

**ORDER OF THE WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION  
ADOPTING RULES**

1 The Wisconsin department of agriculture, trade and consumer protection hereby adopts the  
2 following rule *to repeal* ATCP 82.01 (6), 82.10 (5) (b) and 82.14 (3); *to renumber* 82.04 (3); *to*  
3 *renumber and amend* 82.04 (5), (6), (7) (intro.), (a), (b), and (8), 82.10 (5) (a) and 1. to 3., (9),  
4 and 82.14 (4); *to amend* ATCP 82 (title), 82.01 (2), 82.02 (7) (a) and (b), 82.04 (title) and (4),  
5 82.08 (title), (1) (a) to (c), (2), (3) (intro.) and (a), (4) (title), (a) (intro.), 2., and 3., (b), and (c),  
6 82.10 (1), (2) (intro.) and (c) to (e), (3), (4) (b), (5) (a), (6), (7), (8), (10) (intro.), (a), (b), (d), and  
7 (e), and (11) (a), (b), and (c), 82.12 (1) (a) and (b), (2), (2m) (b), (3), (4) (d), (5) (intro.) and (6);  
8 and *to create* ATCP 82.01 (1s) and (4m), 82.02 (8), 82.04 (3) (a), (6) (c), (7) (a) and (b), (9),  
9 (10), and (11), 82.08 (1) (intro.), (4) (d) and (6) (d), 82.10 (9) (b) and (11) (am); *relating to* milk  
10 hauler regulations, and affecting small business.

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

Ch. ATCP 82 (Milk Haulers) regulates bulk milk tanker licensing, construction, maintenance, cleaning and sanitizing requirements, establishes requirements for bulk milk weighers and samplers, and mandates procedures for collecting milk from dairy farms, delivering milk to dairy plants and collecting milk samples for testing. This rule revision will align Wisconsin's regulations with the Food and Drug Administration's (FDA) Pasteurized Milk Ordinance (PMO) by allowing bulk milk weighers and samplers to collect partial loads of milk, allowing bulk milk tanker grade A permit reciprocity, certifying industry inspectors for bulk milk tankers, and modernizing other requirements under the chapter.

***Statutes Interpreted***

Statutes Interpreted: ss. 97.21, Stats., (Milk haulers and milk distributors), 97.24, Stats., (Milk and milk products) and 98.146, Stats., (Licensing milk weighers and samplers).

### ***Statutory Authority***

Statutory Authority: ss. 93.07 (1), 97.09 (4), 97.21 (6), 97.24(3) and 98.146, Stats.

### ***Explanation of Statutory Authority***

The Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP” or the “department”) has broad general authority, under s. 93.07 (1), Stats., to adopt rules to implement programs under its jurisdiction. DATCP also has general authority under s. 97.09 (4), Stats., to adopt rules specifying standards to protect the public from the sale of adulterated or misbranded foods. The department has specific authority to promulgate rules related to milk haulers under s. 97.21(6), Stats., which allows the department to establish rules related to: fees and regulations for bulk milk tanker operators and milk distributors; standards for the construction, maintenance and sanitary operation of bulk milk tankers, milk distribution vehicles and milk distribution facilities; the design, installation, cleaning and maintenance of equipment and utensils; personnel sanitation; storage and handling of milk and fluid milk products; identification of bulk milk tankers and milk distribution vehicles; and, record keeping. The department has specific authority, pursuant to s. 97.24 (3), Stats., to develop rules to ensure Wisconsin’s milk and milk products meet federal PMO (grade A) standards. Finally, the department is authorized to license bulk milk weighers and samplers, pursuant to s. 98.146, Stats.

### ***Related Statutes and Rules***

Wisconsin’s milk haulers are governed by ch. 97, Stats. (Food Regulation) and ch. 98, Stats. (Weights and Measures). Milk haulers and milk distributors are regulated under s. 97.21, Stats., (Milk haulers and milk distributors) and milk weighers and samplers are licensed under s. 98.146, Stats. Chapter ATCP 82, Wis. Adm. Code, interprets chs. 97 and 98, Stats., as it relates to bulk milk weighers and samplers.

