit.

25 (c) The applicant pays any surcharge, set forth in a
26 statement from the department, that is due and payable by the

1 applicant under sub. (4). The department shall refund a
2 surcharge paid under protest if the department determines that
3 the surcharge was not due and payable under sub. (4).

4 (8) GRADE A STANDARDS. A grade A dairy plant shall comply
5 with standards applicable to the receipt, testing, transfer,
6 processing and distribution of grade A milk and grade A milk
7 products under this chapter and ch. ATCP 60. A grade A dairy
8 plant may not receive, transfer or process grade B milk unless
9 the receipt, transfer or processing is authorized by the
10 department in writing.

11
12 **SUBCHAPTER III**

13 **DAIRY PLANT FACILITIES AND OPERATIONS; GENERAL**

14 **ATCP 80.08 CONSTRUCTION AND MAINTENANCE. (1) GENERAL.**

15 (a) Buildings, facilities and equipment used in the operation of
16 a dairy plant shall be soundly constructed, and shall be capable
17 of being maintained in a clean and sanitary condition. The
18 interior and exterior portions of a dairy plant, and the premises
19 on which a dairy plant is located, shall be kept free of
20 unhealthful and unsanitary conditions, and shall be maintained in
21 compliance with this chapter.

22 (b) The department may issue a written waiver granting a
23 variance from a construction standard under this subchapter if
24 the department finds that the variance is reasonable and
25 necessary under the circumstances, and will not compromise the
26 purpose served by the construction standard. A waiver under this

1 paragraph may be issued by the administrator of the division of
2 food safety, or the administrator's designee.

3 (2) FLOORS. The floors of all rooms in which dairy
4 products are processed, handled or stored, or in which dairy
5 product containers, equipment or utensils are washed, shall be
6 all of the following:

7 (a) Kept clean and in good repair.

8 (b) Smooth enough to be easily cleanable.

9 (c) Constructed of concrete or equally impervious and
10 easily cleanable materials. This paragraph does not prohibit
11 tightly joined wooden floors in storage rooms used solely for the
12 storage of dry ingredients or packaging materials, or both.

13 (d) Sloped to provide adequate drainage. This paragraph
14 does not apply to floors in storage rooms used solely for the
15 storage of dry ingredients or packaging materials, or both.

16 (e) Equipped with an adequate number of trapped floor
17 drains, so that any liquids draining onto the floors are promptly
18 removed. Floors in refrigerated storage rooms need not have
19 floor drains if the floors are sloped to drain to one or more
20 exits to prevent pooling of liquids.

21 (3) WALLS AND CEILINGS. (a) Walls and ceilings of rooms
22 in which dairy products are handled, processed or stored, or in
23 which dairy product containers, equipment or utensils are washed,
24 shall have a smooth, washable and light-colored surface, and
25 shall be kept clean and in good repair. Suspended ceiling panels
26 are prohibited in any room where powdered dairy products are

1 packaged or processed if that room is constructed or
2 substantially altered after the effective date of this chapter
3 [revisor inserts date].

4 NOTE: Walls and ceilings may consist, for example of smooth
5 finished concrete construction panels or cement
6 plaster.
7

8 (b) If condensation may accumulate on overhead pipes, ducts
9 or other fixtures, those fixtures shall be arranged or shielded
10 so that condensation does not drop into dairy products or onto
11 product contact surfaces.

12 (c) In rooms constructed or substantially altered after the
13 effective date of this chapter, the junctions of walls and floors
14 in processing areas shall be coved to facilitate cleaning.

15 (4) DOORS, WINDOWS AND OTHER OPENINGS. (a) Doors,
16 conveyor openings, and other openings to the outside environment
17 shall be kept closed when not in use, and shall at all times be
18 protected against the entry of insects, rodents and excessive
19 dust. Doors to the outside, other than overhead doors and
20 electronic sliding doors in delivery areas, shall be self-
21 closing.

22 NOTE: Air curtains, strip curtains and similar devices may
23 be used to prevent insects and excessive dust from
24 entering through doors and other openings while those
25 openings are in use. Emergency exit doors need not be
26 self-closing unless they are routinely used by dairy
27 plant personnel.
28

29 (b) Windows, if not permanently closed, shall be screened
30 against flying insects, rodents and birds. In dairy plants
31 constructed or substantially altered after the effective date of
32 this chapter, window ledges shall be sloped to an angle of at

1 least 45 degrees to facilitate cleaning.

2 (c) Outside openings of dairy product pipelines shall be
3 tightly capped when not in use. When a pipeline is in use, the
4 pipeline cap shall be tethered or placed on a sanitary hanger or
5 rack to protect it from contamination. Pipeline openings through
6 walls shall be completely cemented or fitted with tight metal
7 collars.

8 (d) At each doorway leading from a nonprocessing area to a
9 processing area in which exposed dairy products are processed, a
10 dairy plant operator shall provide a sanitizing footbath,
11 disposable footwear, dedicated footwear or other facilities to
12 ensure that footwear worn in the processing area is clean and
13 sanitary.

14 (5) LIGHTING. (a) Lighting in every area of a dairy plant
15 shall be fully adequate for the purpose for which the area is
16 used. Except as provided under par. (b) or (c), there shall be
17 at least 5 foot candles (54 lux) of illumination, measured at 30
18 inches above the floor, in every part of a dairy plant.

19 (b) Except as provided under par. (c), there shall be at
20 least 30 foot candles (323 lux) of illumination at every place
21 where dairy products are processed, and at every place where
22 equipment or utensils are washed.

23 (c) There shall be at least 50 foot-candles (538 lux) of
24 illumination on every surface where dairy products are graded or
25 examined for condition and quality, and on every surface where
26 multi-use packages are inspected before being reused.

1 (d) Light bulbs, fluorescent tubes, skylights and other
2 overhead glass fixtures shall be shielded to prevent broken glass
3 from falling into dairy products or onto dairy product contact
4 surfaces.

5 (6) VENTILATION. (a) Every room in a dairy plant shall be
6 adequately ventilated, and adequately controlled for temperature
7 and humidity, to keep the room reasonably free of fumes, odors,
8 mildew and excessive condensation.

9 (b) Ventilation systems, including exhaust fans, intake
10 fans and ventilation ducts shall be kept clean and in good
11 repair, and shall be screened or louvered to prevent
12 contamination of dairy products by dust, insects or other
13 contaminants. Intake fans shall be equipped with filters that
14 are readily removable for cleaning and replacement. Air intake
15 filters shall be capable of removing at least 85 percent of
16 particulate matter which is 5 microns or larger in size.

17 (c) Ventilation systems in a dairy plant shall be
18 positioned so that exhaust air does not contaminate exposed dairy
19 products, clean dairy product packages or clean equipment or
20 utensils.

21 (7) ROOM SEPARATION. (a) Within a dairy plant, none of
22 the following areas may be located in the same room with any of
23 the other areas:

24 1. Raw milk unloading areas. Except as provided under par.
25 (b) or (c), this does not prohibit a dairy plant operator from
26 cooling, separating, clarifying or storing raw milk in the same

1 area where raw milk is unloaded.

2 2. Processing areas. Except as provided under par. (b) or
3 (c), this does not prohibit a dairy plant operator from cooling,
4 separating, clarifying or storing raw milk in the same area where
5 raw milk is unloaded.

6 3. Areas used to clean or sanitize milk cans, bottles or
7 containers.

8 4. Areas used to store dairy product ingredients or
9 packaging materials, other than raw milk. Ingredients and
10 packaging materials required for each day's processing operations
11 may be kept in the processing area for that day.

12 5. Areas used for boiler, heating plant, utility or tool
13 storage facilities.

14 6. Employee toilet areas.

15 7. Employee locker areas, dressing areas, break areas or
16 lunch areas.

17 8. Areas, if any, that are used as living quarters.

18 (b) Raw milk may not be cooled, separated, clarified or
19 stored in the same area where raw milk is unloaded from bulk milk
20 tankers unless both of the following apply:

21 1. The raw milk unloading area is located in a fully
22 enclosed room.

23 2. The storage tanks and equipment used in cooling,
24 separating, clarifying or storing the raw milk are equipped with
25 air filters to preclude contamination of milk, or are vented to a
26 processing area or tank gallery room that complies with

1 processing area sanitation standards under this chapter.

2 (c) Raw milk may not be cooled, separated, clarified or
3 stored in the same area where raw milk is unloaded from bulk milk
4 tankers if any of the following applies:

5 1. The dairy plant is constructed after the effective date
6 of this chapter [...revisor inserts date].

7 2. The dairy plant is a grade A dairy plant that was
8 constructed on or after July 1, 1980.

9 3. The raw milk cooling, separation, clarification or
10 storage operation is initiated after the effective date of this
11 chapter [...revisor inserts date].

12 (d) In dairy plants constructed after the effective date of
13 this chapter [...revisor inserts date], raw milk shall be
14 unloaded in a fully enclosed room.

15 (e) Bulk milk tankers may be cleaned and sanitized in the
16 same room where milk is unloaded from those bulk milk tankers.

17 NOTE: See s. ATCP 82.08(2).

18 (f) Rooms are considered separate, for purposes this
19 subsection, if they are fully separated by permanent floor-to-
20 ceiling partitions and if doorways between the rooms are equipped
21 with solid, tight-fitting, self-closing doors.

22 (8) WATER SUPPLY. (a) Water used in dairy plant
23 operations, or as an ingredient in dairy products, shall be
24 obtained from a source that complies with ch. NR 811 or NR 112,
25 administered by the Wisconsin department of natural resources.
26 All water obtained for use in a dairy plant shall comply with the

1 health related drinking water standards in ch. NR 809. Water
2 shall be available in consistently adequate quantity for all
3 dairy plant operations, including processing, cleaning,
4 handwashing and drinking.

5 (b) If water is obtained from a privately owned water
6 system, the dairy plant operator shall, at least once every 6
7 months, collect and analyze a sample of the water for compliance
8 with the microbiological standards under NR 809.30.
9 Microbiological analyses shall be conducted in a laboratory
10 certified under s. 143.15, Stats.

11 (c) At the department's request, a dairy plant operator who
12 receives water from a municipal source shall provide the
13 department with documentation showing that the water complies
14 with the microbiological standards under s. NR 809.30.

15 (d) Recirculated water used in a cooler or heat exchanger
16 shall be all of the following:

- 17 1. Obtained from a safe source that complies with par. (a).
- 18 2. Bacteriologically safe.
- 19 3. Protected from contamination.
- 20 4. Tested by the department at least semiannually.

21 (e) If a recirculating water system under par. (d) becomes
22 contaminated, that system may not be used until it is properly
23 treated and retested to ensure that the contamination has been
24 eliminated. Freezing point depressants used in recirculating
25 water systems under par. (d) shall be nontoxic.

26 (f) Water reclaimed from milk or dairy products may be used

1 as rinse water or cleaning solution make-up water if all of the
2 following conditions are met:

3 1. The department inspects and approves the reclamation
4 system before it is used.

5 2. The reclaimed water is free of coliform bacteria.

6 3. The standard plate count of the reclaimed water does not
7 exceed 500 per ml.

8 4. The organic content of the reclaimed water is less than
9 12 mg. per liter.

10 5. The reclaimed water has no off odors, flavors or slime
11 formations.

12 6. Chemicals used to suppress bacterial growth, tastes or
13 odors in the reclaimed water are approved by the department and
14 are added to the water by means of an automatic proportioning
15 device. Reclaimed water shall be tested at least daily for each
16 added chemical.

17 7. The reclaimed water is tested organoleptically at least
18 weekly.

19 8. Reclaimed water is tested at least semi-annually for
20 bacteriological and organic content. Reclaimed water shall be
21 tested daily for at least 2 weeks following approval of the
22 reclamation system under subd. 1, and for at least one week
23 following any repairs or alterations to the system.

24 9. There are no cross-connections between reclaimed water
25 lines and any public or private water system.

26 (9) PLUMBING SYSTEM; DISPOSAL OF SEWAGE AND LIQUID WASTE.

1 (a) All dairy plant plumbing, plumbing fixtures and equipment
2 shall comply with state and local plumbing codes, and shall be
3 designed, installed and maintained to prevent backflow,
4 backsiphonage and cross-connections.

5 (b) Sewage and liquid waste from a dairy plant shall be
6 removed in a sanitary manner, in compliance with applicable state
7 and local regulations.

8 NOTE: Plumbing and plumbing fixtures must comply with
9 applicable rules of the Wisconsin department of
10 industry, labor and human relations under chs. ILHR 82
11 to 86.
12

13 (10) CLEANING FACILITIES. (a) If equipment or utensils in
14 a dairy plant are cleaned or sanitized manually, the dairy plant
15 shall be equipped with wash and rinse sinks that are suitable for
16 all manual cleaning and sanitizing operations. Sinks shall be
17 conveniently located and adequate in number, and shall comply
18 with all of the following requirements:

19 1. Every sink shall be constructed of stainless steel or
20 other materials approved by the department.

21 2. Every sink shall have at least 2 compartments. If a
22 dairy plant is also engaged in food processing as defined under
23 s. 97.29(2)(b), Stats., every sink installed in a food processing
24 area after the effective date of this chapter **[revisor inserts**
25 **date]** shall have at least 3 compartments for washing, rinsing and
26 sanitizing equipment and utensils unless the dairy plant operator
27 uses an alternative method for sanitizing equipment and utensils.

28 3. Every sink compartment shall be large enough so that the
29 largest item cleaned or sanitized in the sink can be halfway

1 immersed in the sink. Every sink compartment shall be served by
2 hot and cold running water, and shall be cleaned prior to each
3 use.

4 (b) Sinks used to clean and sanitize equipment and utensils
5 may not be used as handwashing sinks.

6 (c) Brushes and other cleaning tools used to clean
7 equipment and utensils shall be cleaned after each use and
8 sanitized prior to their next use. Single-service disposable
9 towels, if used to clean equipment or utensils, shall be
10 discarded after a single use.

11 (d) If a mechanical system is used to clean or sanitize
12 equipment or utensils, the mechanical system shall be designed,
13 installed and maintained so that it is fully effective for the
14 purpose used.

15 (e) A dairy plant shall be equipped with conveniently
16 located hose connections to facilitate cleaning operations in the
17 dairy plant. When hoses are not in use, they shall be neatly
18 stored off the floor on racks or reels.

19 (11) TOILET FACILITIES. (a) Every dairy plant shall have
20 toilet facilities that comply with ss. ILHR 52.50 to 52.64 and
21 54.12, administered by the Wisconsin department of industry,
22 labor and human relations.

23 (b) Toilet rooms shall be conveniently located, but shall
24 not open directly into any room where milk or dairy products are
25 processed. Every toilet room shall be completely enclosed and
26 shall have a tight-fitting, solid, self-closing door. The door

1 shall be kept closed except when the toilet room is being cleaned
2 or repaired.

3 (c) Toilet rooms and fixtures shall be kept clean, sanitary
4 and in good repair. A supply of toilet tissue shall be provided
5 at each toilet at all times.

6 (d) Every toilet room shall be equipped with hand-washing
7 facilities with hot and cold running water, soap, and single
8 service towels or air drying equipment. Common towels are
9 prohibited. Easily cleanable, covered receptacles shall be
10 provided for waste materials.

11 (e) One or more conspicuous signs, directing personnel to
12 wash their hands before returning to work, shall be prominently
13 posted in every toilet and dressing room. Signs shall be clearly
14 printed in a language or languages that can be understood by all
15 dairy plant personnel.

16 (12) LOCKER AND LINEN FACILITIES. (a) Clothing and
17 personal items of dairy plant personnel, when not being worn or
18 carried, shall be neatly stored in lockers or comparable
19 facilities provided for that purpose. Clothing and personal
20 items may not be stored in areas where milk, dairy products or
21 ingredients are received, processed, handled or stored, or in
22 areas where dairy product containers, equipment or utensils are
23 cleaned or stored.

24 (b) Work clothing, when not being worn by dairy plant
25 personnel, shall be stored in an orderly and sanitary manner.
26 Soiled linen and clothing shall be kept in nonabsorbent

1 containers or laundry bags until removed for laundering or
2 disposal. Soiled linen and clothing shall be removed as often as
3 necessary to prevent unsanitary conditions.

4 (13) HANDWASHING SINKS IN PROCESSING AREAS. (a)

5 Handwashing sinks with available hot and cold running water shall
6 be provided for use by all dairy plant personnel working in
7 processing areas. The sinks shall be conveniently accessible,
8 and shall be kept in a clean and sanitary condition.

9 (b) A supply of soap or detergent, and a sanitary single-
10 service means for drying hands, shall be provided at each
11 handwashing sink at all times. Common towels are prohibited. If
12 disposable towels are used, a clean covered waste receptacle
13 shall be provided for their disposal.

14 (c) A handwashing sink may not be used to clean or sanitize
15 equipment or utensils.

