

Chapter ATCP 87

HONEY AND MAPLE SYRUP

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Note: Chapter Ag 92 was renumbered chapter ATCP 157 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

Subchapter I — Honey

ATCP 87.01 Definitions. In this subchapter:

(1) “Chunk honey” is comb honey surrounded by extracted honey.

(2) “Clean” means free from foreign material when strained through standard bolting cloth of 86 meshes per inch at a temperature of not more than 130° Fahrenheit.

(3) “Color”. The color for honey of the grades Wisconsin Fancy and Wisconsin No. 1 shall be determined by the Pfund color-scale instrument as follows:

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| <i>Pfund scale readings</i> | <i>(in millimeters)</i> |
| White | Under 35 |
| Golden | From 35 to 85 |
| Dark | Over 85 |

(4) “Comb honey” is honey contained in the cells of comb. As sold at retail, “comb honey” means comb honey in sections.

(5) “Cut comb honey” is comb honey cut out to a uniform size.

(6) “Department” means the state of Wisconsin department of agriculture, trade and consumer protection.

(7) “Evenly capped” means that combs shall be free from pronounced irregularities in the surface.

(8) “Extracted honey” is honey which has been separated from the crushed or uncrushed comb by centrifugal force, gravity, straining, or other means. Extracted honey of the “crystallized type” shall be uniformly granulated, smooth and fine in texture, and when liquefied at 130° Fahrenheit shall meet all other requirements of the grade represented.

(9) “Fairly clean” means free from foreign material when strained through 2 thicknesses of cheesecloth of 36 by 40 mesh at a temperature of not more than 130° Fahrenheit.

(10) “Firmly attached” means that the comb shall be attached to wood sections at least 85% of the way around.

(11) “Good quality” comb honey means honey which is commercially salable, not containing cells of pollen or honeydew of insect origin, not extensively granulated, poorly ripened, sour or weeping, and not in leaking, injured or patched up sections.

(12) “Honey” means the natural sweet substance produced by honey bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living

parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in the honey comb to ripen and mature. When honey comes from the nectars of plants it can be called blossom honey or nectar honey. When honey comes mainly from excretions of plant-sucking insects on the living parts of plants or secretions of living parts of plants, it can be called honeydew honey.

(13) “Not projecting” means that no part of the comb shall project beyond the outer edge of the sections.

(14) “Uniformly colored” means that all cells contained in any section shall be of the same color.

History: 1-2-56; renum. from ATCP 156.01 and am. (intro.), Register, February, 1996, No. 482, eff. 3-1-96; CR 11-038; renum. 157.01 (1) to (12) to be 87.01 (4), (8), (1), (5), (3), (11), (10), (13), (14), (7), (2) and (9), cr. (6), (12) Register January 2012 No. 673, eff. 2-1-12; Reprinted to correct error in (3) and (5) Register February 2012 No. 674.

ATCP 87.015 Honey standard. No person may represent, directly or by implication in connection with the sale, offering for sale, or advertising or distributing for sale of any product, that the product is “honey” unless the product meets the criteria for “honey” described in Part One, Section 3.1 through Part One, Section 4.2 of the *Codex Alimentarius*, number 12-1981 (revised 2001) adopted by the United Nations food and agriculture organization and the World Health Organization.

Note: Copies of the Codex Alimentarius, number 12-1981 (revised 2001) are on file with the department and the legislative reference bureau. Copies may also be obtained at www.codexalimentarius.net/download/standards/310/cxs_012e.pdf.

Violations of s. ATCP 87.015 are subject to the penalties in s. 97.72, Stats., and the injunctive remedy provided in s. 97.73, Stats. A competitor or other person who suffers damage as a result of a violation may also pursue the private remedy provided under s. 100.187 (3) (b), Stats.

History: CR 11-038; cr. Register January 2012 No. 673, eff. 2-1-12.

ATCP 87.017 Wisconsin certified honey. (1) PROHIBITION. No person may represent, directly or by implication in connection with the sale, offering for sale, or advertising or distributing for sale of any product, that the product is “Wisconsin certified honey” unless that product meets all of the following requirements:

- It complies with the honey standard in s. ATCP 87.015.
- It was collected from honey bee hives in this state.
- Its producer holds a valid approval under sub. (2).

Note: Violations of s. ATCP 87.017 are subject to the penalties in s. 97.72, Stats., and the injunctive or other remedies provided in s. 100.187 (2) (b), Stats.

(2) BIENNIAL APPROVAL. A person who produces honey in this state may apply to the department for a biennial approval authorizing any person to sell, offer, advertise or distribute that honey

as “Wisconsin certified honey.” Approval expires on December 31 in odd-numbered years.

Note: An approval under sub. (2) authorizes the honey producer (and the producer’s distributors) to sell honey as “Wisconsin certified honey.” However, it does not constitute a warranty from the department to any buyer that the honey complies with sub. (1).

(3) APPLICATION FOR BIENNIAL APPROVAL. A person shall submit an application for a biennial approval, under sub. (2), on a form provided by the department. The application shall include all of the following:

(a) A statement by the applicant certifying that all honey that the applicant proposes to sell, offer, advertise, or distribute as “Wisconsin certified honey” will meet all of the following requirements:

1. It will be collected from honey bee hives in this state.
2. It will comply with the honey standard in s. ATCP 87.015.

(b) A summary of laboratory test results and the methods used to obtain those results that supports the requirement under par. (a)

2. The summary shall include test results for moisture, fructose and glucose content, sucrose content and internal stable carbon isotope ratio analysis. The laboratory testing shall be performed at a commercial laboratory not affiliated with the applicant on a representative sample of honey using methods established by AOAC International or other methods approved by the department.

