

Chapter Ag 39

BAKERIES AND CONFECTIONARIES

| | | | |
|----------|---|----------|--------------------------------------|
| Ag 39.01 | Definitions | Ag 39.07 | Raw materials handling |
| Ag 39.02 | Bakery or confectionary; construction, facilities and maintenance | Ag 39.08 | Cleaning and sanitizing requirements |
| Ag 39.03 | Personnel standards | Ag 39.09 | Mobile concession stands |
| Ag 39.04 | Equipment and utensils; design, installation and maintenance | Ag 39.10 | Labeling |
| Ag 39.05 | Food ingredient sources | Ag 39.11 | Display of license |
| Ag 39.06 | Food handling, display and storage | Ag 39.12 | Effect of rules on local ordinances |
| | | Ag 39.13 | Authority |

Note: Chapter Ag 39 as it existed on October 31, 1984 was repealed and a new chapter Ag 39 was created effective November 1, 1984.

Ag 39.01 Definitions. As used in this chapter:

(1) "Approved sanitizer" means a substance or compound approved by the department for sanitizing equipment or utensils under s. Ag 39.09(5).

(2) "Bakery" means a facility as defined in s. 97.36, Stats.

(3) "Confectionary" means a facility as defined in s. 97.38, Stats.

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

(5) "Equipment" means items other than utensils used in the processing, storage, handling, display or transportation of food, such as stoves, ovens, hoods, tables, food shelving, reach-in refrigerators and freezers, sinks, machines for washing food contact surfaces of equipment and utensils, and similar items used in the operation of a bakery or confectionary.

(6) "Food" means food as defined in s. 97.01(2), Stats.

(7) "Food contact surfaces" means those surfaces of equipment and utensils with which food normally comes in direct contact, and those surfaces from which food may drain, drip or splash back onto other surfaces normally in contact with food.

(8) "Frozen food" means any food intended for sale in a frozen state.

(9) "Mobile concession stand" means a bakery or confectionary mounted on a mobile vehicle or trailer having a non-stationary location for doing business, but does not include a product delivery vehicle or a common carrier regulated by a state or the United States.

(10) "Potentially hazardous food" means any food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms. It does not include clean, whole, uncracked, odor-free shell eggs; foods that have a pH level of 4.6 or below, or a water activity (a_w) value of 0.85 or less under stan-

standard conditions; or food products in hermetically sealed containers processed to prevent spoilage.

(11) "Processing" means the manufacture or preparation of bakery or confectionary food for sale.

(12) "Safe temperatures" as applied to refrigerated foods means temperatures of 45° F. (7° C.) or below with respect to Grade A milk or Grade A milk products, and 40° F. (5° C.) or below with respect to other potentially hazardous foods. As applied to potentially hazardous heated foods, "safe temperatures" means temperatures of 150° F. (65° C.) or above. As applied to frozen foods, "safe temperatures" means temperatures of 0° F. (-17° C.) or below.

(13) "Sanitize" means a treatment capable of destroying pathogens and other organisms, to the maximum extent practicable, by the application of an approved sanitizer or sanitizing method to food contact surfaces of utensils or equipment which are otherwise clean.

(14) "Single-service articles" means cups, containers, lids, napkins, and packaging materials, including bags and similar articles, that are designed for one-time use only.

(15) "Utensil" means any food contact implement such as a knife, fork, spoon, tong, spatula, scoop, pot or pan used in the processing, storage, handling, display, dispensing or transportation of unpackaged food.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.02 Bakery or confectionary; construction, facilities and maintenance. (1) BUILDINGS, FACILITIES AND EQUIPMENT; GENERAL. (a) Buildings, facilities and equipment used in the operation of a bakery or confectionary shall be of sound construction and capable of being maintained in a clean and sanitary condition to prevent the adulteration or contamination of food. The buildings, and the premises on which they are located, shall be kept clean and free of accumulated rubbish or other nuisance, contamination hazard or vermin harborage.