16 (d) A handwashing sink installed to serve a processing area
17 after the effective date of this chapter **[revisor inserts date]**
18 shall be located in that processing area. The sink shall be
19 served by potable tempered water, or by potable hot and cold
20 water delivered through a mixing valve or combination faucet.
21 The sink shall not be hand operated. If a self-closing, slow-
22 closing or metered faucet is used, the faucet shall provide an
23 uninterrupted flow of water for at least 15 seconds before it
24 becomes necessary to reactivate the faucet.

25 (e) An automatic handwashing device may be substituted for
26 a handwashing sink under this subsection if the automatic

1 handwashing device provides a safe and effective means for
2 washing hands.

3 (14) INTERIOR PREMISES; CLEANLINESS. Every room of a dairy
4 plant shall be kept in a clean and orderly condition.

5 (15) EXTERIOR PREMISES; CLEANLINESS. (a) The premises
6 surrounding a dairy plant shall be well drained and shall be kept
7 in an orderly condition. The premises shall be kept free of
8 accumulated trash, garbage and other sanitation hazards.
9 Driveways and parking lots shall be surfaced or maintained to
10 minimize airborne dust and dirt.

11 (b) Every outdoor storage tank used for liquid food
12 ingredients shall be located on a drained impermeable surface.
13 All loading and unloading of liquid food ingredients from that
14 storage tank shall be conducted over a drained impermeable
15 surface.

16 (16) GARBAGE AND SOLID WASTE DISPOSAL. (a) Garbage and
17 solid waste shall be removed from the dairy plant premises as
18 often as necessary to keep the premises in a clean and sanitary
19 condition.

20 (b) Garbage and solid waste storage areas shall be
21 constructed and maintained so that they do not attract or harbor
22 insects, rodents or other animals.

23 (c) Garbage and solid waste shall be held in durable,
24 leakproof, easily cleanable and pest-resistant containers.
25 Containers shall be covered with tight-fitting lids, and shall be
26 cleaned when necessary to prevent unsanitary conditions. Waste

1 containers receiving solid waste from packaging and bottle
2 washing operations may be uncovered, if necessary, when those
3 operations are in progress.

4 (d) No garbage or solid waste may be burned on the dairy
5 plant premises, except in compliance with state and local
6 regulations. No garbage or solid waste may be burned on the
7 premises if the burning may contaminate dairy products.

8 (17) PEST CONTROL. A dairy plant shall be free of any
9 evidence of insect, rodent or other pest infestation. A dairy
10 plant operator shall take effective measures to prevent and, if
11 necessary, control pest infestations. No pesticide may be
12 stored, handled or used in a manner inconsistent with label
13 directions, in a negligent manner, or in a manner that may
14 contaminate dairy products.

15 NOTE: Pesticides must be handled, stored and used in
16 compliance with ss. 94.67 to 94.71, Stats., and ch.
17 ATCP 29.

18 (18) CONSTRUCTION PLANS; NOTIFICATION; REVIEW. Before
19 constructing, substantially reconstructing or extensively
20 altering a dairy plant, a dairy plant operator shall provide the
21 department with complete plans and specifications for the
22 construction, reconstruction or alteration. Within 30 days after
23 a dairy plant operator files plans with the department under this
24 subsection, the department shall return its comments or
25 objections, if any, in writing.

26 **ATCP 80.10 PERSONNEL; SANITATION STANDARDS. (1)**

27 **CLEANLINESS AND SANITATION; GENERAL. (a) Within a dairy plant,**

1 access to processing areas shall be restricted to dairy plant
2 employees and other authorized personnel.

3 (b) Persons who handle or process dairy products shall
4 maintain a high degree of personal cleanliness, and shall observe
5 good hygienic practices during all working periods.

6 (c) Persons who handle or process dairy products shall
7 thoroughly wash their hands before beginning work and before
8 returning to work after using toilet facilities, eating, smoking,
9 or engaging in other activities that may contaminate their hands.

10 (d) No person having a discharging or infected wound, sore
11 or lesion on his or her hands or exposed arms may handle or
12 process unpackaged dairy products.

13 (e) Persons who handle or process dairy products shall keep
14 their fingernails clean and neatly trimmed. They shall not wear
15 fingernail polish unless they wear sanitary gloves at all times
16 when working.

17 (f) No person infected with a disease communicable by food
18 handling may work in a dairy plant in any capacity that may
19 contaminate dairy products.

20 (2) CLOTHING AND JEWELRY. (a) Whenever any person is in a
21 processing area, or is engaged in handling unpackaged milk or
22 dairy products, that person shall wear clean washable outer
23 garments and an effective hair restraint, including an effective
24 hair restraint for any beard longer than 1/2 inch. Hair
25 restraints may include hair nets, caps and snoods, but do not
26 include hairsprays, visors or headbands.

1 (b) No person may wear any jewelry while working in a
2 processing area or handling unpackaged dairy products. This
3 paragraph does not apply to plain band wedding rings.

4 (3) CONSUMPTION OF FOOD, BEVERAGES AND TOBACCO. No person
5 may consume food, beverages or tobacco in any processing area, or
6 in any area where food processing equipment or utensils are
7 cleaned or stored. Employees may not consume food, beverages or
8 tobacco except in designated areas that are separated from food
9 processing areas. This subsection does not prohibit a sanitary
10 water fountain in a processing area, nor does it prohibit on-line
11 quality control sampling according to written quality control
12 procedures established by the dairy plant operator.

13 **ATCP 80.12 EQUIPMENT AND UTENSILS.** (1) CONSTRUCTION AND
14 MAINTENANCE. (a) Equipment and utensils, including C-I-P
15 systems, shall be of sanitary design and construction. Equipment
16 and utensils, including C-I-P systems installed after the
17 effective date of this chapter, shall comply with applicable "3-A
18 Sanitary Standards" and "3-A Accepted Practices" listed in
19 APPENDIX A to this chapter.

20 NOTE: The "3-A Sanitary Standards" and "3-A Accepted
21 Practices" listed in APPENDIX A are published jointly
22 by the International Association of Milk, Food and
23 Environmental Sanitarians, Inc., and the Food and Drug
24 Administration, Public Health Service, United States
25 Department of Health and Human Services. Copies are on
26 file with the department, the secretary of state and
27 the revisor of statutes. Copies may be purchased from
28 the International Association of Milk, Food and
29 Environmental Sanitarians, Inc., 6200 Aurora Avenue,
30 Suite 200 W., Des Moines, Ia 50322.

31 (b) Equipment and utensils shall be readily accessible for
32

1 cleaning and inspection, and shall be designed and constructed so
2 that they can be easily cleaned. Equipment and utensils shall be
3 kept clean and in good repair.

4 (c) Tanks, vats, separators and other containers used to
5 store or process dairy products shall be designed or equipped
6 with appropriate devices to prevent surface condensation and
7 drainage from entering the container.

8 (d) Pipeline systems used to convey dairy products shall
9 contain no dead ends in which dairy products may collect.
10 Pipelines and other equipment shall be designed and constructed
11 to preclude cross-contamination between pasteurized dairy
12 products, unpasteurized dairy products, and cleaning and
13 sanitizing solutions.

14 (e) If it is necessary to disassemble any equipment or
15 utensil to inspect a product contact surface, all tools needed
16 for the disassembly shall be readily available at the dairy
17 plant.

18 (f) Water hoses used to wash dairy products or add
19 ingredient water to dairy products shall be constructed of
20 approved food grade materials and shall be used and stored in a
21 sanitary manner.

22 (2) PRODUCT CONTACT SURFACES. (a) Product contact
23 surfaces of equipment and utensils shall be made of materials
24 that are smooth, impervious, nontoxic, noncorrosive, nonabsorbent
25 and durable under foreseeable use conditions. A product contact
26 surface shall be constructed of one or more of the following

1 materials unless another material is specifically authorized by
2 the department in writing:

3 1. Stainless steel of the American Iron and Steel Institute
4 300 series, or an equally corrosion resistant metal.

5 2. Heat resistant glass.

6 3. Plastic, rubber or rubber-like materials that are fat
7 resistant and insoluble; that are resistant to scratching,
8 scoring, decomposition, crazing, chipping and distortion under
9 normal use conditions; that do not impart chemicals, flavor or
10 odor to milk; and that maintain their original properties under
11 repeated use conditions.

12 (b) Product contact surfaces shall be easily cleanable, and
13 shall be free of breaks, open seams, cracks or similar defects.
14 Product contact surfaces shall not impart any odor, color, taste
15 or adulterating substance to food. Product contact surfaces,
16 other than product contact surfaces of approved C-I-P systems,
17 shall be readily accessible for manual cleaning. Joints and
18 fittings shall be of sanitary design and construction.

19 (3) LOCATION AND INSTALLATION OF EQUIPMENT. (a) Equipment
20 shall be located and installed to prevent overcrowding and to
21 prevent contamination of dairy products or product contact
22 surfaces by splash, condensation or manual contact.

23 (b) Equipment that cannot be easily moved shall be
24 installed in a manner that prevents liquid or debris from
25 accumulating under or around the equipment.

26 (c) Equipment shall be installed so that there is adequate

1 clearance on all sides for cleaning and maintenance. This does
2 not apply to that portion of a tank or container that is designed
3 to protrude into or through the wall or ceiling of a dairy plant.

4 (4) BULK STORAGE TANKS; VENTING. A tank used for the bulk
5 storage of milk, whey or liquid food products shall be equipped
6 with an air filter to prevent contamination of tank contents, or
7 shall be vented only to one of the following:

8 (a) A processing area.

9 (b) A tank gallery room that complies with processing area
10 sanitation standards under this chapter.

11 (5) MEASURING DEVICES AND CONTROLS. (a) Every storage
12 tank, freezer and cold storage compartment used to hold milk or
13 dairy products shall be equipped with a thermometer or other
14 device that accurately indicates the temperature in the storage
15 tank, freezer or compartment.

16 (b) Each of the following bulk storage tanks shall be
17 equipped with a 7-day temperature recording device that shows the
18 temperature of dairy products stored in that bulk storage tank
19 over the immediately preceding period of at least 7 days:

20 1. Every bulk storage tank used to store grade A milk or
21 grade A dairy products for longer than 24 hours.

22 2. A silo tank installed after the effective date of this
23 chapter [...revisor inserts date].

24 (c) Instruments and controls used for measuring, regulating
25 and recording temperatures, pH, acidity, water activity or other
26 conditions that control or prevent the growth of undesirable

1 microorganisms in milk or dairy products shall be accurate, fully
2 functional, and adequate for their intended use.

3 (6) LUBRICATION. Equipment shall be designed and
4 constructed so that gear and bearing lubricants do not come in
5 contact with milk or dairy products, or with product contact
6 surfaces. Food grade lubricants shall be used if there is any
7 chance that lubricants may come in contact with milk or dairy
8 products, or with product contact surfaces.

9 (7) CLEANING AND SANITIZING EQUIPMENT AND UTENSILS;
10 GENERAL. (a) Except as provided under pars. (b) and (c), all
11 product contact surfaces of equipment and utensils shall be
12 cleaned after each day's use, sanitized before each day's use,
13 and cleaned and sanitized before any change in use that may
14 result in cross-contamination of dairy products. Product contact
15 surfaces shall be cleaned and sanitized more frequently, as
16 necessary, to keep them in a sanitary condition. Sanitizing
17 methods shall comply with s. ATCP 80.18.

18 (b) The department may authorize alternative cleaning,
19 sanitizing and processing procedures, including extended run
20 procedures, if all of the following apply:

21 1. The alternative procedures are fully adequate to prevent
22 the contamination of dairy products and to ensure the
23 microbiological safety of dairy products.

24 2. There is adequate control and monitoring to ensure that
25 the alternative procedures are working effectively.

26 3. The dairy plant operator submits detailed plans and

1 specifications which demonstrate compliance with subd. 1 and 2.

2 4. The dairy plant operator collects and maintains data, on
3 an ongoing basis, that demonstrate continuing compliance with
4 subd. 1 and 2.

5 (c) Tanks used to store milk or liquid dairy products shall
6 be cleaned when emptied. Tanks used to store raw milk or grade A
7 milk or dairy products shall be emptied at least once every 72
8 hours.

9 (8) STORING CLEAN EQUIPMENT AND UTENSILS. Clean equipment
10 and utensils, unless stored in an approved sanitizing solution,
11 shall be stored so that they drain dry. Utensils and equipment
12 components disassembled for cleaning shall be stored above the
13 floor in metal racks or other suitable storage facilities. Clean
14 equipment and utensils shall be protected from contamination
15 prior to use.

16 (9) SINGLE-SERVICE UTENSILS. Single-service utensils shall
17 be stored in the original containers in which they were received,
18 or in other closed containers that will protect them from
19 contamination until they are used. Single-service utensils shall
20 not be reused.

21 (10) CLEANING COMPOUNDS, DETERGENTS AND SANITIZERS; STORAGE
22 AND LABELING. Cleaning compounds, detergents and sanitizers used
23 in a dairy plant shall be clearly labeled. When they are not
24 being used, they shall be stored in designated areas and in an
25 appropriate manner so that they do not contaminate dairy
26 products, ingredients, equipment or utensils.

1 ATCP 80.14 C-I-P SYSTEMS. (1) CONSTRUCTION AND
2 MAINTENANCE; GENERAL. (a) C-I-P systems shall be designed,
3 constructed, installed and maintained in compliance with s. ATCP
4 80.12.

5 (2) CLEANING AND SANITIZING C-I-P SYSTEMS. (a) A dairy
6 plant operator shall clean and sanitize all C-I-P systems in
7 compliance with s. 80.12(7). Surfaces that cannot be cleaned and
8 sanitized by C-I-P procedures shall be cleaned and sanitized
9 manually.

10 (b) A dairy plant operator shall keep records on the
11 cleaning and sanitizing of all C-I-P systems. The records shall
12 identify every C-I-P system that has been cleaned or sanitized,
13 the date and time when each C-I-P system was cleaned and
14 sanitized, the temperature of the cleaning and sanitizing
15 solution, and the length of time for which the C-I-P system was
16 exposed to the cleaning and sanitizing solution. Records shall
17 be signed or initialed by a responsible person at the dairy
18 plant.

19 (3) CONSTRUCTION PLANS. (a) Before installing or
20 modifying any C-I-P system, the person responsible for installing
21 or modifying the system shall submit to the department a plan for
22 the installation or modification. The plan shall clearly
23 describe each C-I-P circuit in the installed or modified system,
24 including the size and length of piping, fittings, pitch, drain
25 points, access points, relative elevations, locations and
26 specifications of circulating units, and other features of the

1 system.

2 (b) Plans for a C-I-P system under par. (a) shall include
3 the manufacturer's specifications for the system, including the
4 manufacturer's specifications for operating, maintaining,
5 cleaning and sanitizing the system.

6 (c) Within 30 days after any person files plans with the
7 department under this subsection, the department shall return its
8 comments or objections, if any, in writing.

9 **ATCP 80.16 DAIRY PRODUCT PACKAGES.** (1) GENERAL. (a)
10 Dairy product packages shall be of sanitary design and
11 construction. Packages shall be designed and constructed to
12 protect packaged dairy products from reasonably foreseeable risks
13 of contamination.

14 (b) Product contact surfaces of dairy product packages
15 shall be smooth, nontoxic, noncorrosive, nonabsorbent and durable
16 under foreseeable use conditions. Product contact surfaces shall
17 not impart any odor, color, taste or adulterating substance to
18 packaged dairy products.

19 (c) Dairy product packages shall be clean, sanitary, and
20 free of any extraneous or deleterious substance. Dairy products
21 shall not be sold or distributed in packages that are damaged to
22 the extent that package contents may be adulterated as a result
23 of the damage. A sealed package is excessively damaged if the
24 seal is broken.

25 (d) Single-service packages shall be made of clean and
26 sanitary materials, shall be protected from contamination prior

1 to use, shall be handled in a sanitary manner, and shall be clean
2 and sanitary at the time of use. Single service packages shall
3 not be re-used.

4 (2) GRADE A DAIRY PRODUCT PACKAGES. (a) The residual
5 bacteria count on product contact surfaces of grade A dairy
6 product packages shall not exceed one per milliliter of capacity
7 when the rinse test is used, or 50 colonies per 8 square inches
8 (one per square centimeter) when the swab test is used, in 3 out
9 of 4 samples taken at random on a given day. Product contact
10 surfaces shall be free of coliform organisms.

11 (b) A grade A dairy product package shall be designed so
12 that the product, the package pouring lip if any, and the package
13 opening rim and area are protected from contamination during
14 handling, storage and initial opening. A grade A dairy product
15 package shall be designed so that it cannot be opened without
16 breaking the cap or closure seal, or leaving other readily
17 apparent evidence that the package has been opened.