(c) A payment of \$50.

Note: A person may obtain an application form by calling (608) 224–4720, by visiting the department website at <http://www.datcp.wi.gov>, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection, Food Safety Division, Attn: honey certification, P.O. Box 8911, Madison, WI 53708–8911
The “Official Methods of Analysis of AOAC International”, 18th Edition (2005), current through Revision 1, 2006, is on file with the department and the legislative reference bureau. Copies are available from AOAC International at 481 North Frederick Avenue, Suite 500, Gaithersburg, MD 20877–2417.

(4) ACTION ON APPLICATION. The department shall grant or deny an application under sub. (3), in writing, within 30 days after the department receives a complete application. If the department denies an application, the department shall specify the reasons for the denial.

History: CR 11–038: cr. Register January 2012 No. 673, eff. 2–1–12; correction in numbering of (4) under s. 13.92 (4) (b) 7., Stats, Register January 2012 No. 673.

ATCP 87.02 Industry grading. (1) Each producer or packer of honey shall be entitled to grade and label the honey produced or packed by him or her in conformity with the standards established by this order.

(2) The Wisconsin department of agriculture, trade and consumer protection will enforce the standards established by this order through the inspection and sample grading of honey; and it will, insofar as possible, assist producers and packers in the determination of the grade and color of their honey.

History: 1–2–56; correction made under s. 13.93 (2m) (b) 5. and 6., Stats., Register, April, 1993, No. 448; renum. from ATCP 156.02, Register, February, 1996, No. 482, eff. 3–1–96; CR 11–038: renum from 157.02 Register January 2012 No. 673, eff. 2–1–12.

ATCP 87.03 Packaging and labeling. (1) Each section and each case of comb honey and every container in which cut comb honey, chunk honey or extracted honey is sold or offered for sale shall declare the name and address of the packer or dealer and the net weight of the contents.

(2) Every container of honey of any class represented as Wisconsin No. 1 shall bear a label statement of the color of such honey as specified in the definition.

(3) Crystallized extracted honey shall be labeled as such. The term “candied” may be used.

(4) No honey of any class shall be labeled or otherwise sold or offered for sale as “Wisconsin Fancy” honey unless it is white in color as specified in the definitions.

(5) No honey shall be sold or offered for sale at retail in anything but new sections or other containers; provided, however,

that clean, sanitary, rust-free containers holding 50 pounds or more may be re-used for sales within the trade or to large commercial consumers.

(6) When the predominant flavor of the honey or the principal source from which the honey is derived is clearly predominant and readily distinguishable by experienced people in the industry, such flavor or such source may be declared on the label; provided, however, that this paragraph shall not be construed to permit the naming of more than one flavor or more than one source, nor to permit the naming of the honey by season.

History: 1–2–56; renum. from ATCP 156.03, Register, February, 1996, No. 482, eff. 3–1–96; CR 11–038: renum from 157.03 Register January 2012 No. 673, eff. 2–1–12.

ATCP 87.04 Ungraded honey. (1) Every producer who does not intend to market all the honey in conformity with the standards established by this order shall plainly stamp or mark “Ungraded” on each container or section, and on each case or box.

(2) When a producer sells a portion of an annual honey crop on a graded basis, all of such annual honey crop shall be sold on a graded basis and no part thereof sold as “Ungraded” honey.

(3) This section shall not be construed to prohibit the sale of Ungraded honey to any consumer selecting honey on the basis of flavor and completing the purchase on the premises of the packer or dealer.

History: 1–2–56; correction made under s. 13.93 (2m) (b) 5., Stats., Register, April, 1993, No. 448; renum. from ATCP 156.04, Register, February, 1996, No. 482, eff. 3–1–96; CR 11–038: renum from 157.04 Register January 2012 No. 673, eff. 2–1–12.

ATCP 87.05 Comb honey. (1) WISCONSIN FANCY WHITE. No honey may be graded or labeled Wisconsin Fancy White unless it conforms to the following standards:

(a) No section shall weigh less than 13½ ounces gross or 12½ ounces net.

(b) It shall consist of good quality comb honey in which the sections are free from propolis or other stain.

(c) The combs shall be free from travel stain, firmly attached, not projecting beyond the wood, uniformly colored throughout, evenly capped and entirely sealed except the cells in the outside row next to the wood which may be unsealed.

(2) WISCONSIN No. 1. No honey may be graded or labeled Wisconsin No. 1 unless it conforms to the following standards:

(a) No section shall weigh less than 12 ounces gross or 11 ounces net.

(b) It shall consist of good quality comb honey in which the sections are free from propolis or other stain.

(c) The combs shall be firmly attached, not projecting beyond the wood and entirely sealed except that not more than 6 cells on each side, in addition to those of the outer row next to the wood, may be unsealed.

(d) The combs may show slight travel stain and surface irregularity, and not to exceed 10 cells on each side may contain honey of a color other than that declared on the label.

(3) WISCONSIN No. 2. Honey of this grade shall consist of good quality comb honey which falls below the standards for the grades “Wisconsin Fancy” or “Wisconsin No. 1”.

