

Chapter Ag 31

DAIRY PLANT STANDARDS

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Ag 31.01 Definitions. As used herein unless the context otherwise requires:

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

(2) "Approved laboratory" means a dairy laboratory approved by the department for the conduct of milk quality and butterfat tests.

(3) "C-I-P system" means food processing equipment in which pipelines and other product contact surfaces are so designed, constructed and permanently installed as to be cleaned-in-place.

(4) "Dairy plant" means a dairy plant as defined in s. 97.20 (1) (a), Stats.

(5) "Dairy plant operator" means any person who owns, operates, controls or is in charge of the operation of a dairy plant.

(6) "Dairy product" or "product" means a dairy product as defined in ss. 97.20 (1) (b) and 97.24 (1) (b), Stats.

(7) "Milk" means the milk of cows or goats and includes skim milk and cream.

(8) "Milk hauler" means any person who transports milk from a dairy farm to a dairy plant or other processing or distribution locations.

(9) "Milk quality test" means the standard plate count, plate loop count, coliform count, sediment test, inhibitory substance test for antibiotics, Wisconsin mastitis test, direct microscopic somatic cell count, and any other test for milk as described in "Standard Methods for the Examination of Dairy Products", 14th Edition (1978), copies of which are on file at the offices of the department, the secretary of state and the revisor of statutes, and may be obtained from the American Public Health Association, Inc., 1015 Eighteenth Street, N.W., Washington, D.C. Examinations may include such other chemical and physical determinations as the department may consider necessary for the detection of adulteration.

(10) "Person" means an individual, partnership, firm, association, corporation, or any other business unit or entity.

(11) "Producer" means any person who owns, controls or operates a dairy farm and sells milk produced on the farm from cows or goats, and includes Grade A producers under s. 97.24, Stats., and ch. Ag 80.

(12) "Sanitize" means to destroy pathogens and other organisms, insofar as practicable, by the application of any sanitizing substance or process to product contact surfaces of dairy equipment or utensils which are otherwise clean. The sanitizing treatment or process shall not adversely affect the equipment or utensils or the quality of the milk or milk product coming in contact therewith, and shall be acceptable to the department.

History: Cr. Register, October, 1978, No. 274, eff. 1-1-79; am. (9), Register, January, 1983, No. 325, eff. 2-1-83.

Ag 31.015 Dairy plant license. (1) LICENSE REQUIRED. No person may operate a dairy plant without a valid license for that dairy plant, as provided under s. 97.20 (2), Stats. No dairy plant license is required for a retail food establishment licensed under s. 97.30, Stats., if dairy products are processed solely for retail sale at the establishment. If a milk receiving station or transfer station is operated at the same location as a dairy processing plant, the receiving station or transfer station is covered under the processing plant license. If a milk transfer station is operated at the same location as a milk receiving station, the transfer station is covered under the receiving station license.

(2) LICENSE APPLICATION. Application for a dairy plant license shall be made on a form provided by the department, and shall comply with s. 97.20 (2), Stats. The department shall grant or deny a license application within 40 business days after a complete license application, including all information required under s. 100.06, Stats., is received by the department. The department shall not issue or renew a dairy plant license unless the conditions specified under s. 97.20 (2) (d) are met prior to licensing. Except as provided under sub. (4), the department may conditionally grant a license application by issuing a temporary license under sub. (3).

(3) TEMPORARY LICENSE. Pursuant to s. 93.06 (8), Stats., the department may issue a temporary license, for a period not to exceed 40 business days, pending final action on an application for an annual dairy plant license. The department shall grant or deny the annual license application before the temporary license expires. If the department denies a license application before the applicant's temporary license expires, the temporary license is automatically terminated when the applicant receives written notice of the denial. The holder of a temporary license acquires no rights beyond those conferred by the temporary license. The holder of a temporary license may not purchase milk or fluid milk products from milk producers or their agents, but may purchase milk or fluid milk products from other sources. A temporary license may not be issued in response to a renewal application by the holder of an existing license.