18 (c) Product contact surfaces of multi-use packages used for
19 grade A milk or dairy products shall be constructed of one or
20 more of the following materials unless another material is
21 specifically authorized by the department in writing:

22 1. Stainless steel of the Iron and Steel Institute 300
23 series or an equally corrosion resistant metal.

24 2. Heat resistant glass.

25 3. Plastic materials that maintain their original
26 properties under repeated use conditions; that are fat resistant

1 and insoluble; and that are resistant to scratching, scoring,
2 decomposition, crazing, chipping and distortion under normal use
3 conditions.

4 (d) Product contact surfaces of multi-use packages used to
5 contain grade A milk or dairy products shall have rounded
6 corners, and shall be easily cleanable.

7 (e) Multi-use packages used to contain grade A milk or
8 dairy products shall be effectively cleaned and sanitized before
9 being reused. Cleaning and sanitizing procedures shall remove
10 all extraneous matter and potential adulterants from each
11 package. Sanitizing procedures shall comply with s. ATCP 80.18.
12 If returnable glass bottles are sanitized in an automatic bottle
13 washer by soaking those bottles in a caustic solution, the
14 sanitizing procedure shall comply with sub. (3).

15 (f) Multi-use packages used to contain grade A milk or
16 dairy products shall be inspected before they are reused.
17 Inspection shall be adequate to detect extraneous materials,
18 adulterants and damage to product contact surfaces. Inspection
19 shall be performed on surfaces lighted in compliance with s. ATCP
20 80.08(5)(c).

21 (g) No multi-use package may be reused for grade A milk or
22 dairy products unless that package is tested for the presence of
23 volatile organic compounds before the package is filled. An
24 automatic testing device, capable of detecting volatile organic
25 compounds at levels of public health significance, shall be used
26 to test each package. The testing device shall be installed in

1 conjunction with the dairy product packaging apparatus so that no
2 packages can be filled unless the testing device is operating
3 properly, and so that packages containing unsatisfactory levels
4 of volatile organic compounds are automatically made unusable.
5 The dairy plant operator shall test the system daily with a test
6 solution consisting of 0.5 ppm petroleum distillate or another
7 test solution approved by the department.

8 (h) No plastic multi-use package may be used to contain
9 grade A milk or dairy products unless all of the following
10 requirements are met:

11 1. The package is identified to show the plant at which the
12 package was manufactured, the date of manufacture, and the type
13 and class of plastic material used. This information may be
14 coded if the code is provided to the department.

15 2. The phrase "Use only for food" appears on the package.

16 3. The department has approved a prototype of the package.

17 (i) Single-service packages used to contain grade A milk or
18 dairy products shall be manufactured by a manufacturer listed in
19 the current quarterly "Interstate Listing of Single-Service
20 Containers" published by the Food and Drug Administration, Public
21 Health Service, United States Department of Health and Human
22 Services.

23 NOTE: A copy of the current quarterly "Interstate Listing
24 of Single-Service Containers" is on file at the
25 department, and can be obtained from the United States
26 Food and Drug Administration, 200 "C" Street, S.W.,
27 Washington, D.C. 20204.

28 (j) Packaged grade A milk and dairy products shall be
29

1 conspicuously labeled as grade A milk or dairy products.

2 (3) AUTOMATIC BOTTLE WASHING. Returnable glass bottles
3 cleaned in an automatic bottle washer shall be sanitized while in
4 the washer. Bottles cleaned in an automatic bottle washer may be
5 sanitized by being soaked in a caustic solution. The causticity
6 of the sanitizing solution shall be monitored and maintained at
7 an appropriate level in relation to solution temperature and
8 soaking time. The following table shows minimum causticity
9 levels required for sanitizing solutions (expressed in terms of
10 percent concentration of sodium hydroxide, NaOH, in the
11 sanitizing solution), based on applicable soaking times and
12 temperatures:

13 **TABLE 1. MINIMUM CAUSTICITY LEVELS REQUIRED FOR SANITIZING**
14 **SOLUTIONS (% CONCENTRATION OF NaOH), BASED ON SOAKING TIME**
15 **AND TEMPERATURE**

16
17
18 **Temperature (Degrees)**

Time in Minutes	F 170	160	150	140	130	120	110
	C 77	71	66	60	54	49	43
3	0.57	0.86	1.28	1.91	2.86	4.27	6.39
5	0.43	0.64	0.96	1.43	2.16	3.22	4.80
7	0.36	0.53	0.80	1.19	1.78	2.66	3.98

26
27

28 (4) PACKAGING GRADE A DAIRY PRODUCTS. (a) Grade A dairy
29 products shall be packaged in a sanitary manner at the dairy
30 plant where they are pasteurized.

31 (b) Grade A dairy products shall be mechanically packaged
32 with equipment approved by the department. Hand capping is
33 prohibited.

34 (c) A drip deflector, designed and adjusted to deflect

1 condensation away from open packages, shall be installed on each
2 filler valve.

3 (d) Conveyors that feed packages to packaging machines
4 shall have overhead shields to protect open packages from
5 contamination.

6 (e) If a filled package is imperfectly sealed, the contents
7 of that package shall be emptied into a sanitary container. The
8 contents shall be discarded, or shall be repasteurized before
9 being repackaged.

10 **ATCP 80.18 SANITIZERS AND SANITIZING METHODS. (1)**

11 **SANITIZING METHODS.** Product contact surfaces may be sanitized by
12 any of the following methods:

13 (a) Complete and continuous exposure to clean water at a
14 temperature of at least 170 degrees F. (70 degrees C.) for at
15 least 5 minutes.

16 (b) Complete and continuous exposure to steam at a
17 temperature of at least 170 degrees F. (70 degrees C.) for at
18 least 15 minutes, or at a temperature of at least 200 degrees F.
19 (93 degrees C.) for at least 5 minutes.

20 (c) Complete and continuous exposure for at least 2 minutes
21 to a sanitizing solution containing at least 100 ppm of available
22 chlorine, and having a pH not higher than 8.3, at a temperature
23 not less than 75 degrees F. (24 degrees C.) nor more than 110
24 degrees F. (44 degrees C.)

25 (d) Complete and continuous exposure for at least one
26 minute to a sanitizing solution containing at least 12.5 ppm of

1 available iodine, and having an acid pH not higher than 5.0, at a
2 temperature of not less than 75 degrees F. (24 degrees C.) nor
3 more than 110 degrees F. (44 degrees C.).

4 (e) Complete and continuous exposure to a caustic
5 sanitizing solution according to s. ATCP 80.16(4).

6 (f) Application, according to manufacturer's instructions,
7 of a chemical sanitizer or sanitizing method that has been shown
8 to be as effective as the methods specified under pars. (a) to
9 (d), and that has been approved by the department under sub. (3).

10 (2) SANITIZERS; MAXIMUM CONCENTRATIONS. The use of a
11 sanitizer shall leave no toxic residue on a product contact
12 surface. Sanitizing solutions shall not exceed the maximum
13 concentrations specified by the food and drug administration,
14 United States department of health and human services, under 21
15 CFR 178.1010. A test kit or other device that measures the
16 concentration of sanitizing solutions in parts per million shall
17 be used as necessary to ensure compliance with this subsection at
18 all times.

19 (3) SANITIZERS; DEPARTMENT APPROVAL. The department shall
20 approve sanitizers and sanitizing methods which the department
21 finds to be safe and effective for sanitizing equipment, utensils
22 and multi-use dairy product packages. The department may deny or
23 withdraw approval of any sanitizer or sanitizing method, whether
24 or not approved by any other state or federal agency, if the
25 department determines that the sanitizer or sanitizing method is
26 not safe or effective for the purposes or under the conditions

1 used, or that it adversely affects the sanitary characteristics
2 of equipment, utensils or dairy product packages.

3 NOTE: Sanitizers approved by the Wisconsin department of
4 health and social services under subchapter VII of
5 chapter 254, Stats., are approved by the department.
6

7 **ATCP 80.20 RECEIVING MILK AND DAIRY PRODUCTS.** (1) MILK
8 FROM LICENSED DAIRY FARMS. No dairy plant operator may collect
9 or receive milk from a dairy farm in this state unless the milk
10 producer holds a current license for that dairy farm under s.
11 97.22(2), Stats., and s. ATCP 60.02.

12 (2) GRADE A MILK FROM DAIRY FARMS. No dairy plant operator
13 may collect or receive, as grade A milk, any of the following:

14 (a) Milk from a dairy farm in this state unless the milk
15 producer holds a current grade A permit for that dairy farm under
16 s. 97.22(3), Stats., and s. ATCP 60.03.

17 (b) Milk from a dairy farm in any other state unless the
18 milk producer holds a current grade A permit for that dairy farm
19 from the responsible regulatory authority in that state.

20 (3) BULK MILK TANKER DELIVERIES. No dairy plant operator
21 may receive, as grade A milk or grade A dairy products, any milk
22 or fluid milk products transported in a bulk milk tanker unless
23 the bulk milk tanker operator holds a current grade A permit for
24 that bulk milk tanker under s. 97.21(2)(b), Stats., and s. ATCP
25 82.02(7).

26 (4) GRADE A DAIRY PLANT MAY NOT RECEIVE GRADE B MILK. A
27 grade A dairy plant operator may not process grade B milk at a
28 grade A dairy plant unless the department authorizes that

1 processing in writing. A grade A dairy plant operator may not
2 receive, transfer or process grade A milk or dairy products
3 through the same equipment used to receive, transfer or process
4 grade B milk or dairy products unless the dairy plant operator
5 first cleans and sanitizes the equipment and makes a record of
6 the cleaning and sanitization.

7 (5) MANUFACTURED DAIRY INGREDIENTS; APPROVED SOURCES.

8 Manufactured dairy ingredients used in the manufacture or
9 processing of dairy products shall originate from dairy plants
10 licensed under s. 97.20, Stats., and this chapter, or licensed or
11 inspected under equivalent laws of other states or nations.

12 (6) RECEIVING FACILITIES. A dairy plant's facilities for
13 receiving milk shipments shall be constructed in compliance with
14 s. ATCP 80.08, and shall be separated from other areas of the
15 dairy plant as required by s. ATCP 80.08(7).

16 (7) CLEANING AND SANITIZING BULK MILK TANKERS. A dairy
17 plant operator shall do all of the following:

18 (a) Clean and sanitize bulk milk tankers after each day's
19 use, as required by s. ATCP 82.08. A dairy plant operator shall
20 clean and sanitize bulk milk tankers in a fully enclosed cleaning
21 and sanitizing facility that complies with s. ATCP 82.08(2).

22 (b) Attach a tag to a bulk milk tanker each time the tanker
23 is cleaned and sanitized, as required under s. ATCP 82.08(4).

24 (c) Keep a record of each cleaning and sanitizing operation
25 for each bulk milk tanker, as required under s. ATCP 82.08(5).

26 (8) CLEANING AND SANITIZING MILK CANS. If a dairy plant

1 operator receives raw milk in cans, the dairy plant operator
2 shall clean, sanitize and thoroughly dry those cans before the
3 cans are removed from the dairy plant for reuse. Can washing
4 equipment shall be kept clean and in good repair.

5 **ATCP 80.22 STORING AND HANDLING MILK AND DAIRY PRODUCTS.**

6 (1) GENERAL. Dairy products shall be protected from
7 contamination and decomposition while being received, processed,
8 handled, conveyed or held at a dairy plant. Dairy products shall
9 be received, processed, handled, conveyed and held in a manner
10 that keeps the products in a safe, wholesome and unadulterated
11 condition.

12 (2) STORAGE TEMPERATURES. (a) Raw grade A milk and grade
13 A dairy products received for processing at a dairy plant shall
14 be kept at a temperature of 45 degrees F. (7 degrees C.) or less
15 until pasteurized or, if pasteurization is not required, until
16 processed. This paragraph does not apply to raw grade A milk
17 received at a dairy plant within 2 hours after milking, provided
18 that the raw milk is held in compliance with par. (d).

19 (b) Except as provided under par. (a), raw milk and other
20 dairy products received for processing at a dairy plant shall be
21 kept at a temperature of 50 degrees F. (10 degrees C.) or less
22 until pasteurized or, if pasteurization is not required, until
23 processed. This paragraph does not apply to raw milk received at
24 a dairy plant within 2 hours after milking, provided that the raw
25 milk is held in compliance with par. (d).

26 (c) Pasteurized grade A dairy products, after being

1 pasteurized, shall be cooled to a temperature of 45 degrees F. (7
2 degrees C.) or less, and shall then be kept at that temperature
3 at all times. This paragraph does not apply to a grade A
4 cultured dairy product while being cultured, to a dried milk
5 product, or to a grade A dairy product that is sterilized and
6 packaged in a hermetically sealed package.

7 (d) No milk or dairy product may be held at a dairy plant
8 for more than 4 hours at a temperature that is higher than 45
9 degrees F. (7 degrees C.) and lower than 140 degrees F. (60
10 degrees C.). This paragraph does not apply to grade A cultured
11 dairy products while being cultured, dried dairy products, butter
12 micro-fixing, cheese while being cured or ripened, grade A dairy
13 products that are sterilized and packaged in hermetically sealed
14 packages, or other dairy products for which the department
15 authorizes different holding temperatures in writing.

16 (3) PASTEURIZATION. Dairy products shall be pasteurized in
17 compliance with subch. V.

18 (4) STORING DAIRY PRODUCTS AND INGREDIENTS. (a) Areas
19 used to store dairy products and ingredients shall be kept in a
20 clean, sanitary and orderly condition, free from conditions that
21 may adulterate dairy products or dairy product ingredients.

22 (b) Dairy products shall be stored at temperatures
23 specified under sub. (2). Other potentially hazardous foods,
24 including potentially hazardous ingredients used in dairy
25 products, shall be stored at safe temperatures.

26 (c) Dairy products and ingredients shall be stored in an

1 orderly manner, so that storage areas can be easily inspected and
2 cleaned. Dairy products and ingredients may not be stored under
3 conditions that may cause adulteration. Storage areas shall be
4 constructed and maintained so that waste liquids do not
5 accumulate in those areas.

6 (d) Dairy products and ingredients may not be stored in a
7 manner which may attract or harbor pests. No pesticides or other
8 toxic materials may be stored in a manner that may contaminate
9 dairy products, dairy product ingredients or packaging materials.

10 (5) REPROCESSING AND DISPOSAL OF DAIRY PRODUCTS. (a) A
11 dairy plant operator may not reprocess, for use in any dairy
12 product, packaged grade A dairy products that have left the
13 custody of the dairy plant or that have originated from another
14 dairy plant. This does not prohibit either of the following:

15 1. The use, as ingredients, of packaged dairy products that
16 are specifically manufactured and packaged for use as ingredients
17 in other dairy products.

18 2. Reprocessing specifically authorized in writing by the
19 department, under terms and conditions specified by the
20 department.

21 (b) A dairy plant operator shall discard any packaged grade
22 A dairy products that are returned to a dairy plant by a
23 wholesaler or retailer. Pending disposal, returned grade A dairy
24 products shall be kept in an area which is clearly designated as
25 a holding area for returned products. The holding area shall be
26 separate from other areas used for the receipt, storage or

1 processing of dairy products.

2 (c) A dairy plant operator shall discard all milk and dairy
3 products that have spilled, overflowed or leaked from equipment,
4 utensils or packages. This paragraph does not apply to milk and
5 dairy products caught and collected in a sanitary manner, in
6 equipment specifically designed for that purpose.

7 (d) A dairy plant operator may reprocess dairy products
8 collected from a packaging defoamer system, or drained from
9 processing equipment at the end of a run, if those dairy products
10 are collected and handled in a sanitary manner, held at a
11 temperature of 45 degrees F. (7 degrees C.) or less, and
12 repasteurized.

13 (6) DAIRY PRODUCTS INTENDED FOR NON-FOOD USE. Milk and
14 dairy products not intended for human consumption shall be
15 clearly and conspicuously labeled as being not for use as human
16 food. No person may repackage or sell, for use as human food,
17 any milk or dairy products labeled or intended for non-food use.

18 NOTE: The manufacture and sale of animal feed is subject to
19 separate licensing and regulation under s. 94.72,
20 Stats.
21

22 (7) RECONSTITUTED OR COMMINGLED DAIRY PRODUCTS;
23 PASTEURIZATION. (a) A dairy plant operator shall pasteurize
24 reconstituted or recombined dairy products after those dairy
25 products are reconstituted or recombined, except where the
26 resulting product is exempt from pasteurization under s. ATCP
27 80.40(2).

28 (b) A dairy plant operator may not commingle pasteurized

1 dairy products with unpasteurized milk or dairy products unless
2 the dairy plant operator pasteurizes the resulting product or the
3 resulting product is exempt from pasteurization under s. ATCP
4 80.40(2).

5 (c) A dairy plant operator shall take effective measures to
6 prevent cross contamination between pasteurized and unpasteurized
7 dairy products.