(b) All floors, walls and ceilings in a bakery or confectionary shall be kept clean and in good repair. Floors, walls and ceilings in processing areas, toilet rooms, and areas used for the cleaning or storage of equipment or utensils shall be constructed of smooth, impervious and easily cleanable materials. This does not prohibit the use of anti-slip floors in areas where necessary for safety, if the floors are otherwise easily cleanable.

(c) No food processing or handling operations may be conducted in any room used as living or sleeping quarters. Bakery or confectionary operations shall be separated from adjacent living or sleeping quarters by a tight-fitting, self-closing door.

(d) Doors, windows, skylights, transoms and other openings to the outside shall be tight-fitting, free of breaks, and screened or otherwise effectively protected against the entry of rodents, insects, birds and other animals. Doors opening to the outside shall be kept closed or effectively screened when not in use.

(e) Establishments constructed, substantially reconstructed or extensively altered in a manner which changes the dimensions of a manufac-

Register, October, 1984, No. 346

turing or processing area after November 1, 1984 shall conform to the following requirements:

1. The junctions of walls and floors in processing areas shall be coved to facilitate cleaning.

2. Floors designed to be waterflushed for cleaning shall be provided with floor drains installed in accordance with the applicable plumbing code and be sufficiently sloped to provide adequate drainage.

3. At least one service sink or curbed floor drain shall be provided for use in the cleaning of mops or wet floor cleaning tools, and for the disposal of mop water or similar wastes. Mops shall be stored in a manner to preclude contamination of food or food contact surfaces.

(2) **LIGHTING.** Lighting in every area of the bakery or confectionary, whether natural or artificial, shall be sufficient for the purpose for which the area is used. Artificial lights in food processing areas shall be equipped with protective shields or shatterproof bulbs. The following minimum light intensities shall be maintained in processing and storage areas when areas are in use:

(a) Not less than 20 foot candles on working surfaces, except that working surfaces used for mixing, grinding, stuffing, packaging or other processing operations shall be illuminated to an intensity of not less than 50 foot candles.

(b) Not less than 10 foot candles in all food storage areas, including frozen or refrigerated storage facilities, as measured at a point 3 feet from the floor.

(3) **VENTILATION.** All areas in which food is processed or handled, or in which equipment or utensils are washed, and all dressing rooms, locker rooms, toilet rooms, and garbage or rubbish storage areas shall have sufficient ventilation to remove excessive heat, steam, condensation, vapors, obnoxious odors and smoke. Exhaust ventilation systems in all areas where bakery and confectionary items are prepared shall comply with the provisions of s. ILHR 64.67. Ventilating units shall be positioned to avoid venting of air where food is exposed. Intake fans shall be equipped with filters that are readily removable for cleaning and replacement. Exhaust and intake fans and ducts shall be kept clean and in good repair, and be screened or louvered in such a manner to minimize the contamination of food from the entry of dust, dirt, insects or other contaminants.

(4) **TOILET FACILITIES.** (a) A sufficient number of sanitary toilets to accommodate all personnel, in accordance with applicable state and local laws and regulations, shall be provided in convenient locations. Toilet rooms shall be completely enclosed, well lighted, and equipped with tight-fitting, self-closing doors. Doors shall not open directly into processing areas in any new or extensively remodeled premises. Toilet rooms and fixtures shall be easily cleanable, and be kept clean and in good repair. A sign directing personnel to wash their hands before returning to work shall be posted in all toilet rooms used by them. Hand washing facilities, including hot and cold running water, soap dispenser, and single-service sanitary towels shall be conveniently located in toilet rooms. An easily cleanable trash receptacle and a supply of toilet tissue shall be provided in each toilet room at all times.

(b) Toilet rooms constructed, substantially reconstructed or extensively altered as part of a renovation project under s. Ag 39.02(1)(e), after November 1, 1984 shall be separately vented to the outside and equipped with an exhaust fan capable of creating a negative pressure within the toilet facility.