### ***Plain Language Analysis***

The dairy industry is an important part of Wisconsin’s economy. Wisconsin ranks second nationally in milk production and has 10,900 licensed dairy farms. Milk is shipped from each of these farms in a licensed bulk milk tanker (approximately 4,000 in Wisconsin) to one of more than 400 licensed dairy plants in the state or to a licensed dairy plant in another state. Safe and sanitary handling of milk throughout the collection and transportation process is critical for protecting the quality of milk produced in this state. Accurate measurement of collected milk, and proper sampling and analysis of milk, helps ensure fair payment and milk safety, respectively.

The following rule changes are needed to maintain Wisconsin’s reputation for its world class dairy products by ensuring that inspection practices are aligned with the Food and Drug Administration’s (FDA’s) Grade “A” Pasteurized Milk Ordinance (PMO). The PMO establishes minimum standards for Grade “A” dairy products. Wisconsin dairy producers and bulk milk weighers and samplers must meet state regulatory standards equivalent to or more stringent than those in the PMO to be allowed to ship Grade “A” milk and milk products in interstate commerce. The PMO standards are established by the National Conference on Interstate Milk

Shipments (NCIMS), which consists of voting representatives from dairy regulatory agencies in each state.

### Partial Collections of Milk from Bulk Milk Tanks

The rule adopts a provision of the PMO that allows bulk milk weighers and samplers to make partial collections of milk from bulk tanks on dairy farms under certain conditions. Currently, ATCP 82 requires bulk milk weighers and samplers to empty a bulk milk tank each time they collect milk from the farm. The original intent of the regulation was to ensure that a dairy producer's bulk tank was regularly cleaned and sanitized and to ensure that collection-to-collection transfers of illegal drug residues did not occur, which could result in increased financial losses to dairy producers forced to dump multiple loads of milk.

Despite these worthwhile intentions, the requirement prohibiting partial collection of milk from a bulk tank is outdated. Farm sanitation methods have improved since Wisconsin's rule was first adopted. Frequent testing can allow dairy plants to quickly address problems related to bulk tank cleanliness. As the number of dairy farms has decreased, farms have become larger, and per cow milk production has risen, many farms have purchased larger or additional bulk tanks, thereby creating new challenges for managing milk collection. Allowing partial collection of milk from bulk tanks will provide industry with the tools they need to manage milk collection from farms more efficiently. In the long run, increased flexibility for collection of milk may result in fewer trips required to haul milk, with associated fuel savings, and less wear and tear on roadways.

The PMO allows partial collection of milk, provided that certain practices are used to maintain the quality of milk. The rule adopts these practices, which include a requirement that the bulk tank is emptied, cleaned and sanitized within 72 hours and that an acceptable temperature-recording device is installed and operating on the bulk tank. To ensure proper regulatory oversight of partial collections of milk, the rule also requires a bulk milk weigher and sampler to record when a partial pickup is made and when the bulk tank is emptied.

### Bulk Milk Tanker Grade "A" Permit Reciprocity

The rule also seeks to clarify and strengthen reciprocity requirements for bulk milk tanker Grade "A" permits. The PMO requires that each bulk milk tank truck delivering Grade "A" raw milk and milk products bear a Grade "A" permit. Grade "A" permits may only be issued after satisfactory completion of an inspection that addresses specific items outlined in the PMO. Each bulk milk tanker is required to be inspected once per year and the bulk milk tanker operator must be able to show proof of a current permit and passed inspection to deliver Grade "A" milk and milk products. The PMO requires that each bulk milk tanker only need bear one permit from an appropriate state regulatory agency and that each permit be recognized by the appropriate regulatory agencies in other states under the reciprocal agreements of the NCIMS.

Under s. 97.21 (2) (a) and (b), Stats., any bulk milk tanker that operates in Wisconsin must hold a license and a Grade "A" permit. Under the current rule, a Grade "A" permit is routinely issued for each tanker as an endorsement on the license. Since any tanker that operates in Wisconsin must hold a license, Grade "A" permits are issued both to tankers based in Wisconsin and out-of-state tankers that operate in Wisconsin. However, because Wisconsin-licensed

tankers are not necessarily based in Wisconsin, it may not be possible to conduct the annual inspection required to make the Grade “A” permit valid.