8 (8) PRESSURIZED AIR AND STEAM; CONTACT WITH DAIRY PRODUCTS.
9 Pressurized air and steam coming in contact with a dairy product
10 or product contact surface shall be clean, safe and free of
11 contaminants. The system used to generate and supply pressurized
12 air and steam shall comply with applicable "3-A Sanitary
13 Standards" and "3-A Accepted Practices" listed in APPENDIX A to
14 this chapter.

15 NOTE: The "3-A Sanitary Standards" and "3-A Accepted
16 Practices" listed in APPENDIX A are published jointly
17 by the International Association of Milk, Food and
18 Environmental Sanitarians, Inc., and the Food and Drug
19 Administration, Public Health Service, United States
20 Department of Health and Human Services. Copies are on
21 file with the department, the secretary of state and
22 the revisor of statutes. Copies may be purchased from
23 the International Association of Milk, Food and
24 Environmental Sanitarians, Inc., 6200 Aurora Avenue,
25 Suite 200 W., Des Moines, Ia 50322.

26
27 (9) FIRE, FLOOD OR CASUALTY DAMAGE. If a dairy product or
28 ingredient is subjected to possible contamination in a fire,
29 flood or other casualty, no person may sell or reprocess that
30 product or ingredient for human consumption unless the department
31 first inspects the product or ingredient and authorizes its sale
32 or reprocessing for human consumption. A dairy plant operator

1 shall notify the department whenever dairy products or
2 ingredients in the operator's possession have been subjected to
3 possible damage or contamination because of fire, flood or other
4 casualty.

5
6 **SUBCHAPTER IV**

7 **MILK QUALITY; TESTING**

8 **ATCP 80.24 MILK QUALITY STANDARDS.** (1) RAW MILK FROM
9 DAIRY FARMS. Raw milk from dairy farms shall comply with the
10 milk quality standards specified under s. ATCP 60.15.

11 (2) MILK HELD AT DAIRY PLANT; BACTERIAL COUNT. The
12 bacterial count of grade A milk held at a dairy plant prior to
13 pasteurization may not exceed 300,000 per ml. The bacterial
14 count of grade B milk held at a dairy plant prior to
15 pasteurization or processing may not exceed 750,000 per ml.

16 (3) PASTEURIZED DAIRY PRODUCTS. (a) The bacterial count
17 of pasteurized milk and dairy products may not exceed 20,000 per
18 ml. This paragraph does not apply to cultured dairy products or
19 frozen desserts containing nuts or other bulky flavors.

20 (b) The coliform count of pasteurized dairy products, other
21 than cultured dairy products, may not exceed 10 per milliliter.

22 (c) In pasteurized milk or dairy products, there shall be
23 less than one microgram of phosphatase per ml. as determined by
24 the Sharer rapid method, or less than 500 milliunits of
25 phosphatase per liter as determined by the fluorometric
26 procedure.

1 (4) FORTIFIED DAIRY PRODUCTS. Whenever milk or a fluid
2 milk product is fortified with vitamin A or D, the fortification
3 shall comply with Appendix O to the "Grade A Pasteurized Milk
4 Ordinance -- 1993 Recommendations of the United States Public
5 Health Service/Food and Drug Administration."

6 NOTE: Copies of Appendix O to the "Grade A Pasteurized Milk
7 Ordinance -- 1993 Recommendations of the United States
8 Public Health Service/Food and Drug Administration" are
9 on file with the department, the secretary of state and
10 the revisor of statutes. Copies may be obtained from
11 the department at cost.
12

13 **ATCP 80.26 MILK QUALITY TESTING. (1) REQUIRED TESTING.**

14 (a) A dairy plant operator shall test raw milk from dairy farms
15 as required under subch. IV of ch. ATCP 60.

16 NOTE: Under subch. IV of ch. ATCP 60, a dairy plant
17 operator must perform milk quality tests including bacteria
18 counts, drug residue tests and somatic cell tests. A dairy
19 plant operator or milk hauler must also screen milk for
20 coarse sediments. A dairy plant operator must report test
21 results and reject milk shipments as required.
22

23 (b) A dairy plant operator shall test milk and dairy
24 products held or processed at a dairy plant for compliance with
25 standards specified under s. ATCP 80.24(2) and (3). The dairy
26 plant operator shall test the milk and dairy products as often as
27 necessary to provide reasonable statistical assurance of
28 compliance.

29 (2) PAYMENT BASED ON MILK COMPONENT TESTS. No dairy plant
30 operator may adjust the price paid to any milk producer based on
31 the results of any milk component test or somatic cell test
32 unless the dairy plant operator does both of the following:

33 (a) Bases the price adjustment on the arithmetic average of

1 all test results obtained for that producer during the pay period
2 to which the price adjustment applies.

3 (b) Tests at least 3 milk shipments from that producer at
4 regular intervals throughout the pay period to which the price
5 adjustment applies, or tests composite samples representing all
6 milk shipments from that producer during that pay period.

7 **ATCP 80.28 PERSONS AUTHORIZED TO PERFORM MILK QUALITY**

8 **TESTS.** (1) GENERAL. (a) Except as provided under par. (b),
9 milk quality tests shall be performed in a laboratory that is
10 both of the following:

11 1. Approved by the department to conduct milk quality
12 tests.

13 2. Certified by the state of Wisconsin department of health
14 and social services under s. 143.15, Stats., or by an equivalent
15 certifying agency in another state, to conduct milk quality
16 tests.

17 NOTE: A "milk quality test," as defined under s. ATCP
18 80.01(23), means a bacteria count, somatic cell count,
19 drug residue test, milk component test, or other
20 analytical test which is used to determine compliance
21 with milk quality standards under s. ATCP 80.24, or
22 which may affect the price that a dairy plant operator
23 pays a milk producer for milk.

24
25 Laboratory evaluation forms used in certifying
26 laboratories under s. 143.15, Stats., may be obtained
27 from the department or from the Laboratory
28 Certification Officer, Wisconsin Department of Health
29 and Social Services, 1414 E. Washington Avenue, Room
30 96, Madison, WI 53703.

31
32 (b) Bulk load tests for drug residues under s. ATCP
33 60.19(2) shall be conducted at the receiving dairy plant by
34 either of the following:

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

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

7 NOTE: Approval of individuals to perform drug residue tests
8 will become effective only after a certification
9 program for individuals is developed by the Wisconsin
10 department of health and social services.
11

12 (c) The department may withdraw its approval under par. (a)
13 or (b) for cause, regardless of whether the department of health
14 and social services withdraws its certification. Cause may
15 include false or inaccurate test results or reports, or failure
16 to conduct tests according to required procedures.

17 (2) MILK COMPONENT TESTING; LICENSED TESTER. (a) No
18 person may perform any milk component test unless that person is
19 licensed to perform milk component tests, either as a buttermaker
20 or cheesemaker under s. 97.17, Stats., or as a milk and cream
21 tester under s. 98.145, Stats.

22 (b) No person may use an automated testing device to
23 perform any milk component test unless that person is trained and
24 qualified to use automated testing devices, and that fact is
25 stated on his or her license under s. 97.17 or 98.145, Stats.

26 NOTE: A "milk component test," as defined under s. ATCP
27 80.01(20), means a test which determines the amount of
28 milkfat, protein, total solids, solids-not-fat or other
29 valuable components in milk, and which may affect the
30 price that a dairy plant operator pays a milk producer
31 for milk.
32

1 ATCP 80.30 TEST SAMPLES. (1) GENERAL. (a) Whenever a
2 dairy plant operator performs a milk quality test on a bulk milk
3 shipment from a milk producer, the dairy plant operator shall
4 perform that milk quality test on a test sample collected under
5 s. ATCP 82.12.

6 (b) Whenever a dairy plant operator performs a milk quality
7 test on a can milk shipment from a milk producer, the dairy plant
8 operator shall perform that milk quality test on a test sample
9 collected under sub. (3).

10 (c) Notwithstanding pars. (a) and (b), a dairy plant
11 operator may use a composite sample under sub. (4) to perform a
12 Babcock test for milkfat, or to perform another milk quality test
13 approved by the department under sub. (4). A composite sample
14 shall be compiled from fresh milk samples collected under par.
15 (a) or (b).

16 (d) This subsection does not apply to a bulk load test for
17 drug residues under s. ATCP 60.19(2),

18 (2) TEST SAMPLES REFRIGERATED. At all times prior to
19 testing, a test sample under sub. (1) shall be kept refrigerated
20 at a temperature of 32 to 40 degrees F. (0 to 4 degrees C.).
21 Test samples kept at a dairy plant or testing laboratory shall be
22 kept in a refrigerated storage facility used only for storing
23 test samples and laboratory supplies.

24 (3) COLLECTING TEST SAMPLES FROM CAN MILK SHIPMENTS. (a)
25 If a producer ships milk to a dairy plant in cans, rather than in
26 bulk, the dairy plant operator shall collect a test sample from

1 each milk shipment immediately after that milk shipment is
2 transferred to the weigh tank at the dairy plant, and before it
3 is commingled with any other milk shipment. The weigh tank shall
4 be constructed so that milk poured into the weigh tank is
5 completely mixed.

6 (b) If a weigh tank is not large enough to accommodate a
7 producer's entire milk shipment, so that multiple weighings are
8 needed, the dairy plant operator shall divide the shipment as
9 evenly as possible between weighings and collect a sample from
10 each weighing. The samples, which shall be of equal volume,
11 shall be combined to form a single sample representing the entire
12 shipment from the producer. The dairy plant operator may not
13 split the contents of any single can of milk between weighings,
14 but shall include all of the contents of that can in the same
15 weighing.

16 (4) COMPOSITE SAMPLES. (a) A dairy plant operator may use
17 a composite sample to perform a Babcock test for milkfat, but may
18 not perform any other milk quality test on a composite sample
19 except with the department's written authorization. A composite
20 sample shall be compiled according to this subsection.

21 (b) A composite sample shall include a representative
22 sample of milk from each of 2 or more milk shipments represented
23 by the composite sample. No composite sample may include milk
24 from more than 16 milk shipments. Each component sample included
25 in the composite sample shall have the same volume, and shall
26 include at least 10 ml. of milk. A composite sample shall

1 include at least 150 ml. of milk.

2 (c) A composite sample container shall have a capacity of
3 at least 240 ml. The composite sample container shall include an
4 effective permanent closure that is attached to the container.
5 The composite sample container shall be marked to identify the
6 producer and the milk shipments represented in the composite
7 sample.

8 (d) A composite sample representing a producer's bulk milk
9 shipments shall be compiled from fresh milk samples collected
10 from those shipments under s. ATCP 82.12. On the same day that a
11 producer's bulk milk shipment is received by the dairy plant
12 operator, or by 12:00 noon of the following day, the dairy plant
13 operator shall transfer, to the composite sample, at least 10 ml.
14 of milk from the sample collected from that milk shipment under
15 s. ATCP 82.12.

16 (e) A composite sample representing a producer's can milk
17 shipments shall be compiled from milk samples collected from
18 those shipments according to sub. (3).

19 (f) A dairy plant operator shall preserve a composite
20 sample by adding potassium dichromate, or another preservative
21 approved by the department, to the composite sample. Not less
22 than 100 mg., nor more than 190 mg. of potassium dichromate may
23 be used in each composite sample to obtain a concentration of 20
24 mg. per 30 ml. of milk in the completed sample.

25 NOTE: Potassium dichromate is available in tablets
26 containing 40 mg. of active ingredient per tablet. The
27 use of these tablets at the rate of one tablet per 2
28 fl. oz. of milk in a completed composite sample is

1 equivalent to the concentration specified under par.
2 (f). Labeling requirements and limitations on the
3 disposal of milk samples preserved with potassium
4 dichromate are contained in s. ATCP 29.05(1)(b). Milk
5 samples treated with potassium dichromate are also
6 considered hazardous wastes under chs. NR 600 to 685.
7

8 **ATCP 80.32 TEST METHODS.** (1) GENERAL. Milk quality tests
9 shall be performed using one of the following methods, subject to
10 additional requirements under subs. (2) to (6):

11 (a) A method described in the American Public Health
12 Association, Inc., "Standard Methods for the Examination of Dairy
13 Products," 16th edition.

14 (b) A method described in the "Official Methods of Analysis
15 of the Association of Official Analytical Chemists," 15th
16 edition.

17 (c) A method approved in writing by the department.

18 NOTE: To be certified under s. 143.15, Stats., a laboratory
19 must also comply with methods specified by the United
20 States Public Health Service/Food and Drug
21 Administration in "Evaluation of Milk Laboratories,"
22 1985 revision. In some cases these methods are more
23 detailed than the methods specified under pars. (a) and
24 (b). Laboratory evaluation forms incorporating these
25 methods (FDA 2400 series laboratory evaluation forms,
26 1993 revision) are available from the department or
27 from the Laboratory Certification Officer, Wisconsin
28 Department of Health and Social Services, 1414 E.
29 Washington Avenue, Room 96, Madison, WI 53703.
30

31 The American Public Health Association, Inc., "Standard
32 Methods for the Examination of Dairy Products," 16th
33 edition, is on file in the offices of the department,
34 the secretary of state, and the revisor of statutes,
35 and may be obtained from the American Public Health
36 Association, Inc., 1015 Eighteenth Street, N.W.,
37 Washington, D.C. 20036.
38

39 The "Official Methods of Analysis of the Association of
40 Official Analytical Chemists," 15th edition, is on file
41 in the offices of the department, the secretary of
42 state and the revisor of statutes, and may be obtained

1 from the Association of Official Analytical Chemists,
2 International, 1970 Chain Bridge Road, Dept. 0742,
3 McLean, VA 22109-0742.
4

5 (2) MILKFAT TEST METHODS. (a) Milkfat tests shall be
6 performed using the Babcock method, the ether extraction method,
7 or another test method approved by the department. Babcock and
8 ether extraction tests shall be conducted according to the
9 "Official Methods of Analysis of the Association of Official
10 Analytical Chemists," 15th edition, except as provided under par.
11 (b).

12 (b) Each milk sample tested by the Babcock method shall be
13 agitated for at least 3 minutes by the use of a mechanical
14 agitator after pipetting the sample and adding sulfuric acid
15 according to the procedure prescribed under par. (a). A reader,
16 such as a needlepoint divider or other mechanical divider, which
17 accurately determines milkfat level in a test bottle shall be
18 used in reading all Babcock tests. All Babcock test readings
19 shall be made against a light-colored surface with adequate
20 natural or artificial light. The Babcock test shall be read to
21 the nearest 0.05% by weight.

22 (3) BACTERIA COUNTS. Bacteria counts required under s.
23 ATCP 60.18 and bacteria counts that may affect the amount paid to
24 a milk producer shall be obtained by means of a standard plate
25 count (SPC), plate loop count (PLC) or petri film aerobic count
26 method.

27 (4) DRUG RESIDUES. Drug residue tests required under s.
28 ATCP 60.19 shall be performed according to s. ATCP 60.19.

1 (5) SOMATIC CELLS. Somatic cell counts required under s.
2 ATCP 60.20 and somatic cell counts that may affect the amount
3 paid to a milk producer shall be obtained by means of a direct
4 microscopic somatic cell count (DMSCC) or an optical somatic cell
5 count (OSCC). The Pyronin Y-Methyl green stain test may be used
6 in place of a DMSCC or OSCC for goat or sheep milk, and shall be
7 used to confirm a DMSCC or OSCC on goat or sheep milk that
8 exceeds 1,000,000.

9 (6) TESTING DEADLINES. A milk quality test shall be
10 completed within the time period specified by the test method.

11 **ATCP 80.34 MILK COMPONENT TESTING DEVICES. (1) GENERAL.**

12 If an automated testing device is used to perform a milk
13 component test for any milk component, that device shall be
14 calibrated and regularly checked to ensure that it accurately
15 tests for that milk component.

16 NOTE: As defined under s. ATCP 80.01(20), "milk component
17 test" means a test which determines the amount of
18 milkfat, protein, total solids, solids-not-fat or other
19 valuable components in milk, and which may affect the
20 price that a dairy plant operator pays a milk producer
21 for milk.
22

23 (2) CALIBRATION. (a) Requirement. If an automated
24 testing device is used to test for milkfat, protein, total solids
25 or solids-not-fat in milk, and if the test results may affect the
26 price paid to a milk producer, the testing device shall be
27 calibrated according to this subsection. The testing device
28 shall be calibrated, for each relevant milk component, by a
29 tester who is licensed under s. 97.17 or 98.145, Stats., to
30 operate that device.

1 NOTE: See s. ATCP 80.28(2).

2 (b) Calibration frequency. A milk component testing device
3 under par. (a) shall be calibrated at all of the following times:

4 1. Upon installation.

5 2. At regular 3 month intervals after installation.

6 3. Immediately after every significant repair or alteration
7 to the testing device.