(5) LOCKER AND LINEN FACILITIES. (a) Lockers or comparable facilities shall be provided for the clothing and similar personal belongings of bakery and confectionary workers. Clothing and personal belongings shall not be stored in food processing areas or in areas where equipment or utensils are cleaned or stored. Small personal items, such as purses and jewelry, may for security reasons be kept in processing or equipment areas, provided they are kept covered or separately stored so as to prevent the contamination of food.

(b) Damp or soiled linen and clothing shall be placed and kept in non-absorbent containers or laundry bags until removed for laundering. Damp or soiled linen and clothing shall be removed as often as necessary to prevent the creation of unsanitary conditions.

(6) HAND WASHING FACILITIES IN PROCESSING AREAS. Hand washing sinks with hot and cold running water available shall be provided for the use of workers in all bakery or confectionary processing areas. The sinks shall be conveniently located for personnel use and kept in a clean and sanitary condition. Sinks shall be located in the processing area in all new or extensively altered establishments. A supply of soap or handwashing detergent and sanitary single-service towels shall be kept available at the sink for the washing and drying of hands. If disposable towels are used, clean waste receptacles shall be provided for their disposal. The use of common towels is prohibited.

(7) WATER SUPPLY. An ample supply of potable hot and cold water shall be available for lavatory facilities and for all processing operations. Where a private water system is used as the source of water, a sample of the water shall be obtained and tested on an annual basis. Record of test results shall be kept on file on the premises for a period of 3 years. All private water supplies shall comply with ch. NR 112.

(8) EXTERIOR PREMISES. Premises on which a bakery or confectionary is located shall be well drained. Driveways and parking lots surrounding the bakery or confectionary shall be surfaced or otherwise maintained so as to minimize dust and dirt.

(9) SEWAGE AND WASTE DISPOSAL. (a) Sewage and waste materials shall be disposed of in a sanitary manner, and in accordance with applicable state and local laws and regulations.

(b) Garbage and other refuse shall not be allowed to accumulate in and about the premises and shall be removed as often as necessary to maintain the premises in a clean and sanitary condition. Garbage storage areas shall be constructed and maintained in such a manner as to prevent the attraction or harborage of insects, rodents or other animals. Garbage and refuse shall be held in durable, easily cleanable, insect and rodent-resistant containers. Containers shall be kept covered with tight-fitting lids, and be cleaned as necessary after being emptied and before re-use.

(c) Garbage and other refuse shall not be burned on the premises except in a manner which complies with state and local laws and regula-

tions, and presents no threat of contamination to food, or areas used in the processing, handling or storage of food.

(10) **CONSTRUCTION; PLAN REVIEW.** When a bakery or confectionary is constructed, substantially reconstructed or extensively altered, or when an existing structure is converted for use as a bakery or confectionary, plans and specifications for the construction, conversion or alteration may be submitted to the department for review before the work is begun.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.03 Personnel standards. (1) **CLEANLINESS.** Bakery and confectionary personnel shall maintain a high degree of personal cleanliness and observe good hygienic practices during all working periods. Personnel shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or engaging in other activities which may soil or contaminate the hands. Personnel shall keep their fingernails clean and neatly trimmed. Fingernail polish is prohibited if the worker does not wear sanitary gloves.

(2) **CLOTHING AND JEWELRY.** (a) Clean, washable outer garments and effective hair restraints, including effective hair restraints for beards longer than ½ inch, shall be worn by all personnel working in food processing areas. Hair restraints may include hair nets, caps and snoods, but do not include hairsprays or headbands.

(b) Personnel shall remove all jewelry from arms, hands and fingers before having any direct manual contact with food. Other jewelry shall not be worn in a manner which may subject food to possible contamination. This paragraph does not apply to plain band wedding rings.

(3) **COMMUNICABLE ILLNESS.** No person who has a disease in a form that is communicable by food handling may be permitted to work in a bakery or confectionary in any capacity which may result in the contamination of food. If required by the local health officer or any officer of the department for the purposes of an investigation, any person who is employed in the handling of foods or is suspected of having a disease in a form that is communicable by food handling shall submit to an examination by the officer or by a physician designated by the officer. The expense of the examination, if any, shall be paid by the person examined.