The rule will end the practice of routinely providing a Grade “A” permit as part of the licensing process and clarify that a Grade “A” permit will only be granted after completion of the required annual inspection, as required by the PMO. It also clarifies that the department will recognize valid Grade “A” permits issued by another equivalent state regulatory agency if the bulk milk tanker operator can provide proof of a current passed inspection. These changes will allow out-of-state tankers to seek Grade “A” inspections from the regulatory agency in the state in which their tankers are based and will bring Wisconsin into compliance with reciprocity requirements of the PMO and the NCIMS.

#### Certified Industry Inspection Program for Bulk Milk Tankers

Often, logistical issues make it difficult for the department to schedule annual bulk milk tanker inspections in a timely manner. Bulk milk tankers must hold a valid Grade “A” permit and the tanker operator must demonstrate that the tanker passed a recent inspection to deliver Grade “A” milk and milk products. If a Wisconsin tanker operator tries to deliver Grade “A” milk or milk products without a current tanker inspection, the tanker load may be turned away or another state regulatory agency may conduct an inspection and charge the tanker operator a fee. To ensure that all Wisconsin-based bulk milk tankers receive an annual inspection, the rule will also establish a certified industry inspection program for inspecting bulk milk tankers.

Section 5 of the PMO allows state regulatory agencies to certify certain industry personnel to carry out bulk milk tanker inspections. Certified industry inspections are carried out under a cooperative arrangement with the state regulatory agency. Section 97.32, Stats., also establishes procedures that allow the department to appoint industry personnel to conduct special food and dairy inspections. The rule allows the department to select industry inspection personnel for the certified inspection program in accordance with s. 97.32, Stats., and adopts PMO procedures for conducting certified industry inspections. The PMO establishes stringent procedures for ensuring proper regulatory oversight of industry inspections so that inspections are conducted consistently and these inspectors effectively evaluate bulk milk tanker equipment construction, cleaning, sanitation and repair. The rule authorizes certified industry inspectors to perform all regulatory actions associated with issuing a Grade “A” permit for bulk milk tankers, establishes selection procedures, establishes a certification period of 3 years, and establishes record retention requirements. The rule allows the department to revoke a certification if the industry inspector fails to meet the requirements of the program. Under the rule, bulk milk tankers must be inspected annually by the department, another equivalent regulatory agency, or a certified industry inspector.

#### Other changes to modernize ATCP 82

In addition to clarifying practices for recognizing reciprocity with other states for bulk milk tanker Grade “A” permits and allowing partial collection of milk from bulk tanks, the proposed rule also makes other changes designed to modernize the rule and further align it with the PMO. The rule:

- Removes the definition of “milk hauler” and use of the term “milk hauler” and replaces the definition and term with “bulk milk weigher and sampler” to reflect current terminology that more fully encompasses the tasks they perform. This term is also consistent with ch. 98, Stats., which requires licensing of a bulk milk weigher and sampler. The definitions are also revised to clarify that use of the term “department” throughout the rule refers to the Department of Agriculture, Trade and Consumer Protection.
- Removes the requirement that a bulk milk tanker operator must clean and sanitize the milk tankers and instead specifies that the tanker must be cleaned and sanitized adequately. The rule focuses on the task that must be accomplished, rather than who must accomplish it.
- Clarifies that personnel at the entity, responsible for cleaning and sanitizing a bulk milk tanker, must remove the old cleaning tag and retain it, and put a new cleaning tag on the tanker. Formerly, the tanker operator retained the old tag. The rule thereby keeps the records at the location where the documented action occurred.
- Adds a requirement that, in addition to obtaining a license, a bulk milk weigher and sampler, who seeks to hold the Grade “A” permit necessary for collection of Grade “A” samples, must be inspected every two years. This requirement will bring Wisconsin’s bulk milk weigher and sampler requirements into compliance with the PMO. There will be no additional fees for these inspection and permit requirements.
- Removes the requirements that the tanker access port(s) be sealed after the tanker is filled with milk, and that a broken seal(s) must be reported to the department. These requirements were originally added to ATCP 82 in response to industry concerns about intentional adulteration (tampering). However, the PMO does not require tanker access ports to be sealed after filling, and the Wisconsin requirement to report broken seals to the department has only been occasionally invoked. When the requirement has been invoked, it has proven to be superfluous in light of existing industry food safety practices.