8 4. Whenever the mean difference on a daily performance
9 check under sub. (3) exceeds plus or minus 0.044 percent for
10 milkfat or protein, or 0.084 percent for total solids or solids-
11 not-fat.

12 (c) Calibration procedure. To calibrate a milk component
13 testing device under par. (a), a tester shall use the device to
14 test a set of calibration samples under par. (d). The milk
15 component testing device shall be adjusted, as necessary, to
16 satisfy all of the following requirements:

17 1. The performance error on each calibration sample shall
18 be as near as practicable to zero. The performance error is the
19 difference between the known percentage content of each milk
20 component in the calibration sample, as determined by the sample
21 provider, and the percentage content as measured by the testing
22 device.

23 2. The mean difference for the entire set of calibration
24 samples shall be as near as practicable to zero, and shall not
25 exceed plus or minus 0.044 percent for milkfat or protein, or
26 0.084 percent for total solids or solids-not-fat. The mean

1 difference is the sum of the performance errors for the
2 individual calibration samples, divided by the number of samples
3 in the set.

4 3. The standard deviation of test results, calculated for
5 the set of calibration samples according to the formula set forth
6 in the "Official Methods of Analysis of the Association of
7 Official Analytical Chemists," 15th edition, section 969.16,
8 shall not exceed 0.044 percent for milkfat or protein, or 0.084
9 percent for total solids or solids-not-fat.

10 Note: The "Official Methods of Analysis of the Association
11 of Official Analytical Chemists," 15th edition, is on
12 file with the department, the secretary of state, and
13 the revisor of statutes, and may be obtained from the
14 Association of Official Analytical Chemists
15 International, 1970 Chain Bridge Road, Dept. 0742,
16 McLean, VA 22109-0742.

17
18 (d) Calibration samples. A set of calibration samples
19 shall be obtained from the department or another sample provider
20 approved by the department. A set of calibration samples shall
21 consist of at least 12 individual samples, each of which complies
22 with all of the following requirements:

23 1. Each sample shall consist of milk from a single herd.
24 The sample provider may modify a sample, as necessary, by adding
25 milk from another herd, except that the sample provider may not
26 modify more than 10 percent of the samples in a set.

27 2. Each sample in a set shall be obtained from a different
28 herd.

29 3. Each sample shall be not more than 21 days old.

30 4. Each sample shall be a fresh milk sample preserved with

1 bronopol (2-bromo-2-nitro-1,3-propanediol) or another approved
2 preservative. Preservative methods, formulations and
3 concentrations shall be approved by the department.

4 5. Each sample shall have a known percentage content of
5 each relevant milk component, determined by the sample provider
6 under subs. (5) to (8).

7 (3) DAILY PERFORMANCE CHECK. (a) Requirement. If an
8 automated testing device is used to test for milkfat, protein,
9 total solids or solids-not-fat in milk, and if the test results
10 may affect the price paid to a milk producer, the device shall be
11 subjected to a daily performance check before each day's testing.
12 The daily performance check shall be conducted, for each relevant
13 milk component, by a tester who is licensed under s. 97.17 or
14 98.145, Stats., to operate the testing device.

15 (b) Procedure. To conduct a daily performance check under
16 par. (a), a tester shall test a set of daily performance check
17 samples under par. (d). Based on the daily performance check,
18 the tester shall do both of the following:

19 1. Determine the performance error of the testing device
20 with respect to each daily performance check sample. The
21 performance error is the difference between the known percentage
22 content of each milk component in that sample, as determined by
23 the sample provider, and the percentage content as measured by
24 the testing device.

25 2. Based on the performance errors for the individual
26 samples under subd. 1, calculate the mean difference for the set

1 of daily performance check samples. The mean difference is the
2 sum of the performance errors for the individual samples, divided
3 by the number of samples in the set.

4 (c) Calibration based on daily performance check. If, on a
5 daily performance check under par. (a), the mean difference
6 calculated under par. (b)2 exceeds plus or minus 0.044 percent
7 for milkfat or protein, or 0.084 percent for total solids or
8 solids-not-fat, the testing device shall not be used until it is
9 recalibrated under sub. (2).

10 (d) Daily performance check samples. A set of daily
11 performance check samples shall be obtained from the department
12 or another sample provider approved by the department. A set
13 shall consist of at least 5 individual samples, each of which
14 complies with all of the following requirements:

15 1. Each sample shall consist of milk from a single herd.
16 The sample provider may modify a sample, as necessary, by adding
17 milk from another herd, except that the sample provider may not
18 modify more than 20 percent of the samples in a set.

19 2. Each sample in set shall be obtained from a different
20 herd.

21 3. Each sample shall be not more than 21 days old.

22 4. Each sample shall be a fresh milk sample preserved with
23 bronopol (2-bromo-2-nitro-1,3-propanediol) or another approved
24 preservative. Preservative methods, formulations and
25 concentrations shall be approved by the department.

26 5. Each sample shall have a known percentage content of

1 each relevant milk component, determined by the sample provider
2 under subs. (5) to (8).

3 (4) REFERENCE CHECKS. (a) Requirement. If an automated
4 testing device is used to test for milkfat, protein, total solids
5 or solids-not-fat in milk, and if the test results may affect the
6 price paid to a milk producer, that device shall be subjected to
7 a daily reference check under par. (b) and hourly reference
8 checks under par. (c).

9 (b) Daily reference check. 1. A daily reference check
10 shall be conducted before each day's testing, at the same time
11 that the dairy plant operator conducts the daily performance
12 check under sub. (3). The daily reference check shall be
13 conducted, for each relevant milk component, by a tester who is
14 licensed under s. 97.17 or 98.145, Stats., to operate the testing
15 device.

16 2. To perform a daily reference check, a tester shall
17 perform 10 tests on a reference sample. The reference sample may
18 be a homogenized milk sample prepared by the dairy plant
19 operator, or it may be a daily performance check sample obtained
20 from the department or another approved source under sub. (3)(d).
21 The 10 test results shall be averaged, and the average result
22 shall be used as a comparison value for the hourly reference
23 checks under par. (c).

24 (c) Hourly reference checks. 1. An hourly reference check
25 shall be conducted, for each milk component, before each hour's
26 testing for that component. To conduct an hourly reference

1 check, a tester shall test the same reference sample used for the
2 daily reference check under par. (b).

3 2. For each relevant milk component, the hourly reference
4 check result shall be compared to the average result obtained on
5 the daily reference check under par. (b). If an hourly reference
6 check result differs from the average result on the daily
7 reference check by more than 0.034 percent for milkfat or
8 protein, or 0.064 percent for total solids or solids-not-fat, the
9 testing device shall not be used until the condition causing the
10 difference is found and corrected. Test results obtained before
11 the device is corrected, and subsequent to the last previous
12 conforming reference check, shall not be used in determining the
13 amount paid to milk producers.

14 (5) CALIBRATION AND DAILY PERFORMANCE CHECK SAMPLES;
15 MILKFAT CONTENTS. (a) The provider of a calibration sample
16 under sub. (2) or a daily performance check sample under sub. (3)
17 shall determine the known percentage content of milkfat in that
18 sample by averaging the results of 3 milkfat tests using a method
19 specified under par. (d). The results from those 3 milkfat tests
20 shall not vary by more than 0.034 percent.

21 (b) The known milkfat content of a calibration sample,
22 expressed as a percentage of the sample weight, shall be at least
23 2.5 percent. Within a set of calibration samples, the difference
24 in known milkfat content between the lowest milkfat sample and
25 the highest milkfat sample, expressed as a percentage of average
26 sample weight, shall be at least 2.5 percent.

1 (c) The known milkfat content of a daily performance check
2 sample, expressed as a percentage of the sample weight, shall be
3 at least 2.8 percent. Within a set of daily performance check
4 samples, the difference in known milkfat content between the
5 lowest milkfat sample and the highest milkfat sample, expressed
6 as a percentage of average sample weight, shall be at least 1.5
7 percent.

8 (d) To determine the milkfat content of a calibration
9 sample or daily performance check sample, the sample provider
10 shall use either a manual or robotic version of the Modified
11 Majonnier method as described in the "Official Methods of
12 Analysis of the Association of Official Analytical Chemists,"
13 15th edition, s. 989.05.

14 Note: The "Official Methods of Analysis of the Association
15 of Official Analytical Chemists," 15th edition, is on
16 file with the department, the secretary of state and
17 the revisor of statutes, and may be obtained from the
18 Association of Official Analytical Chemists
19 International, 1970 Chain Bridge Road, Dept. 0742,
20 McLean, VA 22109-0742.

21 (6) CALIBRATION AND DAILY PERFORMANCE CHECK SAMPLES;
22
23 PROTEIN CONTENTS. (a) The provider of a calibration sample
24 under sub. (2) or a daily performance check sample under sub. (3)
25 shall determine the known percentage content of protein in that
26 sample by averaging the results of 3 protein tests using the
27 method specified under par. (c). The results from those 3
28 protein tests shall not vary by more than 0.034 percent.

29 (b) The known protein content of a calibration or daily
30 performance check sample, expressed as a percentage of sample

1 weight, shall be at least 2.7 percent. Within a set of
2 calibration samples, the difference in known protein content
3 between the lowest protein sample and the highest protein sample,
4 expressed as a percentage of average sample weight, shall be at
5 least 0.7 percent. Within a set of daily performance check
6 samples, the difference in known protein content between the
7 lowest protein sample and the highest protein sample, expressed
8 as a percentage of average sample weight, shall be at least 0.5
9 percent.

10 (c) To determine the protein content of a calibration
11 sample or daily performance check sample, the sample provider
12 shall use the traditional or block digester/steam distillation
13 Kjeldahl method as described in the "Official Methods of Analysis
14 of the Association of Official Analytical Chemists," 15th
15 edition, s. 991.20.

16 Note: The "Official Methods of Analysis of the Association
17 of Official Analytical Chemists," 15th edition, is on
18 file with the department, the secretary of state and
19 the revisor of statutes, and may be obtained from the
20 Association of Official Analytical Chemists
21 International, 1970 Chain Bridge Road, Dept. 0742,
22 McLean, Va 22109-0742.
23

24 (7) CALIBRATION AND DAILY PERFORMANCE CHECK SAMPLES; TOTAL
25 SOLIDS. (a) The provider of a calibration sample under sub.
26 (2) or a daily performance check sample under sub. (3) shall
27 determine the known percentage content of total solids in that
28 sample by averaging the results of 3 total solids tests using the
29 method specified under par. (c). The results from those 3 total
30 solids tests shall not vary by more than 0.054 percent.

1 (b) The known total solids content of a calibration or
2 daily performance check sample, expressed as a percentage of
3 sample weight, shall be at least 11 percent. Within a set of
4 calibration samples, the difference in known total solids content
5 between the lowest total solids sample and the highest total
6 solids sample, expressed as a percentage of average sample
7 weight, shall be at least 2.00 percent. Within a set of daily
8 performance check samples, the difference in known total solids
9 content between the lowest total solids sample and the highest
10 total solids sample, expressed as a percentage of average sample
11 weight, shall be at least 1.5 percent.

12 (c) To determine the total solids content of a calibration
13 sample or daily performance check sample, the sample provider
14 shall use the direct forced air oven drying method as described
15 in the "Official Methods of Analysis of the Association of
16 Official Analytical Chemists," 15th edition, 1st supplement, s.
17 990.20.

18 Note: The "Official Methods of Analysis of the Association
19 of Official Analytical Chemists," 15th edition, is on
20 file with the department, the secretary of state and
21 the revisor of statutes, and may be obtained from the
22 Association of Official Analytical Chemists
23 International, 1970 Chain Bridge Road, Dept. 0742,
24 McLean, VA 22109-0742.
25

26 (8) CALIBRATION AND DAILY PERFORMANCE CHECK SAMPLES;
27 SOLIDS-NOT-FAT. The provider of a calibration sample under sub.
28 (2) or a daily performance check sample under sub. (3) shall
29 calculate the known percentage content of solids-not-fat in that
30 sample by subtracting the percent fat as determined under sub.

1 (5) from the total solids for that sample as determined under
2 sub. (7). The calculation method shall be that described in the
3 "Official Methods of Analysis of the Association of Official
4 Analytical Chemists," 15th edition, 1st supplement, s. 990.21.

5 Note: The "Official Methods of Analysis of the Association
6 of Official Analytical Chemists," 15th edition, is on
7 file with the department, the secretary of state and
8 the revisor of statutes, and may be obtained from the
9 Association of Official Analytical Chemists
10 International, 1970 Chain Bridge Road, Dept. 0742,
11 McLean, VA 22109-0742.
12

13 (9) TESTING DEVICES; CONSTANT VOLTAGE. A constant voltage
14 regulator shall be connected to, or form a part of, every milk
15 component testing device that is in line with a single phase 115
16 or 220 volt power supply.

17 (10) RECORDS RELATED TO CALIBRATIONS, DAILY PERFORMANCE
18 CHECKS AND REFERENCE CHECKS. (a) A dairy plant operator shall
19 keep a record of every calibration, performance check or
20 reference check conducted on a milk component testing device
21 under this section.

22 (b) Every record required under par. (a) shall be signed by
23 the licensed tester who made the record. Calibration records
24 shall be kept separate from performance check and reference check
25 records.

26 (11) ACCURACY OF DEVICES; DEPARTMENT AUDIT. The department
27 may audit the accuracy of milk component testing devices using
28 test samples prepared by the department under subs. (5) to (8).

29 **ATCP 80.36 MILK QUALITY TEST RECORDS AND REPORTS. (1)**

30 TEST RECORDS; GENERAL. (a) A person performing a milk quality

1 test shall immediately record the test result and sign the test
2 record. The test record shall specify the date of the test, the
3 identification number of the milk producer, and the milk shipment
4 from which the milk sample was collected.

5 (b) No test record may be altered except that errors, if
6 any, may be corrected by striking through the original entry and
7 inserting the correct entry immediately adjacent to the original.
8 A corrected entry shall be initialed by the person who made the
9 corrected entry.

10 (c) The department may authorize a dairy plant to keep test
11 records in electronic form if the department finds that all of
12 the following requirements are met:

13 1. The records are effectively secured against loss or
14 tampering.

15 2. The records can be readily retrieved for inspection by
16 the dairy plant operator and the department.

17 3. The person who performs the test identifies himself or
18 herself on the test record, by an electronic method that is
19 equivalent to a personal signature.

20 4. If an erroneous test record is corrected, the correction
21 is identified so that the reader can easily compare the corrected
22 record to the original record.

23 (2) REQUIRED TESTS; REPORTS. A dairy plant operator shall
24 report the results of milk quality tests required under subch. IV
25 of ch. ATCP 60, as required under that subchapter.

26 (3) RECORDS RETAINED BY DAIRY PLANT OPERATOR. A dairy

1 plant operator shall retain records required under this section
2 for at least one year, and shall make the records available for
3 inspection and copying by the department upon request.

4 **ATCP 80.38 FALSE SAMPLES, TEST RESULTS OR REPORTS.** No
5 person may do any of the following, or conspire with another
6 person to do any of the following:

7 (1) Falsely identify milk samples.

8 (2) Submit a false milk sample to the department, a dairy
9 plant operator or a testing laboratory.

10 (3) Falsify any milk quality test or test result.

11 (4) Make any false or misleading record or report related
12 to a milk quality test.

13 (5) Withhold any milk quality test report required under
14 subch. IV of ch. ATCP 60.

15
16 **SUBCHAPTER V**

17 **PASTEURIZATION**

18 **ATCP 80.40 PASTEURIZATION REQUIRED.** (1) Except as
19 provided under sub. (2), every dairy product shall be pasteurized
20 at the dairy plant where that dairy product is manufactured.

21 (2) Subsection (1) does not apply to any of the following:

22 (a) Raw milk shipped in bulk to another dairy plant for use
23 in manufacturing dairy products, provided that the raw milk
24 shipment is accompanied by a bill of lading that identifies the
25 milk as unpasteurized raw milk.

26 (b) A dairy product made entirely from dairy products that

1 have been pasteurized at the same dairy plant.

2 (c) Ice cream or frozen dessert made from pasteurized ice
3 cream mix or pasteurized frozen dessert mix, provided that no
4 unpasteurized dairy product is added to the pasteurized mix.

5 (d) A dairy product whose standard of identity provides
6 that the dairy product and its ingredients need not be
7 pasteurized.

8 (e) A dairy product that is sterilized and packaged in a
9 hermetically sealed package.

10 (f) Heat-treated cream, skim milk or lowfat milk shipped in
11 bulk to another dairy plant for use in manufacturing dairy
12 products, provided that the bulk shipment is accompanied by a
13 bill of lading that identifies the contents of the bulk shipment
14 as being unpasteurized and heat-treated. The heat-treated cream,
15 skim milk or lowfat milk may be heated not more than once for
16 separation purposes, to a temperature that is not less than 125
17 degrees F. (52 degrees C.) nor more than 161 degrees F. (72
18 degrees C.). Heat-treated cream may be heated further, up to a
19 temperature of 166 degrees F. (75 degrees C.) in a continuing
20 heating process, if further heating is necessary to deactivate
21 enzymes for functional reasons. Heat-treated cream, skim milk
22 and lowfat milk, after being heated, shall immediately be cooled
23 to a temperature of 45 degrees F. (7 degrees C.) or less.