(4) **USE OR CONSUMPTION OF FOOD, BEVERAGES AND TOBACCO.** The use or consumption of food, beverages, or tobacco by bakery and confectionary personnel shall be restricted to designated areas, away from food processing and storage areas and areas in which food processing equipment or utensils are cleaned or stored. On-line quality control sampling in accordance with an establishment's written quality control procedures is not prohibited.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.04 Equipment and utensils; design, installation and maintenance.

(1) **GENERAL REQUIREMENTS.** Equipment and utensils shall be of sanitary design and construction. They shall be readily accessible for cleaning and inspection, and be kept clean and in good repair.

(2) **FOOD CONTACT SURFACES.** (a) Food contact surfaces shall be smooth and free of breaks, open seams, cracks, chips, pits and similar defects.

(b) Food contact surface materials, including materials used for the repair of food contact surfaces, shall be smooth, impervious and non-absorbent. Materials shall be easily cleanable, durable under normal conditions of use, and capable of withstanding repeated scrubbing and scouring, and the corrosive action of detergents and sanitizers. They shall not impart odors, color or taste, or contribute to the adulteration of food coming in contact with them. Hard maple or other material which is relatively non-absorbent may be used for cutting blocks, boards and bakers' tables. Wood paddles of suitable type may be used on confectionaries. Paint is prohibited on food contact surfaces.

(3) **NON-FOOD CONTACT SURFACES AND PARTS.** (a) Equipment surfaces, other than food contact surfaces, which are exposed to splash or food debris or require frequent cleaning to prevent accumulation of dirt or waste, shall be constructed of reasonably smooth, washable materials, and be free of unnecessary ledges, projections or crevices, so as to facilitate cleaning. Equipment surfaces shall be accessible for cleaning and inspection, and be kept in clean and sanitary condition.

(b) Equipment shall be designed and constructed in such a manner that gear and bearing lubricants cannot contaminate food or food contact surfaces. Where equipment is not capable of being so designed and lubricants may come in contact with food contact surfaces, only food grade lubricants may be used.

(4) **EQUIPMENT INTENDED FOR IN-PLACE CLEANING.** Cleaning-in-place (CIP) equipment systems intended for in-place cleaning of food contact surfaces shall be designed and constructed to achieve complete cleaning, draining and sanitizing of all interior food contact surfaces in the system.

(5) **MECHANICAL DISHWASHER.** Mechanical dishwashing systems shall be designed to provide for effective cleaning and rinsing of all equipment and utensils in their operation.

(6) **INSTALLATION OF EQUIPMENT IN PROCESSING AREAS.** Equipment placed on tables, counters, floors or other surfaces in processing areas, unless readily removable, shall be manufactured and installed in a manner so as to prevent the accumulation of liquids or debris underneath, between or behind the equipment.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.05 Food ingredient sources. (1) **CANNED AND PROCESSED FOODS.** Canned and processed foods may be used in bakeries or confectionaries only if they have originated from food processing plants licensed or inspected under state or federal law.

(2) **MILK AND DAIRY PRODUCTS.** No milk or dairy products may be used in the processing of food for sale in a bakery or confectionary unless they have been processed and packaged in a licensed dairy plant.

(3) **EGG AND EGG PRODUCTS.** Only clean whole eggs, pasteurized eggs in liquid, frozen or dry form, or pasteurized egg products may be used in processing bakery or confectionary items. Clean whole eggs shall be equivalent to USDA Grade B or better with shells intact and without cracks and checks.

(4) **RAW MATERIAL AND INGREDIENTS.** Only safe and wholesome foods or food ingredients may be used in the preparation or processing of
Register, October, 1984, No. 346

bakery or confectionary items. Raw materials and ingredients shall be inspected and segregated as necessary to determine if they are clean and fit to process into human food and shall be stored under conditions that will protect against contamination and minimize deterioration.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.06 Food handling, display and storage. (1) GENERAL REQUIREMENTS. Food shall be protected from contamination during all periods in which it is stored, processed, displayed, handled, dispensed or otherwise held for sale.

