

ATCP 70/87–Maple Syrup Grading Standards and Processing; Final Rule (CR 16-044)

The Department of Agriculture, Trade and Consumer Protection (“Department”) hereby submits the following rule for publication:

CLEARINGHOUSE RULE #: **CR 16-044**

SUBJECT: **Maple Syrup Grading Standards and Processing**

ADM. CODE REFERENCE: **ATCP 70/87**

DATCP DOCKET #: **15-R-06**

We are enclosing a copy of the final rule, as adopted by the Department. We are also providing the following information for publication with the rule, as required by Wis. Stat. § 227.114 (6).

Business Impact Analysis (Summary)

This rule will benefit Wisconsin’s maple syrup industry by replacing Wisconsin’s existing and outdated maple syrup standards with those recently developed by the USDA-AMS. The USDA’s Agricultural Marketing Service (“USDA-AMS”) adopted new maple syrup grade standards in 2015, upgrading the Grade A color classes so that they are based on spectrophotometric analysis. The Grade B syrup designation was eliminated, and replaced with a Processing Grade designation. The new USDA-AMS standards have already been adopted by Vermont, New Hampshire, New York, and Maine.

The revised rule differentiates the stringent general requirements for food processing plants and specific requirements for those food processing plants in which the only activity is the concentration of sap, i.e., “sugar houses.” The revised rule contains specific requirements that address the unique characteristics of many sugar houses, without compromising public health or product wholesomeness.

Finally, the rule establishes requirements that will allow production and sale of a range of new products related to maple syrup, expanding the market for Wisconsin’s maple syrup.

Comments from Legislative Committees (Summary)

The Department transmitted the above rule for legislative committee review on January 10, 2017. The rule was assigned to the Assembly Committee on Agriculture on January 19, 2017, and to the Senate Committee on Agriculture, Small Business and Tourism on January 20, 2017. On February 16, 2017, the Department submitted a germane amendment to the rule to address an industry concern about proposed requirements for cleaning and sanitizing equipment and utensils. This final rule incorporates this modification. Because the

germane amendment was submitted within the last ten days of the review period, the legislative review period was extended by 10 days as required under Wis. Stat. § 227.19 (4) 3. The Assembly referred the rule to the Joint Committee for Review of Administrative Rules (“JCRAR”) on March 14, 2017, and the Senate referred it to JCRAR on March 2, 2017. JCRAR took no action on the rule.