24 (3) A dairy product pasteurized after January 1, 1997 shall
25 be pasteurized by, or under the direct supervision of, a
26 pasteurizer operator who has successfully completed at least one

1 of the following:

2 (a) A pasteurization training course of at least 8 hours
3 duration provided by the university of Wisconsin, or an
4 equivalent course approved by the department.

5 (b) A competency examination approved by the department.

6 **ATCP 80.42 LABELING PASTEURIZED AND UNPASTEURIZED PRODUCTS.**

7 (1) If a dairy product is pasteurized or made exclusively from
8 pasteurized ingredients, the label on every shipping container of
9 that dairy product shall clearly and conspicuously state that the
10 product is pasteurized. If a grade A dairy product is
11 pasteurized or made exclusively from pasteurized ingredients, the
12 label on every shipping container and consumer package of that
13 grade A dairy product shall clearly and conspicuously state that
14 the grade A dairy product is "pasteurized" or "ultrapasteurized."
15 Every label under this subsection shall also include the name and
16 address, or the unique identification number, of the dairy plant
17 where the dairy product was pasteurized.

18 (2) Except as provided under sub. (3) or (4), if a dairy
19 product is not pasteurized or made exclusively from pasteurized
20 ingredients, the label on every shipping container and consumer
21 package of that dairy product shall state that the product is
22 unpasteurized.

23 (3) Subsection (2) does not apply to cheese that meets all
24 of the following requirements:

25 (a) The standard of identity for the cheese provides that
26 the cheese may be made from unpasteurized dairy products.

1 (b) The cheese is held for at least 61 days before being
2 distributed for retail sale, or for further processing without
3 pasteurization.

4 (c) The label on every shipping container and consumer
5 package of cheese states that the cheese is "aged over 60 days."

6 (4) Subsection (2) does not apply to a dairy product that
7 is sterilized and sealed in a hermetically sealed container.

8 **ATCP 80.44 PASTEURIZATION TIME AND TEMPERATURE.** (1) If a
9 dairy product is required to be pasteurized under s. ATCP 80.40,
10 the dairy product shall be pasteurized according to this section
11 unless the department authorizes a different but equally
12 effective pasteurization method in writing. Every particle of
13 the dairy product to the required temperature and continuously
14 hold the product at or above the required temperature for the
15 required period of time. Pasteurization equipment shall be
16 equipped with accurate measuring, recording and control devices
17 to ensure that the time and temperature requirements under this
18 section are met.

19 (2) Dairy products identified in table 2, unless
20 ultrapasteurized under sub. (3), shall be pasteurized in a batch
21 pasteurizer or HTST pasteurizer at or above the temperature
22 specified in the table for at least the length of time specified
23 in the table.
24

TABLE 2: PASTEURIZATION REQUIREMENTS FOR
SELECTED DAIRY PRODUCTS

Product Group	Batch Pasteurization	HTST Pasteurization
(a) Milk, skim milk, or buttermilk	145° F. for 30 minutes	161° F. for 15 seconds
(b) Cream and fluid dairy products having more than 9% milkfat	150° F. for 30 minutes	166° F. for 15 seconds
(c) Cream for butter	166° F. for 30 minutes	185° F. for 15 seconds
(d) Condensed dairy products including condensed products in group (a) and blends of those products	155° F. for 30 minutes	166° F. for 15 seconds
(e) High total solids products (>16%)	155° F. for 30 minutes	166° F. for 15 seconds
(f) Frozen dessert mixes	155° F. for 30 minutes	175° F. for 25 seconds or 180° F. for 15 seconds
(g) Egg nog	155° F. for 30 minutes	175° F. for 25 seconds or 180° F. for 15 seconds
(h) Process cheese	150° F. for 30 seconds	----

(3) An ultrapasteurized dairy product shall be thermally processed at or above a temperature of 280° F. (138° C.) for at least 2 seconds in order to destroy microbes in the dairy product.

1 (4) Whey, whey protein concentrate, reduced mineral whey,
2 reduced lactose whey, sweet cream and whey cream buttermilk, when
3 condensed or dried, shall be pasteurized prior to final
4 condensing or drying, except that partially crystallized
5 condensed whey products containing 40% or more total solids, if
6 pasteurized before being condensed, need not be repasteurized
7 prior to final drying.

8 (5) If a dairy product standard of identity requires that
9 any ingredient of that product be pasteurized, the ingredient
10 shall be pasteurized in compliance with this section.

11 **ATCP 80.46 BATCH PASTEURIZATION.** Batch pasteurization
12 equipment shall be of the non-coil type. Batch pasteurization
13 equipment shall be constructed and operated so that
14 pasteurization complies with s. ATCP 80.44. Batch pasteurization
15 equipment shall be equipped with leak detector valves, recording
16 thermometers, mercury column product thermometers, and a
17 thermometer to record the temperature of the air space above the
18 product in the pasteurizer.

19 **ATCP 80.48 HIGH-TEMPERATURE SHORT-TIME (HTST)**
20 **PASTEURIZATION.** Pasteurization by means of high-temperature
21 short-time pasteurization shall comply with the standards set
22 forth in "3-A Accepted Practices for the Sanitary Construction,
23 Installation, Testing and Operation of High-Temperature
24 Short-Time and Higher Heat Shorter Time Pasteurizer Systems,"
25 standard 603-06 (December, 1992), published jointly by the
26 International Association of Milk, Food and Environmental

1 Sanitarians, Inc. and the Food and Drug Administration, Public
2 Health Service, United States Department of Health and Human
3 Services.

4 NOTE: Copies of the "3-A Accepted Practices for the Sanitary
5 Construction, Installation, Testing, and Operation of
6 High-Temperature Short-Time and Higher Heat Shorter
7 Time Pasteurizer Systems," standard 603-06 (December,
8 1992) may be obtained from the International
9 Association of Milk, Food and Environmental
10 Sanitarians, Inc., 6200 Aurora Ave., Suite 200 W., Des
11 Moines, IA 50010. Copies are on file with the
12 department, the secretary of state and the revisor of
13 statutes.
14

15 **ATCP 80.50 PASTEURIZATION RECORDS.** A dairy plant operator
16 shall keep pasteurization records for all dairy products
17 processed by a dairy plant. Records shall include, for each day
18 of pasteurization operations, all of the following:

19 (1) The types and amounts of dairy products pasteurized.

20 (2) The duration and temperature of each pasteurization
21 run.

22 (3) Lot codes or other information identifying the dairy
23 products pasteurized in each run.

24 (4) The name of the individual responsible for the
25 pasteurization operation.

26 (5) An entry verifying that the temperature recording chart
27 is accurate to within 1/2 degree F. when compared to the
28 indicating thermometer.

29 (6) Entries indicating product temperature whenever product
30 went into forward flow or diverted flow in an HTST pasteurization
31 system.

1 **ATCP 80.52 PASTEURIZER TESTING.** (1) GENERAL. The
2 department shall test and seal pasteurization systems according
3 to this section. Except as provided under sub. (6), no person
4 may use any pasteurization system to pasteurize grade A or grade
5 B dairy products unless that system bears the unbroken seals
6 applied by the department under sub. (5).

7 (2) TEST PROCEDURE. The department shall test grade A and
8 grade B pasteurization systems according to the procedure
9 specified in Appendix I of the "Grade A Pasteurized Milk
10 Ordinance -- 1993 Recommendations of the United States Public
11 Health Service/Food and Drug Administration."

12 NOTE: Appendix I of the "Grade A Pasteurized Milk Ordinance
13 -- 1993 Recommendations of the United States Public
14 Health Service/Food and Drug Administration" is on file
15 with the department, the secretary of state and the
16 revisor of statutes. Copies may be obtained from the
17 department at cost.
18

19 (3) TEST FREQUENCY; GRADE A PASTEURIZERS. The department
20 shall test each grade A pasteurization system at the following
21 times:

22 (a) Before the pasteurization system is first put into
23 operation.

24 (b) At least once every 3 months, except that a holding
25 time test may be conducted at least once every 6 months.

26 (c) Whenever a seal under sub. (5) is broken.

27 (4) TEST FREQUENCY; GRADE B PASTEURIZERS. The department
28 shall test a grade B pasteurization system at the following
29 times:

30 (a) Before the pasteurization system is first put into

1 operation.

2 (b) At least once every 12 months.

3 (c) Whenever a seal under sub. (5) is broken.

4 (5) DEPARTMENT SEALS. When the department's test confirms
5 that a pasteurization system is operating correctly, the
6 department shall apply seals that prevent any alteration of the
7 system that would allow any unpasteurized milk or dairy product
8 to flow through the system.

9 (6) BROKEN SEAL. (a) A dairy plant operator shall
10 immediately notify the department by telephone whenever the dairy
11 plant operator breaks a seal applied by the department under sub.
12 (5).

13 (b) A dairy plant operator may not operate a pasteurizer
14 after breaking a seal applied by the department under sub. (5)
15 unless all of the following conditions are met:

16 1. The dairy plant operator notifies the department under
17 par. (a).

18 2. The dairy plant operator determines and documents that
19 pasteurization time and temperature requirements under s. ATCP
20 80.44 are met. Time and temperature records required by s. ATCP
21 80.50 shall be retained for at least 6 months.

22 3. The dairy plant operator confirms, at least once during:
23 every 8 hours of operation, that pasteurized milk and dairy
24 products contain less than one microgram of phosphatase per ml.
25 as determined by the Sharer rapid method, or less than 500
26 milliunits of phosphatase per liter as determined by the

1 fluorometric procedure.

2 4. A pasteurizer operator qualified under s. ATCP 80.40(3)
3 is present to operate the pasteurizer, or to supervise its
4 operation.

5 (c) A dairy plant operator may not operate a pasteurizer
6 for more than 5 days after breaking a seal applied by the
7 department under sub. (5) unless one of the following occurs:

8 1. The department tests the pasteurizer and replaces the
9 broken seal.

10 2. A dairy plant operator or employee certified under sub.
11 (7) tests the pasteurizer and replaces the broken seal on an
12 interim basis, pending retesting and resealing by the department.

13 (7) EMERGENCY TESTING AND SEALING. (a) The department may
14 certify a dairy plant operator or employee to test and seal a
15 pasteurization system in that dairy plant on an emergency basis
16 under par. (b). To be certified under this paragraph, a dairy
17 plant operator or employee shall successfully complete a training
18 course approved by the department. The department may suspend or
19 revoke certification for cause.

20 (b) A dairy plant operator or employee certified under par.
21 (a) may test and seal a pasteurization system in that dairy plant
22 on an emergency basis, pending retesting and resealing by the
23 department under par. (c), if emergency testing and sealing is
24 necessary to continue pasteurizing operations after the
25 department's seal is broken in an emergency. Testing under this
26 paragraph shall comply with the procedure specified under sub.

1 (2).

2 (c) The department shall promptly retest and reseal a
3 pasteurization system after the department receives notice under
4 sub. (6)(a) that its seal applied to that system has been broken.
5 The department shall retest and reseal a pasteurization system
6 under this paragraph, regardless of whether the pasteurization
7 system has been tested and sealed under par. (b). The department
8 need not retest or reseal a pasteurization system that is
9 withdrawn from service.

10
11
12 **SUBCHAPTER VI**

13 **DAIRY PLANT RECORDS AND REPORTS**

14 **ATCP 80.54 DAIRY PLANT RECORDS.** (1) A dairy plant
15 operator shall keep all of the following records, and shall
16 retain those records for the period of time specified under this
17 subsection:

18 (a) Records related to milk receipts and producer payrolls,
19 as required by s. ATCP 100.76. Records under this paragraph
20 shall include milk collection records received from milk haulers
21 under s. ATCP 82.10(10). Records under this paragraph shall be
22 retained for at least 3 years.

23 (b) Records of all dairy product ingredients received at
24 the dairy plant, including the sources from whom the ingredients
25 were received. Records under this paragraph shall be retained
26 for at least one year.

1 (c) Daily records of all finished products produced at the
2 dairy plant. Records under this paragraph shall be retained for
3 at least one year.

4 (d) Records of all milk quality tests and sediment tests
5 conducted on milk shipments received by the dairy plant operator,
6 including but not limited to tests required under subch. IV of
7 ch. ATCP 60. Records under this paragraph shall be retained for
8 at least 2 years.

9 (e) Records of all in-plant tests, performed by a dairy
10 plant operator on milk and dairy products held or processed by
11 the dairy plant operator, to determine bacterial counts or
12 identify possible adulteration of that milk or those dairy
13 products. Records under this paragraph shall be retained for at
14 least one year.

15 (f) Records of private water supply tests, if any,
16 conducted under s. ATCP 80.08(8). Records under this paragraph
17 shall be retained for at least one year.

18 (g) Cleaning and sanitizing records for all C-I-P systems,
19 as required under s. ATCP 80.14(2)(b). Records under this
20 paragraph shall be retained for at least 90 days.

21 (h) A record of every calibration, daily performance check,
22 daily reference check and hourly reference check performed on a
23 milkfat or protein testing device, as required by s. ATCP
24 80.34(10). Records under this paragraph shall be retained for at
25 least one year.

26 (i) Pasteurization records required under s. ATCP 80.50.

1 Records under this paragraph shall be retained for at least 6
2 months.

3 (j) Cleaning and sanitizing records for bulk milk tankers,
4 as required under s. ATCP 82.08(5). Records under this paragraph
5 shall be retained for at least 90 days.

6 (k) Temperature records made by the dairy plant operator,
7 including records of dairy product temperatures, storage
8 temperatures and processing temperatures. Except where a longer
9 retention period is required for specific temperature records
10 under this chapter, records under this paragraph shall be
11 retained for at least 30 days.

12 (2) Records under sub. (1) shall be kept at the dairy
13 plant, and shall be made available to the department for
14 inspection and copying upon request.

15 **ATCP 80.56 DAIRY PLANT REPORTS TO DEPARTMENT.** A dairy
16 plant operator shall submit all of the following reports to the
17 department:

18 (1) Reports required for the issuance or renewal of a dairy
19 plant license or grade A permit under s. ATCP 80.02.

20 (2) Financial statements and reports required under ch.
21 ATCP 100, if any.

22 (3) Milk quality test reports required under subch. IV of
23 ch. ATCP 60, and dairy farm inspection reports required under s.
24 ATCP 60.24.

25 (4) Results of any microbiological test conducted on a
26 pasteurized or ready-to-eat dairy product that confirm the

1 presence of pathogenic organisms in that product.

2 **ATCP 80.58 CONFIDENTIAL INFORMATION.** (1) The following
3 information, received by the department from a dairy plant
4 operator, is closed to public inspection under s. 19.35, Stats.:

5 (a) Financial information protected from disclosure under
6 s. 100.06(1g)(c), Stats.

7 (b) Information qualifying as a trade secret as defined in
8 s. 134.90(1)(c), Stats.

9 (2) The following information, received by the department
10 from a dairy plant operator, is closed to public inspection under
11 s. 19.35, Stats., unless the department determines that
12 inspection is necessary to protect the public health, safety or
13 welfare:

14 (a) Information that identifies individual milk producers
15 who deliver milk to the dairy plant operator if the information
16 is in the form of a composite list identifying those producers
17 with that dairy plant operator, except as provided under s.
18 100.06(4), Stats.

19 NOTE: See s. 97.20(3m), Stats.

20 (b) Information pertaining to individual milk producer
21 production and milk quality records if that information
22 identifies the producer.

23 NOTE: See s. 97.22(10), Stats.

24

25

1 SUBCHAPTER VII

2 INSPECTION AND ENFORCEMENT

3 ATCP 80.60 LICENSE SUSPENSION OR REVOCATION. (1) The
4 department may suspend or revoke a dairy plant license or grade A
5 permit for cause, as provided under s. 93.06(7), Stats. Cause
6 may include, but is not limited to:

7 (a) A violation of this chapter, ch. ATCP 60 or ch. ATCP
8 100.

9 (b) Interference with lawful inspection or sampling by the
10 department or certifying agency, or refusal to permit lawful
11 inspection or sampling by the department or certifying agency.

12 (c) Refusal to permit the lawful inspection or copying of
13 documents under s. ATCP 80.54(2).

14 (d) Failure to pay fees required under s. ATCP 80.04.

15 NOTE: The procedure for suspending or revoking a dairy
16 plant license or grade A permit is specified in ch.
17 ATCP 1, Wis. Adm. Code.
18

19 (2) The suspension or revocation of a dairy plant license
20 automatically suspends or revokes any grade A permit which the
21 dairy plant operator holds for that dairy plant.