(2) **FOOD TEMPERATURES.** (a) Potentially hazardous foods shall be kept at safe temperatures at all times while being stored, displayed or offered for sale. Frozen foods, the temperature of which may temporarily exceed a safe temperature because of normal defrost cycles, the loading or unloading of a freezer, or other similar reasons, shall be returned to a safe temperature as quickly as possible. In no case shall the internal temperature of frozen food exceed 10° F. (-12° C.).

(b) Refrigerator and freezer display cases shall not be filled in excess of the maximum capacity specified by the manufacturer of the unit.

(3) **FOOD STORAGE.** (a) *Storage areas.* Food storage areas, including walk-in refrigerated and frozen food storage units, shall be maintained in a clean, sanitary and orderly condition, free from accumulations of litter or other materials which may result in the contamination of food.

(b) *Thermometers.* An easily readable thermometer accurate to within $\pm 2^{\circ}\text{F}$ ($\pm 1^{\circ}\text{C}$) shall be installed in all freezers and refrigerators used for storage or display of potentially hazardous foods. Thermometers shall be installed so that their readings are reasonably representative of the warmest freezer or refrigerator temperature at which the food is being held.

(c) *Manner of storage.* Food shall be stored a minimum of 6 inches above the floor, on pallets or in a manner approved by the department so as to protect it from splash, damage and other potential sources of contamination. If multi-service containers are used, they shall be equipped with tight-fitting covers. Food shall be stored away from walls to allow for cleaning and inspection and to prevent the harborage of insects and rodents.

(4) **DISPLAY AND HANDLING OF FOOD.** (a) *Display facilities.* Display cases and containers, refrigerated display cases, counters, shelves and other facilities used for the display of food, or from which food is dispensed to the public, shall be kept in good repair and in a clean and sanitary condition.

(b) *Single-service articles.* Single-service articles shall be stored in the original containers in which they are received or in other closed containers which will protect them from contamination. The re-use of single-service articles is prohibited.

(c) *Display of unwrapped bulk foods.* Unwrapped bulk foods, while on display, shall be kept covered or otherwise protected against contamination. Unwrapped bulk foods, while on display, shall not be available for handling by the public, and shall be handled and dispensed only by bakery or confectionary personnel, or dispensed by a mechanical device

which allows customers to serve themselves, but which prevents direct customer contact with food not included in the individual self-served portion.

(5) **DAMAGED FOOD PACKAGES.** (a) Food shall not be sold in packages that are damaged to an extent that the food contents may have been exposed or subjected to possible contamination. Packages or containers which are broken along critical seams, or which have openings whereby the food contents may have been exposed to contamination, shall be considered as damaged food and be removed from sale.

(b) Food and food packages which have been subjected to contamination or possible contamination in a fire, flood or other casualty shall not be sold, offered for sale or reprocessed for sale for human consumption unless the department has first inspected all of the food and food packages, and authorized their sale or disposition. Bakeries or confectionaries shall notify the department when food in their possession has been subjected to damage or possible damage because of fire, flood, or other casualty.

(6) **CONTROL OF INSECTS, RODENTS AND OTHER ANIMALS.** Effective measures and programs shall be employed to prevent the presence of insects, rodents and other vermin on the premises.

(7) **POISONOUS AND HAZARDOUS SUBSTANCES.** Pesticides and other poisonous and hazardous substances shall not be displayed, stored or used in a manner which may contaminate food, equipment, utensils, packaging or single-service articles, or constitute a hazard to personnel or the public.

History: Cr. Register, October, 1984, No. 346; eff. 11-1-84.

Ag 39.07 Raw materials handling. (1) **EGG PRODUCTS.** Egg products shall be pasteurized or otherwise treated before use or during processing operations to destroy pathogenic microorganisms, including viable salmonella organisms.

(2) **BULK FLOUR HANDLING SYSTEMS.** (a) Food contact surfaces in bulk flour handling equipment shall comply with the provisions of s. Ag 39.04(2), except that pneumatic systems using storage bins constructed of semi-permeable cloth material are exempt from the requirement that surfaces be smooth, impervious, and nonabsorbent, provided the surfaces can be effectively cleaned.