History: 1–2–56; renum. from ATCP 156.05, Register, February, 1996, No. 482, eff. 3–1–96; CR 11–038: renum from 157.05 Register January 2012 No. 673, eff. 2–1–12.

ATCP 87.06 Cut comb honey. (1) WISCONSIN FANCY WHITE. No honey may be graded or labeled Wisconsin Fancy White unless it conforms to the following standards:

(a) It shall be free from open or unsealed cells, weeping or bruised surface or wet edges.

(b) It shall be wrapped in transparent material to prevent leakage and shall be packed in a container, which may be open at the top.

(c) It shall meet all other requirements of Wisconsin Fancy White comb honey except as to weight.

(2) WISCONSIN NO. 1. No honey may be graded or labeled Wisconsin No. 1 unless it conforms to the following standards:

(a) It shall meet the requirements under sub. (1) (a) and (b) of Wisconsin Fancy cut comb honey.

(b) It shall meet all other requirements of Wisconsin No. 1 comb honey except as to weight.

History: 1–2–56; renum. from ATCP 156.06, Register, February, 1996, No. 482, eff. 3–1–96; CR 11–038; renum from 157.06 Register January 2012 No. 673, eff. 2–1–12.

ATCP 87.07 Chunk honey. (1) WISCONSIN FANCY WHITE. No honey may be graded or labeled Wisconsin Fancy White unless it conforms to the following standards:

(a) It shall consist of a combination of comb honey equal to Wisconsin Fancy White comb honey and extracted honey equal to Wisconsin Fancy White extracted honey.

(b) One-half its net weight shall be comb honey in not more than 2 pieces and it shall have no broken pieces of comb honey.

(2) WISCONSIN NO. 1. No honey may be graded or labeled Wisconsin No. 1 unless it conforms to the following standards:

(a) It shall consist of a combination of comb honey equal to Wisconsin No. 1 comb honey and extracted honey equal to Wisconsin No. 1 extracted honey.

(b) One-half its net weight shall be comb honey in not more than 2 pieces and it shall have no broken pieces of comb honey.

History: 1–2–56; renum. from ATCP 156.07, Register, February, 1996, No. 482, eff. 3–1–96; CR 11–038; renum from 157.07 Register January 2012 No. 673, eff. 2–1–12.

ATCP 87.08 Extracted honey. (1) WISCONSIN FANCY WHITE. No honey may be graded or labeled Wisconsin Fancy White unless it conforms to the following standards:

(a) It shall weigh not less than 11 pounds 12 ounces per gallon of 231 cubic inches at 68° Fahrenheit.

(b) It shall be clean; shall be free from odors or flavors foreign to honey; and shall contain no honeydew.

(c) It shall be clear, not showing air bubbles or other substances in suspension.

(d) It shall be heat-treated to prevent fermentation and delay crystallization.

(2) WISCONSIN NO. 1. No honey may be graded or labeled Wisconsin No. 1 unless it conforms to the following standards:

(a) It shall weigh not less than 11 pounds 10 ounces per gallon of 231 cubic inches at 68° Fahrenheit.

(b) It shall be clean; shall be free from odors or flavors foreign to honey; and shall contain no honeydew.

(c) It shall be clear, not showing air bubbles or other substances in suspension.

(3) WISCONSIN NO. 2. No honey may be graded or labeled Wisconsin No. 2 unless it conforms to the following standards:

(a) It shall weigh not less than 11 pounds 8 ounces per gallon of 231 cubic inches at 68° Fahrenheit.

(b) It shall be fairly clean, but may contain a small number of air bubbles or other edible substances in suspension.

(c) Its flavor or odor may be slightly affected by overheating or other means.

(d) It may contain a maximum of 20% honeydew.

History: 1–2–56; renum. from ATCP 156.08, Register, February, 1996, No. 482, eff. 3–1–96; CR 11–038; renum from 157.08 Register January 2012 No. 673, eff. 2–1–12.

Subchapter II — Maple Syrup and Certain Other Maple Products

Note: Subchapter II of Chapter ATCP 87 was repealed and a new Subchapter II created in Register May 2017 No. 737.

ATCP 87.11 Definitions. In this chapter:

(1) “Clean” refers to maple syrup that is free from visible foreign material such as pieces of bark, soot, dust, or dirt.

(2) “Damage” means any defects that materially affect the appearance, edibility, or quality of maple syrup. Damaged maple syrup may be badly scorched, fermented, or have one or more off flavors or odors.

(3) “Degrees Brix” means the percentage by weight concentration of total soluble solids, mainly sugar, as measured using a refractometer calibrated at 68°F, and to which any applicable temperature correction has been made, or by any other method that gives equivalent results.

(4) “Delicate taste” means a maple flavor of mild intensity.

(5) “Department” means the Wisconsin department of agriculture, trade and consumer protection.

(6) “Division” means the division of food and recreational safety in the department.

(7) “Liquid maple products” means maple syrup, shelf-stable concentrated maple sap, non-shelf-stable concentrated maple sap, or maple sap water.

(8) “Maple-derived water” means permeate that is removed by reverse osmosis, or water that is otherwise removed, from sap from trees of the genus *Acer*.

(9) “Maple sap water” means sap from the trees of the genus *Acer* that has not been concentrated to a solids content of more than 4 percent, or 4 degrees Brix, and is a potentially hazardous food as defined in s. ATCP 70.02 (22).