22 NOTE: Violations of this chapter may also result in court
23 prosecution under s. 97.72 or 97.73, Stats.
24

25 ATCP 80.62 GRADE A DAIRY PLANTS; COMPLIANCE MONITORING.

26 (1) AUDIT SURVEYS BY CERTIFYING AGENCY. (a) Requirement. The
27 certifying agency shall perform audit surveys of grade A dairy
28 plants, and the dairy farms shipping milk to those dairy plants,
29 to establish a grade A sanitation compliance rating under this
30 chapter. The certifying agency shall survey a grade A dairy

1 plant, and the farms shipping milk to that dairy plant, at all of
2 the following times:

3 1. Within 20 business days after the department first
4 issues a grade A dairy plant permit to the dairy plant under s.
5 ATCP 80.06.

6 2. At least once every 2 years after the initial survey
7 under subd. 1.

8 3. Within 20 business days after the department asks the
9 certifying agency to perform a survey.

10 (b) Survey method. A survey under par. (a) shall include
11 an inspection of the grade A dairy plant, an inspection of a
12 randomly selected statistical sample of dairy farms shipping
13 grade A milk to that dairy plant, and an evaluation of
14 enforcement methods. A survey shall be conducted in compliance
15 with "Methods of Making Sanitation Ratings of Milk Supplies,"
16 1987 revision, published by the Food and Drug Administration,
17 Public Health Service, United States Department of Health and
18 Human Services.

19 (c) Survey rating. Based on a survey under par. (a), the
20 certifying agency shall assign an overall grade A sanitation
21 compliance rating to the dairy plant and the dairy farms that
22 ship milk to that dairy plant.

23 NOTE: The "Methods of Making Sanitation Ratings of Milk..
24 Supplies" is on file with the department, the secretary
25 of state and the revisor of statutes. Copies may be
26 purchased from the Milk Safety Branch, HFF-346, Food
27 and Drug Administration, Public Health Service, United
28 States Department of Health and Human Services, 200 'C'
29 Street S.W., Washington, D.C. 20204.
30

1 (d) Unsatisfactory survey rating; grade A permit
2 suspension. The department may suspend or revoke a dairy plant's
3 grade A permit if the sanitation compliance rating for that dairy
4 plant under par. (c) falls below 90 percent. This subsection
5 does not prohibit the department from suspending or revoking a
6 grade A dairy plant permit for any other reason.

7 NOTE: Procedures related to the suspension or revocation of
8 a grade A dairy plant permit are set forth in ch. ATCP
9 1, Wis. Adm. Code. If a compliance rating falls below
10 90 percent, the United States food and drug
11 administration may also decertify the dairy plant as an
12 interstate milk shipper. The effect may be to prevent
13 the dairy plant operator from shipping grade A dairy
14 products in interstate commerce.
15

16 (2) INSPECTION FREQUENCY. The department shall inspect
17 every grade A processing plant at least once every 3 months,
18 every grade A receiving station at least once every 3 months, and
19 every grade A transfer station at least once every 6 months.

20 (3) DAIRY PRODUCT SAMPLING; FREQUENCY. (a) Pasteurized
21 milk and dairy products; sample testing. During any consecutive
22 6 month period, the department shall collect from each grade A
23 dairy plant at least 4 samples of each pasteurized grade A dairy
24 product produced by that dairy plant. Each sample shall be
25 collected in a separate month. The department shall measure and
26 record the temperature of each pasteurized grade A dairy product
27 from which the samples are collected, and shall test the samples
28 for bacteria counts, coliform counts and beta lactam drug
29 residues. The department may collect additional samples and
30 perform additional tests which the department considers
31 necessary.

1 (b) Raw milk held at dairy plant; sample testing. During
2 any consecutive 6-month period, the department shall collect,
3 from each grade A dairy plant, at least 4 samples of raw
4 commingled milk held at the dairy plant. The department shall
5 measure and record the temperature of the raw commingled milk
6 from which the samples are collected, and shall test the samples
7 for bacterial counts and beta lactam drug residues. The
8 department may collect additional samples and perform additional
9 tests which the department considers necessary.

10

APPENDIX A**3-A SANITARY STANDARDS AND ACCEPTED PRACTICES**

The following 3-A standards and 3-A accepted practices establish criteria for the sanitary construction and operation of dairy processing equipment. These standards are published jointly by the International Association of Milk, Food and Environmental Sanitarians, Inc., and the Food and Drug Administration, Public Health Service, United States Department of Health and Human Services. Copies are on file with the department, the secretary of state and the revisor of statutes. Copies may be purchased from the IAMFES, 6200 Aurora Ave., Suite 200 W., Des Moines, IA (515)276-3344, telephone (800)369-6337 (US), (800)284-6336 (Canada).

3-A SANITARY STANDARDS		
NUMBER	TITLE	EFFECTIVE DATE
01-07	3-A Sanitary Standards for Storage Tanks for Milk and Milk Products	9-90
02-08	3-A Sanitary Standards for Centrifugal and Positive Rotary Pumps for Milk and Milk Products	5-78
04-03	3-A Sanitary Standards for Homogenizers and Pumps of the Plunger Type	9-71
05-14	3-A Sanitary Standards for Stainless Steel Automotive Milk and Milk Products Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service	11-89
08-17	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products, as amended, Parts I and II (rev.) (Fittings and Plug Type Valves)	9-83
08-17D	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products, as amended, Parts I and II (rev.) (Automatic Positive Displacement Sampler)	9-83

1	08-17E	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products, as amended, Parts I and II (rev.) (Inlet and Outlet Leak-Protector Type Valves)	9-83
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8	08-17F	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products, as amended, Parts I and II (rev.) (Tank Outlet Valves)	9-83
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13			
14	08-17G	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products, as amended, Parts I and II (rev.) (Rupture Discs)	9-83
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19			
20	08-17H	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products (Thermoplastic Plug Type Valves)	11-89
21			
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26	08-17I	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products (rev.) (Steam Injection Heaters)	9-88
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32	08-17L	3-A Sanitary Standards for Hose Assemblies for Milk and Milk Products	6-92
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34			
35	08-18	Rescinding Amendments to 3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines conducting Milk and Milk Products, Part I and Part II (rev.)	9-85
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41	08-19	Amendments to 3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products (Fittings & Plug Type Valves)	9-88
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47	08-19A	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products (Compression Type Valves)	9-88
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1	08-19B	3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines conducting Milk and Milk Products (Diaphragm Type Valves)	9-88
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6	08-19C	3-A Sanitary Standards for Fittings used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products (Boot-Seal Type Valves)	9-88
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11	08-19E	Part One of the 3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products	5-93
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16	08-20B	Rev. Amendments to 3-A Sanitary Standards for Fittings Used on Milk and Milk Products Equipment and Used on Sanitary Lines Conducting Milk and Milk Products, #08-20Rev.	9-92
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22	09-08	3-A Sanitary Standards for Instrument Fittings and Connections Used on Milk and Milk Products Equipment, Parts I and II	9-90
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26	09-09	Part One of the 3-A Sanitary Standards for Sensors and Sensor Fitting and Connections Used on Milk and Milk Products Equipment	5-93
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43	16-05	3-A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans	8-85
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41	30-01	3-A Sanitary Standards for Farm Milk Storage Tanks	9-84
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44	31-02	3-A Sanitary Standards for Scraped Surface Heat Exchangers	10-76
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35	45-00	3-A Sanitary Standards for Crossflow Membrane Modules	9-90
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42	49-00	3-A Sanitary Standards for Air Driven Sonic Horns For Dry Milk Products	3-92
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3-A ACCEPTED PRACTICES

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1 (5) "Milk" means the lacteal secretion of cows, sheep or
2 goats, and includes skim milk and cream.

3 (6) "Milk hauler" means any person who collects milk at a
4 dairy farm.

5 (7) "Milk producer" means any person who owns or operates a
6 dairy farm, and sells or distributes milk produced on that farm.

7 (8) "Processing plant" means a dairy plant engaged in
8 pasteurizing, processing or manufacturing milk or dairy products.

9 (9) "Receiving station" means a facility which is designed
10 for the receipt and bulk storage of milk, and which is used to
11 receive or store milk in bulk. "Receiving station" does not
12 include a processing plant or a facility used to distribute
13 pasteurized milk in bottled or packaged form to consumers.

14 (10) "Transfer station" means a facility designed and used
15 solely to transfer milk from one bulk milk tanker to another
16 without intervening storage.

17 **ATCP 82.02 BULK MILK TANKER; LICENSE; GRADE A PERMIT.** (1)
18 LICENSE REQUIRED. (a) Except as provided under par. (b), no
19 person may operate a bulk milk tanker in this state without a
20 valid license issued by the department for that bulk milk tanker.
21 A license expires on April 30 annually and is not transferable
22 between persons or bulk milk tankers.

23 NOTE: See s. 97.21, Stats.

24 (b) Paragraph (a) does not apply to a person who operates a
25 bulk milk tanker solely as an employe of a person who holds a
26 license under par. (a) for that bulk milk tanker.

27 (2) LICENSE APPLICATION. An application for a license
28 under sub. (1) shall be made on a form provided by the department

1 and shall be accompanied by all fees and surcharges that are due
2 and payable under subs. (4) to (6). The application shall
3 include all of the following:

4 (a) The applicant's name, address and telephone number.

5 (b) A description of the bulk milk tanker including make,
6 serial number and capacity.

7 (c) The city, village or town in which the bulk milk tanker
8 is customarily kept.

9 (d) Any other information which the department reasonably
10 requires for identification and licensing of the bulk milk
11 tanker.

12 (3) ACTION ON LICENSE APPLICATION. (a) The department
13 shall grant or deny a license application under sub. (2) within
14 40 days after the department receives a complete application.

15 (b) The department shall not issue or renew a license until
16 the applicant has paid all fees and surcharges, set forth in a
17 statement from the department, that are due and payable by the
18 applicant under subs. (4) to (6). The department shall refund a
19 fee paid under protest if, upon review, the department determines
20 that the fee is not due and payable.

21 (4) LICENSE FEE. An applicant for a bulk milk tanker
22 license shall pay an annual license fee of \$30.

23 (5) REINSPECTION FEE. If the department reinspects a bulk
24 milk tanker because the department finds a violation of ch. 97,
25 Stats., or this chapter, the department shall charge the bulk
26 milk tanker operator a reinspection fee of \$30. The reinspection
27 fee is payable when the reinspection is completed, and is due
28 upon written demand from the department. The department may

1 issue a demand for payment when it issues a license renewal
2 application to the bulk milk tanker operator, or at any other
3 time after the fee becomes effective.

4 (6) SURCHARGE FOR OPERATING WITHOUT A LICENSE. (a) An
5 applicant for a bulk milk tanker license shall pay a license fee
6 surcharge of \$100 if the department determines that, within 365
7 days prior to submitting the license application, the applicant
8 operated a bulk milk tanker without a license or grade A permit
9 in violation of sub. (1) or (7).

10 (b) In addition to paying the license fee surcharge under
11 par. (a), an applicant who violated sub. (1) or (7) shall pay all
12 fees, set forth in a statement from the department, that are due
13 and payable for the license year in which the applicant violated
14 sub. (1) or (7).

15 (c) Payment of the license fee surcharge and past fees
16 under pars. (a) and (b) does not relieve the applicant of any
17 other civil or criminal liability which results from a violation
18 of sub. (1) or (7), but does not constitute evidence of any
19 violation of law.

20 (7) GRADE A PERMIT. (a) Except as provided under par.
21 (c), no person may operate a bulk milk tanker to transport milk
22 or milk products for sale or use as grade A milk or grade A fluid
23 milk products unless that person holds a valid grade A permit
24 issued annually by the department for that bulk milk tanker. A
25 grade A permit is not transferable between persons or bulk milk
26 tankers. A grade A permit may be issued in the form of an
27 endorsement on a bulk milk tanker license under sub. (1).

28 (b) An application for a grade A permit under par. (a)

1 shall be made on a form provided by the department, and may be
2 included with a license application under sub. (2). The
3 department shall grant or deny a grade A permit application
4 within 40 days after the department receives a complete
5 application.

6 (c) Paragraph (a) does not apply to a person who operates a
7 bulk milk tanker solely as an employe of a person who holds a
8 grade A permit under par. (a) for that bulk milk tanker.

9 **ATCP 82.04 BULK MILK WEIGHER AND SAMPLER; LICENSE. (1)**

10 LICENSE REQUIRED. Except as provided under sub. (2), no person
11 may do either of the following unless that person holds a valid
12 bulk milk weigher and sampler license issued by the department
13 under s. 98.146, Stats., and this section:

14 (a) Weigh or measure milk, for payment purposes, at a dairy
15 farm before that milk is transported in bulk to a dairy plant.

16 (b) Collect test samples of milk at a dairy farm if the
17 test results may affect the amount paid to the milk producer.

18 (2) **BUTTERMAKER OR CHEESEMAKER; EXEMPTION.** Subsection (1)
19 does not apply to a person who holds a valid buttermaker or
20 cheesemaker license issued by the department under s. 97.17,
21 Stats.

22 (3) **LICENSE EXPIRATION.** A bulk milk weigher and sampler
23 license expires biennially on September 30 of the second year
24 commencing after the date on which the license was last issued or
25 renewed.

26 (4) **LICENSE APPLICATION.** An application for a bulk milk
27 weigher and sampler license shall be made on a form provided by
28 the department, and shall be accompanied by all fees that are due

1 and payable under sub. (5). The application shall include all
2 information reasonably required by the department for licensing
3 purposes.

4 (5) LICENSE AND REINSPECTION FEES. (a) License fee. An
5 applicant for a bulk milk weigher and sampler license shall pay a
6 biennial license fee of \$40.

7 (b) Reinspection fee. If the department reinspects a bulk
8 milk weigher and sampler because the department finds a violation
9 of ch. 97, Stats., or this chapter, the department shall charge
10 the bulk milk weigher and sampler a reinspection fee of \$40. The
11 reinspection fee is payable when the reinspection is completed,
12 and is due upon written demand from the department. The
13 department may issue a demand for payment when it issues a
14 license renewal application to the bulk milk weigher and sampler.

15 (6) ACTION ON LICENSE APPLICATION. The department shall
16 grant or deny a license application under sub. (4) within 60 days
17 after the department receives a complete application.

18 (7) INITIAL LICENSE EXAMINATION. Before the department
19 initially licenses any person as a bulk milk weigher and sampler,
20 that person shall demonstrate his or her competency by doing both
21 of the following:

22 (a) Passing a written examination administered by the
23 department.

24 (b) Successfully completing a field examination
25 administered by the department.

26 (8) LICENSE RENEWAL. A person applying to renew a bulk
27 milk weigher and sampler license may be required to pass a
28 written examination or field examination administered by the

1 department.

2 **ATCP 82.06 BULK MILK TANKERS; CONSTRUCTION AND MAINTENANCE.**

3 (1) SANITARY CONSTRUCTION. Bulk milk tankers, including
4 equipment and accessories, shall be of sanitary design and
5 construction, and shall comply with "3-A Sanitary Standards for
6 Stainless Steel Automotive Milk and Milk Products Transportation
7 Tanks for Bulk Delivery and/or Farm Pick-Up Service," No. 05-14
8 (November 1, 1989), published jointly by the International
9 Association of Milk, Food and Environmental Sanitarians, Inc. and
10 the Food and Drug Administration, Public Health Service, United
11 States Department of Health and Human Services.

12 NOTE: Copies of the "3-A Standards" are on file with the
13 department, the secretary of state and the revisor of
14 statutes. Copies may be purchased from the
15 International Association of Milk, Food and
16 Environmental Sanitarians, 6200 Aurora Avenue, Suite
17 200 W., Des Moines, IA 50322.
18

19 (2) MAINTENANCE. Bulk milk tankers, including equipment
20 and accessories, shall be kept clean and in good repair.

21 **ATCP 82.08 BULK MILK TANKERS; DAILY CLEANING.** (1)

22 REQUIREMENT. A bulk milk tanker shall be thoroughly cleaned
23 immediately after each day's use, and shall be sanitized prior to
24 the next day's use or immediately after cleaning. No person may
25 collect or transport milk, fluid milk products, whey or whey
26 cream in a bulk milk tanker unless the bulk milk tanker has been
27 cleaned and sanitized under this section, and bears a tag under
28 sub. (4) showing that it has been cleaned and sanitized.

29 (2) CLEANING FACILITY. A bulk milk tanker shall be cleaned
30 and sanitized in a fully enclosed heated facility. The facility
31 shall have an impervious drained floor, and shall be equipped
32 with adequate hot and cold water under pressure, a wash vat,

1 pressure sanitizing facilities and equipment storage racks. Bulk
2 milk tankers may be cleaned and sanitized in the same room where
3 milk is received from those bulk milk tankers.