### ***Summary of, and Comparison with Existing or Proposed Federal Statutes and Regulations***

The PMO establishes minimum standards for regulation of Grade “A” dairy products. States must set standards equivalent to, or more stringent than, those in the PMO to be allowed to ship Grade “A” milk in interstate commerce. Section 97.24, Stats., authorizes Wisconsin to create rules necessary to ensure compliance with the PMO. These rule changes will bring Wisconsin’s regulations regarding milk collection, sampling and delivery in line with the 2011 PMO.

### ***Comparison with Rules in Adjacent States***

Michigan, Minnesota, Iowa and Illinois adopt the PMO as part of their dairy statutes and regulations and therefore already allow partial collection of milk from bulk milk tanks. The proposed rule will also align Wisconsin’s regulations with the PMO and these neighboring states for licensing and permitting of Grade “A” tankers and bulk milk weighers and samplers. Each of these states licenses milk tankers, and issues a Grade “A” permit after inspection. Some states charge a fee associated with these inspections.

## *Summary of Factual Data and Analytical Methodologies*

These rule changes were developed after consultation with industry, a review of PMO requirements, and a review of practices in neighboring states.

### *Analysis and Supporting Documents used to Determine Effect on Small Business*

The PMO makes no distinction between large and small businesses in establishing requirements for Grade “A” collecting, sampling and transporting milk and milk products. The expected cost for installing a 7-day temperature recording device was determined after consultation with industry.

### *Effect on Small Business*

The rule changes will impact dairy producers, dairy plants, and companies that operate bulk milk tankers, many of which may be small businesses. The rule does not substantially alter requirements which dairy-related businesses already must meet. The rule does not increase license or permit fees. All Grade “A” dairy businesses, whether large or small, must meet regulations that are substantially in compliance with the FDA’s PMO in order to collect, sample, and transport Grade “A” dairy products and no special accommodation may be made for small businesses. Allowing partial collection of milk from bulk tanks will be voluntary, but will provide management flexibility to businesses of all sizes, including small businesses. Other provisions, such as clarifying reciprocity procedures and adopting a certified industry inspection program for bulk milk tankers, will also benefit small businesses by ensuring the timely inspection of tankers which is required for Grade “A” permits. A valid Grade “A” permit is required to transport and deliver Grade “A” dairy products.

If the rule is adopted, some dairy producers may incur costs if they need to purchase a 7-day temperature recording-device for their bulk milk tank. The PMO requires all bulk milk tanks produced after January 1, 2000 to be equipped with an approved temperature recording device, but dairy producers who own older tanks may need to purchase a temperature recording device to allow partial collection of milk from their bulk tanks. However, partial collection of milk from bulk tanks will be voluntary and individual dairy businesses will determine whether to use this option based on their own business needs. Producers will not be required to install a 7-day temperature recording device if partial collections of milk are not made from the tank. Producers who have partial collections of milk from their bulk tanks may expect to offset some costs through reduced water and chemical use for bulk tank cleaning and sanitizing.

Rule changes related to inspecting and providing Grade “A” permits for bulk milk tankers and bulk milk weighers and samplers who seek to hold a Grade “A” permit will have no impact on small business since bulk milk tankers and bulk milk weighers and samplers are already required to be licensed and inspected. The rule does not increase license or permit fees.

The rule also assists small businesses by simplifying regulations regarding cleaning and sanitizing milk tankers, clarifying procedures for retaining bulk milk tanker cleaning tags, and removing an unnecessary requirement for reporting broken seals on tankers.

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DATCP held three public hearings on this rule and accepted written and oral testimony.

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1           **SECTION 1.** Chapter ATCP 82 (title) is amended to read:

2           Chapter 82 (title) BULK MILK HAULERS—COLLECTION, SAMPLING, AND  
3 TRANSPORTATION

4           **SECTION 2.** ATCP 82.01 (1s) is created to read:

5           ATCP 82.01 (1s) “Bulk milk weigher and sampler” means any person who collects  
6 official milk samples and may transport raw milk from a farm, or raw milk or fluid milk products  
7 to or from a dairy plant, receiving station or transfer station.

8           **SECTION 3.** ATCP 82.01 (2) is amended to read:

9           ATCP 82.01 (2) “Bulk tank” means a permanent or semi-permanent tank, ~~or~~ container, or  
10 silo used to receive, cool or store bulk quantities of milk on a dairy farm. “Bulk tank” does not  
11 include milk cans.