(10) “Maple syrup” means the liquid food derived by concentrating and heating sap from the trees of the genus *Acer*, as defined in 21 CFR 168.140, having a solids content of not less than 66 percent by weight, or 66 degrees Brix, and not containing added sweeteners.

(11) “Non-shelf-stable concentrated maple sap” means sap from the trees of the genus *Acer* that has been concentrated using heating or other methods, has a solids content of more than 4 percent and less than 66 percent by weight, or from 4 to 66 degrees Brix, and will support microbial growth when stored at temperatures not lower than 41°F (5°C) or higher than 135°F (57°C).

(12) “Off flavor or odor” means any specific and identifiable or unidentifiable flavor or odor that is not normally found in grade A maple syrup. Off flavors or odors may be related to natural factors or manufacturing practices, and may develop or be acquired during handling or storage.

(13) “Packaging” means the transfer of liquid maple products or maple-derived water into a container that is sealed for sale, distribution, or delivery to a customer.

(14) “Rich taste” means a full-bodied maple flavor of medium intensity.

(15) “Robust taste” means a full-bodied maple flavor of higher than medium intensity.

(16) “Shelf-stable concentrated maple sap” means sap from the trees of the genus *Acer* that has been concentrated using heating or other methods, has a solids content of less than 66 percent by weight, or less than 66 degrees Brix, and will not support microbial growth when stored at temperatures not lower than 41°F (5°C) or higher than 135°F (57°C).

(17) “Strong taste” means a full-bodied maple flavor of high intensity.

(18) “Taste” means the intensity of maple flavor.

(19) “Turbidity” means the suspension of fine mineral particles in the maple syrup such that the syrup clarity is reduced.

History: EmR 1704: emerg. cr., eff. 3–7–17; CR 16–044: cr. Register May 2017 No. 737, eff. 6–1–17; corrections in (3), (11), (16) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.12 Licensing. (1) FOOD PROCESSING PLANT LICENSE. Unless exempted in s. ATCP 70.03 (7) (e), no person shall process and sell at wholesale liquid maple products, or maple-derived water, without a valid license issued by the depart-

ment for a food processing plant under s. 97.29, Stats. The person holding a food processing plant license shall meet all applicable requirements of ch. ATCP 70 and this subchapter. A single food processing plant license may apply to a location with a street address and an additional location, without a street address, used solely for concentration of maple sap.

(2) **RETAIL FOOD ESTABLISHMENT LICENSE.** Unless exempted in s. ATCP 75.03 (9) (g), no person shall process and sell to consumers liquid maple products, or maple-derived water, without a valid license issued by the department for a retail food establishment under s. 97.30, Stats. The person holding a retail food establishment license shall meet all requirements of s. ATCP 75.03.

(3) **FOOD WAREHOUSE LICENSE.** Unless exempted in ss. ATCP 71.01 (4) and 71.02 (1), a person operating a licensed food processing plant that makes liquid maple products, or maple-derived water, and receives, holds for more than 24 hours, and then sells, without further processing, liquid maple products or maple-derived water obtained from another processor, shall hold a food warehouse license under s. 97.27, Stats.

History: EmR 1704: emerg. cr., eff. 3–7–17; CR 16–044: cr. Register May 2017 No. 737, eff. 6–1–17; corrections in (3) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.14 Food processing plant facilities used solely for concentration of maple sap. (1) CONSTRUCTION AND MAINTENANCE; GENERAL. Buildings and facilities at a licensed food processing plant used to process liquid maple products, or maple-derived water by methods other than concentration shall be constructed and maintained in accordance with s. ATCP 70.04. Buildings and facilities at a licensed food processing plant used solely for concentration of maple sap shall be of sound construction, and shall be constructed with tightly sealed walls and ceiling to exclude pests. The floor of the food processing facility shall be finished with a smooth, cleanable, and durable material, and shall be maintained in a clean condition. The premises immediately adjacent to the facility shall be well drained and kept free of accumulations of garbage, refuse, and other potential health nuisances.

(2) **DOORS AND WINDOWS.** Doors, windows, skylights, transoms, and other external openings shall be tight-fitting, free of breaks, and effectively screened or protected against the entry of pests. External doors shall be kept closed when not in use.

(3) **LIGHTING.** (a) Lighting in every area of the maple sap concentration facility, whether natural or artificial, shall be not less than 10 foot candles, or 108 lux.

(b) Artificial lights shall be equipped with protective shields and end caps or shatter resistant bulbs.

(4) **VENTILATION.** Ventilation in the maple sap concentration facility shall be sufficient to prevent condensation.

(5) **TOILET AND HANDWASHING FACILITIES.** All employees working in the maple sap concentration facility shall have convenient access to a sanitary toilet in a toilet room, complying with applicable local law, or a self-contained portable toilet maintained in compliance with ch. NR 113. Each maple sap concentration area shall be equipped with a conveniently located handwashing sink and each sink shall be provided at all times with potable water under pressure, soap in a soap dispenser, a sanitary single-service means of drying the hands, and an easily cleanable covered trash receptacle. A single handwashing facility may also service areas in which pre-package processing, storage, and packaging of liquid maple products and maple-derived water are done, provided the handwashing sink is conveniently located for employee use.

(6) **CLEANING FACILITIES.** (a) If equipment, utensils, or containers are cleaned or sanitized manually, the maple sap concentration facility shall be equipped with a sink comprised of at least 3 compartments that is suitable for all manual cleaning and sanitizing operations. Sinks shall be conveniently located and ade-

quate in number. Each sink shall be constructed of stainless steel or of one or more other materials approved by the department.