4 (3) CLEANING AND SANITIZING PROCEDURE. All product contact
5 surfaces on a bulk milk tanker, including all product contact
6 surfaces of equipment and accessories used on the tanker, shall
7 be thoroughly cleaned and sanitized. Sanitizing procedures shall
8 comply with s. ATCP 80.18. External surfaces of a bulk milk
9 tanker shall also be thoroughly cleaned.

10 (4) CLEANING TAG. When a bulk milk tanker has been
11 thoroughly cleaned and sanitized, the dairy plant operator shall
12 attach to the tanker a tag showing the date on which the tanker
13 was cleaned and sanitized, the name and location of the facility
14 where the tanker was cleaned and sanitized, and the signature or
15 initials of the person who cleaned and sanitized the tanker. The
16 tag shall be attached to the outlet valve or inside the pump
17 cabinet of the tanker. The tag shall not be removed until the
18 tanker is again cleaned and sanitized.

19 (5) DAIRY PLANT RECORD. A dairy plant operator shall keep
20 a record, at the operator's dairy plant, of each cleaning and
21 sanitizing operation performed by the dairy plant operator on a
22 bulk milk tanker. The record shall include all of the
23 information required under sub. (4).

24 **ATCP 82.10 COLLECTING MILK FROM DAIRY FARMS.** (1)
25 COLLECTION FREQUENCY. (a) If milk from a grade A or grade B
26 dairy farm violates an applicable standard under s. ATCP 60.15 on
27 any single test, milk from that farm shall be collected at least
28 once every 2 days until a subsequent test shows that the milk

1 from that dairy farm no longer violates that standard. This
2 paragraph does not require a milk hauler to collect milk if
3 collection would violate ch. ATCP 60.

4 (b) A dairy plant operator receiving milk from a dairy farm
5 shall immediately notify the milk hauler and milk producer
6 whenever milk from that dairy farm must be collected more
7 frequently in order to comply with par. (a). No dairy plant
8 operator may receive milk collected in violation of par. (a).

9 (2) SUPPLIES REQUIRED FOR MILK COLLECTION AND SAMPLING. A
10 milk hauler who collects milk in bulk from a dairy farm shall
11 have the following supplies available on the bulk milk tanker:

12 (a) An adequate supply of sample containers to collect
13 samples under s. ATCP 82.12. The sample containers shall comply
14 with s. ATCP 82.12(4).

15 (b) A sample dipper to collect samples under s. ATCP 82.12.
16 The sample dipper shall be kept in a sample dipper well designed
17 for that purpose.

18 (c) A sanitizing solution of 100 ppm chlorine or its
19 equivalent. The milk hauler shall carry a sanitizing solution
20 test kit to test the strength of the sanitizing solution.

21 (d) An insulated carrying case with a rack to hold samples
22 collected under s. ATCP 82.12. The carrying case shall comply
23 with s. ATCP 82.12(6)(a).

24 (e) A dial or digital thermometer, accurate to plus or
25 minus 2 degrees F., that can be used to check the accuracy of
26 farm bulk tank thermometers under sub. (6)(b).

27 (f) A marking device to identify samples collected under s.
28 ATCP 82.12. Samples shall be identified according to s. ATCP

1 82.12(5).

2 (g) A watch or other timing device.

3 (h) An adequate supply of forms and a writing device to
4 prepare milk collection records under sub. (10).

5 (i) An adequate supply of single-service paper towels.

6 (3) MILK HAULER SANITATION. A milk hauler shall wear
7 clean, light colored clothes and an effective hair restraint when
8 measuring, sampling or collecting milk at a dairy farm. A milk
9 hauler shall maintain a high degree of personal cleanliness, and
10 shall observe good hygienic practices during all working periods.
11 No milk hauler who has a discharging or infected wound, sore or
12 lesion on his or her hands or exposed arms may measure, sample or
13 collect milk at a dairy farm.

14 (4) EXAMINING MILK BY SIGHT AND SMELL. (a) Before any
15 person receives or collects milk from a dairy farm, that person
16 shall examine the milk by sight and smell, and shall reject all
17 milk that has an objectionable odor, that is abnormal in
18 appearance and consistency, or that is visibly adulterated.

19 (b) A milk hauler who rejects milk under par. (a) may not
20 collect that milk, or commingle it with milk from any other
21 producer. If a producer disputes a milk hauler's rejection of
22 milk, the milk hauler shall contact the operator of the dairy
23 plant to which the milk would ordinarily be delivered, and the
24 dairy plant operator shall examine the rejected milk to determine
25 whether it was properly rejected.

26 (5) HAND WASHING. (a) A milk hauler shall wash and dry
27 his or her hands before performing any of the following
28 operations at a dairy farm:

1 1. Using the milk hauler's thermometer to measure the
2 temperature of milk in a dairy farm bulk tank.

3 2. Measuring or sampling the milk in the bulk tank.

4 3. Connecting the bulk milk tanker hose to the dairy farm
5 bulk tank.

6 (b) If the milk hauler connects the bulk milk tanker hose
7 to the dairy farm bulk tank before performing any other operation
8 listed under par. (a), the milk hauler shall wash and dry his or
9 her hands after connecting the hose and before performing that
10 other operation.

11 (6) MILK TEMPERATURE. (a) Before a milk hauler collects
12 milk at a dairy farm, the milk hauler shall record the
13 temperature of the milk to be collected, as shown on the dairy
14 farm bulk tank thermometer. If the milk is collected more than 2
15 hours after the last milking, the milk hauler shall reject the
16 milk if the milk temperature exceeds 45 degrees F. (7 degrees
17 C.). If milk from 2 or more milkings is collected within 2 hours
18 of the last milking, the milk hauler shall reject the milk if the
19 milk temperature exceeds 50 degrees F. (10 degrees C.).

20 (b) At least once each month, and more often if necessary,
21 a milk hauler shall check the accuracy of each dairy farm bulk
22 tank thermometer by measuring the temperature of milk in the bulk
23 tank with the milk hauler's dial or digital thermometer. The
24 milk hauler shall keep a written record comparing the
25 temperatures recorded by the milk hauler's thermometer with those
26 recorded by the bulk tank thermometer. The written record shall
27 be kept in the dairy farm milkhouse for at least one year.

28 (c) Before a milk hauler uses the milk hauler's dial or

1 digital thermometer to measure the temperature of milk in a dairy
2 farm bulk tank, the hauler shall sanitize the stem of the
3 thermometer in a solution of 100 ppm chlorine or its equivalent.

4 (d) A milk hauler shall immediately notify the milk
5 producer and the dairy plant operator if the milk hauler finds
6 that a dairy farm bulk tank is not cooling properly, or that the
7 bulk tank thermometer is not recording temperatures accurately.

8 (7) CONNECTING MILK HOSE. Before a milk hauler connects a
9 bulk milk tanker hose to a dairy farm bulk tank, the milk hauler
10 shall examine the fittings of the bulk milk tanker hose and the
11 dairy farm bulk tank outlet to ensure that both are clean.
12 Before connecting the hose, the milk hauler may clean and
13 sanitize the bulk tank outlet. The milk hauler shall attach the
14 milk hose to the bulk tank outlet in a manner that does not
15 contaminate the hose or hose cap. The hose shall be connected
16 through the hose port in the milkhouse, and not through the
17 milkhouse door.

18 (8) MEASURING MILK IN THE BULK TANK. (a) Before milk is
19 transferred from a dairy farm bulk tank to a bulk milk tanker,
20 the milk hauler shall accurately measure the amount of milk in
21 the bulk tank. The milk hauler shall measure the milk using a
22 clean gauge rod or other measuring device that is specifically
23 designed and calibrated to measure milk in the bulk tank.
24 Immediately before using the gauge rod or measuring device, the
25 milk hauler shall rinse the gauge rod or device with warm potable
26 water, and wipe it dry with a clean single-service disposable
27 towel.

28 (b) A milk hauler shall not measure the amount of milk in a

1 dairy farm bulk tank until the milk is motionless. If the milk
2 is being agitated, the milk hauler shall turn off the agitator
3 and wait for the milk to become completely motionless before
4 measuring the milk.

5 (c) After measuring the milk with a gauge rod or other
6 device, the milk hauler shall use that measurement to calculate
7 the weight or volume of milk in the bulk tank using the bulk tank
8 manufacturer's conversion chart. The milk hauler shall record
9 that weight or volume on a written collection record under sub.
10 (10).

11 (9) MILK SAMPLE FOR TESTING. Before milk is transferred
12 from a dairy farm bulk tank to a bulk milk tanker, a milk hauler
13 shall collect a representative sample of that milk from the bulk
14 tank for testing. The milk hauler shall collect the test sample
15 according to s. ATCP 82.12.

16 (10) MILK COLLECTION RECORD. Whenever a milk hauler
17 collects a milk shipment from a dairy farm, the milk hauler shall
18 make a written collection record for that shipment. One copy of
19 the collection record shall be posted in the dairy farm
20 milkhous, and an identical copy shall be provided to the dairy
21 plant operator when the milk is delivered to a dairy plant. The
22 collection record shall be signed or initialed by the milk hauler
23 and shall include all of the following:

24 (a) The milk producer's identification number.

25 (b) The milk hauler's bulk milk weigher and sampler license
26 number and license expiration date.

27 (c) The date and time when the milk was sampled and
28 collected.

1 (d) The temperature of the milk when collected, as
2 determined by the milk hauler under sub. (6).

3 (e) The weight or volume of milk collected, as determined
4 by the milk hauler under sub. (8).

5 (11) LOADING MILK. (a) After a milk hauler has sampled
6 milk from a dairy farm bulk tank under sub. (9) and prepared a
7 complete collection record under sub. (10), the hauler may
8 transfer milk from that bulk tank to the bulk milk tanker. A
9 milk hauler may not collect milk from any container on a dairy
10 farm, other than from a bulk tank. A milk hauler may not collect
11 any milk from a bulk tank unless the hauler collects all of the
12 milk from that bulk tank before any more milk is added to the
13 tank.

14 (b) After a milk hauler has collected all of the milk from
15 a bulk tank, the milk hauler shall disconnect the milk hose from
16 the bulk tank, cap the hose, and return the hose to its cabinet
17 in the bulk milk tanker. The milk hauler shall inspect the bulk
18 tank for abnormal sediments, and shall report any abnormal
19 sediments to the dairy plant operator.

20 (c) After the milk hauler has disconnected the milk hose
21 and inspected the empty bulk tank for abnormal sediments, the
22 milk hauler shall rinse the bulk tank and milkhouse floor with
23 cold or lukewarm water unless the bulk tank is self-cleaning and
24 includes a pre-rinse cycle as part of the self-cleaning process.

25 **ATCP 82.12 MILK SAMPLES FOR TESTING.** (1) **SAMPLE REQUIRED.**
26 A milk hauler shall collect a sample of a producer's milk before
27 that milk is commingled with milk from any other producer. The
28 milk hauler shall collect a sample of milk from each dairy farm

1 bulk tank before that milk is transferred to a bulk milk tanker,
2 unless the department authorizes equivalent sampling during
3 transfer by means of an automated in-line sampling device. A
4 milk sample collected from a dairy farm bulk tank may not be
5 commingled with a sample collected from any other bulk tank.

6 (2) SAMPLING PROCEDURE; MILK HAULERS. A milk hauler shall
7 comply with the following procedures when collecting a milk
8 sample under sub. (1):

9 (a) The milk hauler shall collect the sample from the dairy
10 farm bulk tank after the bulk tank contents have been thoroughly
11 mixed to ensure that the sample is representative. If the bulk
12 tank capacity is less than 1500 gallons, milk in the bulk tank
13 shall be agitated in the milk hauler's presence for at least 5
14 minutes before a sample is taken. If the bulk tank capacity is
15 1500 gallons or more, milk in the bulk tank shall be agitated in
16 the milk hauler's presence for at least 10 minutes before a
17 sample is taken.

18 (b) The milk hauler shall collect the sample using a sample
19 dipper that is of sanitary design and construction, and that is
20 clean and in good repair. The dipper shall be cleaned, sanitized
21 in a 100 ppm chlorine solution or equivalent sanitizing solution,
22 and then dipped at least twice in the bulk tank milk before it is
23 used to collect a sample.

24 (c) After dipping the milk sample from the bulk tank, the
25 milk hauler shall pour the sample into a sample container under
26 sub. (4), and shall securely close the container. The container
27 shall be labeled with the information required under sub. (5).
28 When pouring the sample into its container, the milk hauler shall

1 take care not to contaminate the sample or spill milk back into
2 the open bulk tank. The milk hauler shall handle the sample
3 container and cap aseptically.

4 (d) After collecting a milk sample, the milk hauler shall
5 immediately rinse the sample dipper with clean potable water.

6 (3) TEMPERATURE CONTROL SAMPLE. A milk hauler shall
7 collect 2 milk samples under sub. (1) at the first dairy farm
8 where milk is collected for each bulk milk tanker load. The milk
9 hauler shall mark one of those samples as the temperature control
10 sample for all samples pertaining to that load. The sample
11 container for the temperature control sample shall be marked with
12 the producer's identification number, the milk hauler's initials,
13 the date and time when the sample was collected, and the
14 temperature of the milk in the farm bulk tank from which the
15 sample was collected.

16 (4) SAMPLE CONTAINERS. A sample container used to collect
17 a milk sample under sub. (1) shall be all of the following:

18 (a) Made of non-toxic, transparent materials.

19 (b) Designed so that it can be securely closed.

20 (c) Large enough to hold milk for initial and repeat
21 testing under s. ATCP 80.26, and large enough to permit thorough
22 mixing of sample contents before testing.

23 (d) Labeled with the all of the information required under
24 sub. (5), or designed so that the milk hauler can easily mark
25 that information on the sample container.

26 (e) Clean, commercially sterile and dry at the time of use.

27 (f) Properly protected from contamination.

28 (5) SAMPLE IDENTIFICATION. Immediately before a milk

1 hauler collects a milk sample under sub. (1), but before the milk
2 hauler opens the sample container, the milk hauler shall clearly
3 and indelibly label the sample container with all of the
4 following information unless that information is already labeled
5 on the sample container:

6 (a) A producer identification number, assigned by the dairy
7 plant operator, that uniquely identifies the milk producer.

8 (b) The date when the sample was collected.

9 (6) CARE AND DELIVERY OF MILK SAMPLES. (a) Immediately
10 after a milk hauler collects a milk sample under sub. (1), the
11 milk hauler shall place the sample container in a clean
12 refrigerated carrying case in which the milk hauler shall keep
13 the sample at a temperature of 32 to 40 degrees F. (0 to 4
14 degrees C.). The carrying case shall be constructed of rigid
15 metal or plastic, shall be effectively insulated and refrigerated
16 to keep samples at the required temperature, and shall have racks
17 designed to hold samples in a proper upright position. If sample
18 containers are packed in ice or cold water to keep the samples
19 refrigerated, the ice or water shall cover no more than 2/3 of
20 each sample container.

21 (b) A milk hauler who collects a milk sample sub. (1) shall
22 promptly deliver the sample to the dairy plant that receives the
23 milk from the producer, or to a certified testing laboratory
24 designated by the dairy plant operator.

25 **ATCP 82.14 DELIVERING MILK TO DAIRY PLANT.** (a) Except in
26 the event of a traffic accident, vehicle breakdown or similar
27 emergency, no milk from a bulk milk tanker may be unloaded from a
28 bulk milk tanker or transferred to another bulk milk tanker at

1 any place other than a dairy plant licensed under s. 97.20,
2 Stats., and s. ATCP 80.02, or a dairy plant licensed under
3 equivalent laws of another state. If milk is unloaded or
4 transferred at any location other than a licensed dairy plant,
5 the person having custody of the milk shall notify the department
6 of that unloading or transfer before that milk is processed or
7 shipped to any other location.

8 (b) Milk shall be unloaded or transferred from a bulk milk
9 tanker in a manner that avoids contamination of milk or milk
10 contact surfaces. Air entering a bulk milk tanker when the
11 tanker is unloaded shall be filtered to prevent contamination of
12 milk and milk contact surfaces.

13 (c) Milk shall be unloaded in a receiving facility that
14 complies with s. ATCP 80.20(5).

15 (d) After each day's use, a bulk milk tanker shall be
16 cleaned and sanitized as provided under s. ATCP 82.08.

17 **ATCP 82.16 FALSE SAMPLES OR RECORDS.** No person may do any
18 of the following, or conspire with another person to do any of
19 the following:

20 (1) Falsely identify any milk sample.

21 (2) Submit a false or manipulated milk sample to a dairy
22 plant operator or testing laboratory.

23 (3) Submit, to a dairy plant operator or testing
24 laboratory, a milk sample collected in violation of this chapter.

25 (4) Misrepresent the amount of milk collected from a dairy
26 farm, or falsify any record or report required under this
27 chapter.

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