(4) PRE-LICENSE INSPECTION. The department may inspect a dairy plant, as the department deems necessary, before issuing a license for that dairy plant. No license or temporary license may be issued for a new dairy plant until the dairy plant is inspected for compliance with ch. 97, Stats., and rules promulgated by the department under that chapter. A previously licensed dairy plant is not considered a new dairy plant under this subsection solely because of a change of ownership, or solely because of alterations in the dairy plant.

History: Cr. Register, October, 1989, No. 406, eff. 11-1-89.

Ag 31.016 Grade A permit. (1) **PERMIT REQUIRED.** No person may operate a grade A dairy plant without a valid grade A permit for that dairy plant, as provided under s. 97.20 (3), Stats. If a grade A milk receiving station or transfer station is operated at the same location as a grade A processing plant, the grade A receiving station or transfer station is covered under the grade A processing plant permit. If a grade A transfer station is operated at the same location as a grade A receiving station, the grade A transfer station is covered under the grade A receiving station permit. If a grade A receiving station or transfer station is operated at the same location as a grade B dairy processing plant, a grade A permit is required for the receiving station or transfer station.

(2) **PERMIT APPLICATION.** Application for a grade A dairy plant permit shall be made on a form provided by the department, and be accompanied by the fees required under s. 97.20 (3), Stats. The department shall grant or deny a permit application within 40 business days after complete application is received by the department.

History: Cr. Register, October, 1989, No. 406, eff. 11-1-89.

Ag 31.02 Dairy plant premises. Dairy plant premises shall be kept in a clean and orderly condition, free from foul odors, smoke, excessive air pollution, and waste materials. Driveways and dirt surfaces in the immediate plant area shall be surfaced or otherwise treated to minimize dust. A drainage system shall be provided to allow rapid drainage of all water away from plant buildings, including surface water around the plant or on the premises, to prevent a nuisance or health hazard. The immediate premises surrounding the plant and buildings used in connection with the operation of the plant, shall be free from refuse, rubbish, and waste materials to prevent harborage of rodents, insects and other vermin.

History: Cr. Register, October, 1978, No. 274, eff. 1-1-79.

Ag 31.03 Dairy plant construction and maintenance. (1) **PLANT BUILDINGS.** The dairy plant and all buildings used in connection with the dairy plant shall be of sound construction and be kept clean and in a good state of repair to prevent the accumulation of dust, dirt, mold and other insanitary conditions, and the entry or harboring of insects, vermin, rodents and other animals.

(2) **FLOORS.** The floors of all rooms in which milk or dairy products are processed or handled, or in which milk utensils are washed, shall be constructed of concrete or other equally impervious and readily cleanable material. The floor shall be smooth, sloped to provide adequate drainage, provided with trapped drains, and kept clean and in good repair, except that:

(a) Refrigerated storage rooms used for storing dairy products need not be provided with floor drains when the floors are sloped to drain to one or more exits to prevent pooling of liquids.

(b) Storage rooms for storing dry ingredients or packaging materials, or both, may be constructed of tightly joined wood and need not be equipped with floor drains.

(3) **WALLS AND CEILINGS.** Walls and ceilings of rooms in which milk or dairy products are processed, handled or stored, or in which milk containers, utensils, and equipment are washed, shall be smoothly finished,

washable, constructed of light colored material which is substantially impervious to moisture, and be kept clean and in good repair.

(4) OUTSIDE OPENINGS. (a) Outside openings of plants, including doors, windows, skylights and transoms, shall be effectively protected or screened against the entrance of insects, birds, rodents and dirt. Outside doors shall be self-closing. Outside conveyor openings and other special type outside openings shall be effectively protected at all times against the entrance of insects and rodents by use of doors, screens, flaps, fans or tunnels. Outside openings for sanitary pipeline shall be covered when

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