(b) Every sink compartment shall be large enough to accommodate the immersion of at least 50% of the largest item to be cleaned or sanitized in the sink. Every sink compartment shall be served by hot and cold running water under pressure, and shall be cleaned before each use.

(c) Drain boards shall be provided in connection with every sink. Drain boards shall be large enough to accommodate soiled equipment and utensils before washing, and cleaned and sanitized equipment and utensils after the drain boards are cleaned and sanitized. Drain boards shall be located and constructed so that they do not interfere with washing and sanitizing operations. This paragraph does not prohibit the use of easily movable dish tables as drain boards if the dish tables comply with this paragraph.

(d) Brushes and cleaning tools shall be constructed of materials that can be cleaned and sanitized, and shall be kept clean, and in good repair. Wiping cloths used to clean equipment and utensils shall be cleaned, sanitized, and dried after each day's use, and shall be stored in an approved sanitizing solution between uses during the processing day. Sanitizing solutions for wiping cloths shall be changed frequently enough to maintain an effective concentration of sanitizing chemical or at least daily, whichever is more frequent. Sanitizers shall be used in accordance with the manufacturer's instructions. Wiping cloths used to clean food contact surfaces of equipment and utensils shall not be used for any other purpose. Single service disposable towels may be used in place of re-usable cloths if they are discarded after use.

(e) If a mechanical system is used to clean or sanitize equipment, utensils, or containers, the mechanical system shall be designed, installed, and maintained so that it is fully effective for the purpose used. If a chemical sanitizer is used, the operator must be able to demonstrate that the chemical sanitizer is used properly.

(7) **PLUMBING SYSTEM AND SEWAGE DISPOSAL.** Sewage and waste materials from the maple sap concentration facility shall be removed in a sanitary manner, in compliance with applicable state and local regulations. All plumbing, plumbing fixtures, and equipment shall be designed, installed, and maintained to prevent backflow, backsiphonage, cross-connections, and contamination.

Note: Plumbing and plumbing fixtures are subject to the requirements of chs. SPS 381 to 387, enforced by the department of safety and professional services.

(8) **GARBAGE AND REFUSE DISPOSAL.** (a) Garbage and refuse shall not be allowed to accumulate in or around the maple sap concentration facility. Garbage and refuse shall be removed as often as necessary to maintain the premises in a clean and sanitary condition.

(b) A separate room or a designated area for the accumulation of garbage and refuse must be provided in maple sap concentration facilities that do not have a system for the daily removal or destruction of garbage and refuse. Garbage and refuse storage areas shall be constructed and maintained so they do not attract or harbor pests.

(c) Garbage and refuse shall be held in durable, leak-proof, easily cleanable, and pest-resistant containers that are kept covered with tight-fitting lids, and shall be cleaned when necessary to prevent insanitary conditions.

(d) Garbage and refuse may not be burned on the premises, except in compliance with state and local laws. Garbage, refuse, and building materials shall not be burned on the premises if burning may contaminate liquid maple products or maple-derived water produced at the facility.

(9) **CONTROL OF PESTS.** (a) Effective measures shall be taken to control insects, rodents and other pests in the facility. Pesticides and other hazardous substances may not be stored or used in a manner that may contaminate food, or which may constitute a hazard to employees or the public. Pesticides shall not be stored,

handled, or used in a manner inconsistent with label directions, or in a negligent manner. Only pesticides approved for use in food processing operations may be stored or used in the facility.

(b) Animals, including domesticated animals, shall be kept out of maple sap concentration areas.

(10) **STORAGE OF FUEL FOR MAPLE SAP EVAPORATOR.** Evaporation equipment may be fueled by natural gas, oil, or wood. All fuel shall be stored outside the maple sap concentration facility.

History: EmR 1704: emerg. cr., eff. 3–7–17; CR 16–044: cr. Register May 2017 No. 737, eff. 6–1–17; corrections in (5) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.16 Food processing plant facilities for pre–package processing of maple syrup and shelf–stable concentrated maple sap. Facilities for pre–package processing of maple syrup and shelf–stable concentrated maple sap shall be constructed and maintained in accordance with s. ATCP 70.04.

History: EmR 1704: emerg. cr., eff. 3–7–17; CR 16–044: cr. Register May 2017 No. 737, eff. 6–1–17.

ATCP 87.18 Processing, storing, and packaging liquid maple products or maple–derived water. (1) **TRANSFER TO ANOTHER BUILDING OR AREA.** After maple sap concentration is done, liquid maple products and maple–derived water may be transferred from one building or area, to another building or area, operated under a food processing plant license, provided that the transfer vessels meet the requirements of s. ATCP 70.06 and the transfer method prevents contamination.

(2) **UNPACKAGED PRODUCT STORAGE ROOMS.** Any room, used for storage of unpackaged liquid maple products or maple–derived water, shall be constructed and maintained in accordance with s. ATCP 70.04.

(3) **CONTAINER–FILLING AND PACKAGED–PRODUCT STORAGE ROOMS.** Any room in which containers are filled with liquid maple products or maple–derived water, or in which these packaged products are stored, shall be constructed and maintained in accordance with s. ATCP 70.04.