(b) Attachment mechanisms for holding inspection port covers, access doors, delivery pipe caps or other removable accessories shall have no loose parts. Delivery pipe caps shall be in place and secured against tampering except when a bulk flour handling system is in use.

(c) Outside installations shall be watertight or suitably covered to prevent entry of water and foreign material.

(d) Intake air used in pneumatic flour handling systems shall be filtered to exclude particles of 50 microns or larger. Air discharged from the system shall be filtered so that no visible dust is permitted to escape. Filters shall be readily removable for cleaning or replacement. Straight runs of pneumatic conveyors shall comply with the provisions of s. Ag 39.04(1), except that piping which is self-purging is exempt from accessibility requirements.

Register, October, 1984, No. 346

(3) **REWORK.** All bakery and confectionary items and ingredients reclaimed from processing in the establishment for reworking into finished products shall be handled and stored in properly identified containers as raw materials.

(4) **MATERIAL HANDLING.** Effective measures shall be taken to prevent cross contamination between raw materials and finished food products. Raw materials shall not be handled simultaneously with finished products in a receiving, loading, or shipping area if either the raw materials or the finished products are uncovered or unprotected, and if the handling may result in contamination. Materials and products transported by conveyor shall be protected against contamination from extraneous matter.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.08 Cleaning and sanitizing requirements. (1) **CLEANING.** (a) All processing areas and all equipment and utensils used in the processing of food shall be thoroughly cleaned immediately after each day's processing operations or at the end of a continuous run, and more frequently as necessary to keep them in a sanitary condition. Equipment and utensils, if washed manually, shall be thoroughly washed in hot water and rinsed free of detergents and other residues. All non-food contact surfaces of equipment and utensils shall be cleaned as often as necessary to prevent the accumulation of dust, dirt, food particles and other possible contaminants.

(b) Food contact surfaces of equipment used for processing or holding low moisture raw materials or products such as chocolate, fats and oils, liquid nutritive sweeteners, peanut butter, and similar materials which are not conducive to microbial growth shall be maintained in a sanitary condition. When wet cleaning or such equipment may cause conditions conducive to microbial growth, other appropriate cleaning methods shall be utilized to prevent product contamination.

(2) **CLEANING FACILITIES.** A sink constructed of stainless steel or other approved material, with at least 2 compartments and an attached drain board or other suitable draining device or facility shall be provided for the cleaning of equipment and utensils which are to be cleaned or sanitized manually. Sinks used for manual cleaning and sanitizing shall be of adequate length, width and depth to permit immersion of at least 50% of the largest item to be cleaned or sanitized in the sink. Each sink compartment shall be supplied with hot and cold running water, and be cleaned prior to each use. Brushes and cleaning tools shall be stored off the floor and kept clean and in good repair.

(3) **SANITIZING METHODS.** Utensils and food contact surfaces of equipment which are used to handle potentially hazardous foods shall be sanitized prior to each day's use or the start of a continuous run, or more frequently as necessary with an approved sanitizer by one of the following sanitizing methods:

(a) Immersion for at least 30 seconds in clean water at a temperature of at least 170° F. (77° C.).

(b) Immersion for a period of at least 2 minutes in a sanitizing solution containing at least 100 ppm of available chlorine at a temperature not less than 75° F. (24° C.) nor more than 110° F. (44° C.).

(c) Immersion for a period of at least one minute in a sanitizing solution containing at least 12.5 ppm of available iodine, and having an acid pH not higher than 5.0, at a temperature of not less than 75° F. (24° C.) nor more than 110° F. (44° C.).

(d) Spraying, swabbing or other application of a non-toxic chemical sanitizer in accordance with the manufacturer's directions for use, or other sanitizing method which has been demonstrated to be equally as effective in the sanitizing of equipment and utensils as the methods described under pars. (a) through (c), and which has been approved by the department.