(4) **TEMPERATURE CONTROL.** Non–shelf–stable concentrated maple sap, maple sap water, and maple–derived water are potentially hazardous foods as defined in s. ATCP 70.02 (22) and shall be handled, stored, and processed in compliance with s. ATCP 70.09 (1) to (3).

History: EmR 1704: emerg. cr., eff. 3–7–17; CR 16–044: cr. Register May 2017 No. 737, eff. 6–1–17.

ATCP 87.20 Containers for packaging liquid maple products or maple–derived water. All containers for packaging liquid maple products or maple–derived water shall be stored in a manner to prevent contamination and shall comply with the requirements of s. ATCP 70.10.

History: EmR 1704: emerg. cr., eff. 3–7–17; CR 16–044: cr. Register May 2017 No. 737, eff. 6–1–17.

ATCP 87.22 Operations water at food processing facilities used solely for the concentration of maple sap.

(1) Operations water as defined in s. ATCP 70.02 (21) used at food processing plant facilities used solely for the concentration of maple sap shall be obtained from a source that complies with ch. NR 811 or 812.

(2) Operations water shall be available in consistently adequate quantity, and shall comply with the microbiological drinking water standards in ch. NR 809.

(3) If a maple sap concentration facility operator obtains operations water from a privately owned water system, the operator shall sample that water at least once annually. The operator shall have each sample tested by a laboratory certified under ch. ATCP 77, for compliance with the microbiological drinking water standards in s. NR 809.30.

(4) A maple sap concentration facility operator shall keep on file, for at least one year, records of the results of all microbiologi-

cal and other tests conducted on operations water sampled at the facility. Records shall be made available for division review or copying upon request.

(5) Operations water, transported from elsewhere to the maple sap concentration facility, shall be transported in compliance with the requirements of s. ATCP 70.07 (6).

(6) Condensate from the thermal concentration of maple sap may be collected for re–use, provided the collection equipment does not contaminate, or have the potential to contaminate, the water. The condensate shall be collected and stored in containers that meet the requirements of s. ATCP 70.10. Reclaimed condensate from the thermal concentration of maple sap may be used to clean non–food–contact surfaces. Reclaimed condensate from the thermal concentration of maple sap may be used to clean evaporators and other equipment food–contact surfaces if approved by the division in accordance with s. ATCP 70.07 (3).

History: EmR 1704: emerg. cr., eff. 3–7–17; CR 16–044: cr. Register May 2017 No. 737, eff. 6–1–17; corrections in (3) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.24 Maple–derived water. Maple–derived water obtained by the reverse osmosis treatment of maple sap may be used to clean evaporators or other equipment surfaces that contact maple sap before the maple sap is subjected to concentration by heating if all of the following apply:

(1) The maple–derived water does not have any objectionable odors, flavors, or slime. The maple sap concentration facility operator shall sample and organoleptically evaluate the maple–derived water daily.

(2) Chemical treatment of the maple–derived water complies with s. ATCP 70.07 (4).

(3) Any storage tank used to hold maple–derived water shall be constructed to meet the requirements of s. ATCP 70.06 (2) and shall be emptied, cleaned, and sanitized at least once every 24 hours.

(4) The maple–derived water shall not be stored more than 24 hours before use.

(5) Distribution lines and hose stations used to distribute the maple–derived water shall be clearly identified and not permanently connected to food product vessels. If a distribution line is temporarily connected to a food product vessel, there shall be an atmospheric break and automatic controls to prevent the maple–derived water from contacting food product.

History: EmR 1704: emerg. cr., eff. 3–7–17; CR 16–044: cr. Register May 2017 No. 737, eff. 6–1–17.

ATCP 87.26 Equipment and utensils used in food processing plant facilities used solely for concentration of maple sap. (1) **CONSTRUCTION AND MAINTENANCE; GENERAL.**

(a) Equipment and utensils used at a licensed food processing plant in processing maple syrup or shelf–stable concentrated maple sap using methods other than concentration, or in processing non–shelf–stable concentrated maple sap, maple sap, and maple–derived water, shall be constructed, used, and maintained in accordance with s. ATCP 70.06. Equipment and utensils used solely for concentration of maple sap including tanks, bulk containers, filters, hydrometers, thermometers, and skimmers, shall be of sanitary design and construction. Lead or lead–alloy soldering may not be used in the construction or repair of food–contact surfaces. Equipment and utensils used solely for concentration of maple sap shall be readily accessible for cleaning and inspection and shall be constructed so that items can be easily cleaned. Equipment and utensils used solely for concentration of maple sap shall be kept clean and in good repair.

(b) Food contact surfaces of equipment and utensils shall be constructed of stainless steel or of one or more other food–grade materials that are smooth, impervious, nontoxic, non–corrodible, nonabsorbent, and durable under normal use conditions. Food contact surfaces shall be easily cleanable, and shall be free of breaks, open seams, cracks, or similar defects. Food contact sur-

faces shall not impart any odor, color, taste, or adulterating substance to food. Food contact surfaces shall be readily accessible for manual cleaning. A frame encasing an evaporator hood connected to a vent shall be made of a smooth, cleanable, food-grade material.

(c) Single-service articles shall be stored in the original containers in which they were received, or in other closed containers which will protect them from contamination before use. Single-service articles may not be reused.

(d) Filtering materials such as socks and presses shall be in a clean condition before use. Filter papers may not be re-used.

(2) COVERING OF VESSELS CONTAINING MAPLE PRODUCTS. Vessels holding liquid maple products or maple-derived water shall be covered to prevent contamination. This provision does not apply to vessels only holding maple sap before concentration of the maple sap.

(3) ULTRAVIOLET LIGHTS. Ultraviolet light sources shall be shielded or shatterproof.

(4) FILTERING AND DEFOAMING AGENTS. Filtering agents such as diatomaceous earth shall be non-toxic. Foaming agents and other processing aids shall be food grade and shall not contain any ingredient originating from milk, eggs, wheat, peanuts, soybeans, tree nuts, fish, or crustacean shellfish.

(5) LOCATION AND INSTALLATION OF EQUIPMENT. Equipment that cannot be easily moved shall be installed in a manner that prevents liquid or debris from accumulating under or around the equipment. Equipment shall be installed so that there is adequate clearance on all sides for cleaning and maintenance.

(6) CLEANING AND SANITIZING EQUIPMENT AND UTENSILS; GENERAL. (a) All food contact surfaces of equipment and utensils shall be cleaned as often as necessary to remove visible debris and the equipment shall be sanitized before the next contact with maple sap or maple syrup. When seasonal processing is completed, equipment and utensils shall be cleaned and stored in a sanitary manner.

(b) Reverse osmosis equipment shall be cleaned according to the manufacturer's directions.

(c) Sanitizers and methods used to sanitize equipment under this section shall comply with ss. ATCP 70.06 (7), (7m) to (10) and 70.11.

History: EmR 1704: emerg. cr., eff. 3-7-17; CR 16-044: cr. Register May 2017 No. 737, eff. 6-1-17; corrections in (1) (b), (c), (6) (c) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.28 Personnel standards in food processing plant facilities used solely for concentration of maple sap. (1) **GENERAL.** Personnel, in a licensed food processing plant facility used solely for concentration of maple sap to produce maple syrup and shelf-stable concentrated maple sap, shall meet the requirements of this section.

(2) CLEANLINESS. Persons engaged in concentrating maple sap shall maintain a high degree of personal cleanliness, and shall observe good hygienic practices during all working periods. Persons engaged in concentrating maple sap shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or engaging in other activities that may contaminate the hands.

(3) EMPLOYEE HEALTH. No person who, by medical examination or supervisory observation, has, or is reasonably suspected of having, any of the following conditions may work in a food processing facility used solely for concentration of maple sap, in any capacity that may result in the contamination of food, or in the contamination of equipment or utensils used to process or handle food:

- (a) A reportable communicable disease.
- (b) Any symptom of an acute gastrointestinal illness.
- (c) A discharging or open wound, sore, or lesion on the hands, arms or other exposed portions of the body.

(4) CONSUMPTION OF FOOD OR BEVERAGES, AND USE OF TOBACCO. No person may consume food or beverages or use tobacco in any licensed food processing plant facility used solely for concentration of maple sap or in any area where food processing equipment or utensils are cleaned or stored, except in designated areas which are separated from the processing area. This subsection does not prohibit a sanitary drinking water fountain in a processing, storage, or packaging area.

History: EmR 1704: emerg. cr., eff. 3-7-17; CR 16-044: cr. Register May 2017 No. 737, eff. 6-1-17; correction in (3) (c) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.30 Processing liquid maple products or maple-derived water by methods other than concentration. (1) Equipment and utensils used at a licensed food processing plant in processing liquid maple products or maple-derived water using methods other than concentration shall be constructed, used, and maintained in accordance with s. ATCP 70.06.

(2) Equipment and utensils, described in sub. (1), shall be cleaned and sanitized in accordance with ss. ATCP 70.06 (7) to (10).

(3) Personnel, in licensed food processing plants processing the products listed in this section, shall meet the requirements of s. ATCP 70.05.

History: EmR 1704: emerg. cr., eff. 3-7-17; CR 16-044: cr. Register May 2017 No. 737, eff. 6-1-17; correction in (2) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.32 Production of maple-derived water. (1) **PROHIBITED FOR USE IN CERTAIN BEVERAGES.** Maple-derived water may not be used as an ingredient in bottled drinking water or a soda water beverage, as defined in s. 97.34 (1), Stats.

(2) **EXEMPTION FROM BOTTLED WATER REQUIREMENTS.** The requirements for bottling establishments in subch. V of ch. ATCP 70 are not applicable to bottled maple-derived water.

(3) **DIVISION APPROVAL REQUIRED.** The process and equipment used for production of maple-derived water shall meet the requirements of s. ATCP 70.09 (1) to (3), and be reviewed and approved by the division before use.

(4) **ANNUAL TESTING.** The operator of a food processing plant producing maple-derived water as ingredient water, as defined in s. ATCP 70.02 (18), shall collect a sample of maple-derived water at least annually and have the sample analyzed at a laboratory that is certified under ch. ATCP 77 to perform analysis of water for coliform bacteria levels, standard plate count, and either turbidity or organic content, as specified in s. ATCP 70.07 (3) (a) 5.

(5) **STANDARDS.** The maple-derived water shall contain less than 1 coliform bacterium per 100 mL, have a standard plate count of not more than 500 colony-forming units per 500 mL, and either turbidity of less than 5 units or organic content of less than 12 mg per liter, as measured by the chemical oxygen demand or permanganate-consumed tests, as specified in s. ATCP 70.07 (3) (a) 5.