(e) Pans used during baking or cooking operations when time and temperature combinations are adequate to destroy pathogenic organisms and which meet industry standards are considered in compliance with the sanitizing requirements of this section.

(4) **SANITIZERS; DEPARTMENTAL APPROVAL.** The department shall approve sanitizers and sanitizing methods which in its judgment are determined to be safe and effective for sanitizing utensils or equipment. Sanitizers and sanitizing methods approved by the United States department of agriculture under the poultry products inspection act, 21 USC 451 et. seq., or the federal meat inspection and wholesome meat acts 21 USC 601 et. seq., or by the Wisconsin department of health and social services under subch. III, ch. 50, Stats., shall be considered pre-approved by the department. The department may deny or withdraw approval of any sanitizer or sanitizing method, whether or not approved by any other state or federal agency, if it determines that the sanitizer or sanitizing method is not safe or effective for the purposes or under the conditions for which it is to be used, or that it adversely affects the sanitary characteristics of equipment or utensils. Persons affected by denial or withdrawal of approval shall be entitled to a hearing, if requested within 10 days after the denial or withdrawal of approval.

(5) **STORAGE OF EQUIPMENT.** Cleaned and sanitized utensils and portable equipment shall be stored above the floor in a clean, dry location. Food contact surfaces of utensils and equipment, including fixed equipment, shall be protected from dust, splash and other possible sources of contamination. Utensils shall be air-dried prior to storage, or stored in a self-draining position on suitably located hooks or racks constructed of corrosion resistant impervious material.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.09 Mobile concession stands. (1) Food sold from mobile concession stands shall be produced, packed, prepared and held under sanitary conditions.

(2) Mobile concession stands shall be of sound construction and kept clean and in good repair. Walls and ceilings shall be impervious, reasonably smooth and light colored. Floors shall be smooth and easily cleanable. Doors shall be tightfitting. Windows, including service windows, shall be screened. Lighting shall be adequate, and light fixtures shall be equipped with protective shields or shatterproof bulbs.

(3) Equipment, utensils and counters in mobile concession stands shall be of sound construction, easily cleanable, and meet the requirements of s. Ag. 39.04. Ingredient containers shall be easily cleanable, and be equipped with tight-fitting covers. Containers shall be stored in the mo-

Register, October, 1984, No. 346

mobile concession stand or in an approved remote storage facility. Ingredients may be kept in their original containers.

(4) An ample supply of potable water shall be available in mobile concession stands for cleaning and hand washing. If water storage tanks are used, they shall be constructed of non-toxic and non-corrosive material. Equipment and utensil cleaning facilities shall be sufficient to permit their adequate cleaning. Mobile concession stands constructed or extensively altered in a manner which changes the location of equipment or fixtures within the mobile concession stand after November 1, 1984 shall be equipped with a 2-compartment sink for cleaning equipment and utensils, and a handwashing facility equipped with running water, soap and single-service towels.

(5) Mobile concession stand personnel shall comply with all standards set forth in s. Ag 39.03.

(6) Premises surrounding temporary locations for a mobile concession stand shall be kept clean. Trash and rubbish shall not be permitted to accumulate. Effective measures and control programs shall be utilized to exclude insects, rodents and other vermin from mobile concession stands.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.10 Labeling. All pre-packaged food products offered for sale in a bakery or confectionary shall be labeled in compliance with ch. 97, Stats., and ch. Ag 53.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.11 Display of license. Bakery or confectionary licenses shall be displayed in a conspicuous place on the bakery or confectionary premises.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.12 Effect of rules on local ordinances. (1) This chapter does not prohibit or nullify any local government ordinance with which it is not in direct conflict as provided in sub. (2).

(2) In the event of any direct conflict between this chapter and any local government ordinance, such that compliance with one can only be achieved by violating the other, this chapter shall be controlling.

(3) Compliance with local government ordinances shall not relieve any persons from the duty of complying with this chapter.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.

Ag 39.13 Authority. These rules are adopted under authority of ss. 93.07(1) and 97.40(2), Stats.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84.