History: EmR 1704: emerg. cr., eff. 3-7-17; CR 16-044: cr. Register May 2017 No. 737, eff. 6-1-17; correction in (2) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.34 Recall plan. (1) **PLAN REQUIRED.** A person holding a food processing plant license under s. 97.29, Stats., and processing, storing, or packaging liquid maple products or maple-derived water, shall have a written plan for identifying and recalling products processed at that food processing facility, should a recall become necessary. The plan shall be updated as necessary, and shall be made available to the division for inspection and copying upon request.

(2) **PLAN CONTENTS.** A plan pursuant to sub. (1) shall meet the requirements of s. ATCP 70.117.

History: EmR 1704: emerg. cr., eff. 3-7-17; CR 16-044: cr. Register May 2017 No. 737, eff. 6-1-17; correction in (1), (2) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.36 Description and use of grade designations, terminology, and geographical designations to

label containers of maple syrup. (1) GRADING REQUIREMENT AND USE OF GRADING TERMINOLOGY AND GEOGRAPHICAL DESIGNATIONS. A person processing maple syrup, who is required under s. ATCP 87.12 (1) to hold a food processing plant license, shall label maple syrup containers for sale, with the grade designation in subs. (3) to (5), accurately describing the maple syrup in the containers. Other persons processing maple syrup may label maple syrup containers for sale with the grade designation in subs. (3) to (5) or the term “ungraded” that accurately describes the maple syrup in the containers. If the label on containers of maple syrup contains one or more of the Grade A color class terms or flavor descriptors in sub. (6), then the label must include the grade designation in subs. (3) to (5) or the term “ungraded” that accurately describes the maple syrup in the containers. The Wisconsin geographical designation may precede the grade designations in subs. (3) to (5) or the term “ungraded”, if all maple syrup in the container was produced in Wisconsin by concentrating maple sap. If some of the maple syrup in the container was produced by concentrating maple sap outside of Wisconsin, the U.S. geographical designation may precede the grade designation in sub. (3), but shall not precede the grade designations in subs. (4) and (5). If some of the maple syrup in the container was produced by concentrating maple sap outside of Wisconsin but the container was filled and sealed in Wisconsin, the container may be labeled “Bottled in Wisconsin” or “Packaged in Wisconsin.”

(2) STANDARDS. The following grade designations shall be used to label containers of maple syrup, when such labeling is required under sub. (1), provided the product in the container is accurately described by the definition of one of the stated grade designations in subs. (3) to (5) and the grade A color class in sub. (6), if applicable. The grade of a lot of maple syrup shall be determined by using the procedures in 7 CFR parts 52.1 to 52.83.

(3) GRADE A. No deviants for damage shall be labeled as Grade A. The grade designation Grade A may be applied to maple syrup that has all of the following characteristics:

- (a) Is not more than 68.9 percent solids content by weight, or 68.9 degrees Brix.
- (b) Has good uniform color.
- (c) Has good flavor and odor, and intensity of flavor, or maple taste, normally associated with the color class in sub. (6).
- (d) Is free from off flavors and odors considered as damage.
- (e) Is free from cloudiness, turbidity, sediment, and is clean.

(4) MAPLE SYRUP FOR PROCESSING (PROCESSING GRADE). Maple syrup bearing the grade designation maple syrup for processing, or processing grade, shall be packed in containers holding at least 5 gallons (18.925 liters) and shall not be packaged in

containers smaller than 5 gallons (18.925 liters) for retail sale. Processing grade syrup is maple syrup that has all of the following characteristics:

- (a) Fails to meet the requirements for grade A maple syrup.
- (b) Possesses a fairly good characteristic maple taste.
- (c) Is fairly clean and fairly free of damage, turbidity, or cloudiness.
- (d) May be in any color class and have any percent light transmittance.
- (e) Has not more than 68.9 percent solids content by weight, or not more than 68.9 degrees Brix.
- (f) May contain off flavors and odors.
- (g) May have a very strong taste.

(5) SUBSTANDARD. Maple syrup bearing the grade designation substandard is syrup that fails to meet the requirements in sub. (4) for processing grade maple syrup.

(6) COLOR CLASSES FOR GRADE A MAPLE SYRUP. The color class of grade A maple syrup is determined by the percent of transmittance of light at a wavelength of 560 nanometers through the syrup, as measured with a spectrophotometer using matched square optical cells having a 10 mm light path. The color value is expressed as percent of light transmission, as compared to analytical grade glycerol fixed at 100 percent. Percent transmittance is denoted by %Tc. Any method that provides equivalent results may be used to determine grade A maple syrup color class. Grade A maple syrup color classes and corresponding flavor descriptors are shown in Table 1.

Table 1.

| Grade A Color Class | Flavor Descriptor | Percent light transmittance: |
|---------------------|-------------------|------------------------------|
| Golden | Delicate | At least 75.0 |
| Amber | Rich | 50.0 – 74.9 |
| Dark | Robust | 25.0 – 49.9 |
| Very Dark | Strong | less than 25.0 |

History: EmR 1704: emerg. cr., eff. 3-7-17; CR 16-044: cr. Register May 2017 No. 737, eff. 6-1-17; correction in (title), (1), (2), (4) (c) made under s. 35.17, Stats., Register May 2017 No. 737.

ATCP 87.38 Enforcement. A person who violates this chapter may be prosecuted under ss. 93.21 and 97.72, Stats.

History: EmR 1704: emerg. cr., eff. 3-7-17; CR 16-044: cr. Register May 2017 No. 737, eff. 6-1-17.