12           **SECTION 4.** ATCP 82.01 (4m) is created to read:

13           ATCP 82.01 (4m) “Department” means the Wisconsin department of agriculture, trade  
14 and consumer protection.

15           **SECTION 5.** ATCP 82.01 (6) is repealed.

16           **SECTION 6.** ATCP 82.02 (7) (a) and (b) are amended to read:

1           ATCP 82.02 (7) (a) Except as provided under par. (c), no person may operate a bulk milk  
2 tanker to transport milk or fluid milk products for sale or use as grade A milk or grade A ~~fluid~~  
3 ~~milk~~ dairy products unless that person holds a valid grade A permit issued annually for that bulk  
4 milk tanker by the department or an equivalent regulatory agency in another state where that  
5 bulk milk tanker is normally based. A grade A permit is not transferable between persons or  
6 bulk milk tankers. ~~A grade A permit may be issued in the form of an endorsement on a bulk~~  
7 ~~milk tanker license under sub. (1).~~

8           ATCP 82.02 (7) (b) An application for a grade A permit under par. (a) shall be made on a  
9 form provided by the department, ~~and may be included with a license application under sub. (2).~~  
10 The department shall grant or deny a grade A permit application within ~~40~~ 30 days after the  
11 department receives a complete application. An application shall include proof of an inspection  
12 of the bulk milk tanker conducted within the preceding year by the department, another state's  
13 agency responsible for issuing grade A bulk milk tanker permits, or a certified industry inspector  
14 as allowed under s. ATCP 82.02(8).

15           **SECTION 7.** ATCP 82.02 (8) is created to read:

16           ATCP 82.02 (8) (title) CERTIFIED INDUSTRY INSPECTION OF GRADE A BULK MILK  
17 TANKERS.

18           ATCP 82.02 (8) (a) The department may certify industry personnel to inspect bulk milk  
19 tankers for the purpose of issuing grade A permits. Certified industry inspectors shall be  
20 authorized to conduct inspections and reinspections of bulk milk tankers and issue or deny grade  
21 A permits for bulk milk tankers.

22           ATCP 82.02 (8) (b) Applicants for the certified industry inspection program shall be  
23 appointed in compliance with requirements for special dairy and food inspectors under s. 97.32



1 (1), Stats. Certification shall be for a period not exceeding 3 years from the date of formal  
2 certification or re-certification. The department may revoke the certification of an industry  
3 inspector, if the inspector fails to comply with the requirements of the certified dairy inspection  
4 program, in accordance with s. 97.32 (4), Stats.

5 ATCP 82.02 (8) (c) The department shall maintain a written program describing  
6 procedures for implementing the certified industry inspection program. Certified industry  
7 inspectors shall maintain copies of certification and inspection records for 3 years and shall file  
8 annual bulk milk tanker inspection reports with the department.

9 **SECTION 8.** ATCP 82.04 (title) is amended to read:

10 ATCP 82.04 (title) **Bulk milk weigher and sampler; license and grade A permit.**

11 **SECTION 9.** ATCP 82.04 (3) is renumbered 82.04 (5).

12 **SECTION 10.** ATCP 82.04 (3) (a) is created to read:

13 ATCP 82.04 (3) (a) Submit an application for a bulk milk weigher and sampler license on  
14 a form provided by the department. The form shall be accompanied by all fees that are due and  
15 payable under sub. (6). The application shall include all information reasonably required by the  
16 department for licensing purposes.

17 **SECTION 11.** ATCP 82.04 (4) is amended to read:

18 ATCP 82.04 (4) LICENSE ACTION ON INITIAL APPLICATION FOR BULK MILK WEIGHER AND  
19 SAMPLER LICENSE. An application for a bulk milk weigher and sampler license shall be made on  
20 a form provided by the ~~The department,~~ and shall grant or deny an initial bulk milk weigher and  
21 sampler license be accompanied by all fees that are due and payable under sub. (5)(3) within 40  
22 days after the department receives a complete application. The application shall include all  
23 information reasonably required by the department for licensing purposes.

1           **SECTION 12.** ATCP 82.04 (5) is renumbered 82.04 (6) and ATCP 82.04 (6) (b), as  
2 renumbered, is amended to read:

3           ATCP 82.04 (6) (b) *Reinspection fee required.* If the department reinspects a bulk milk  
4 weigher and sampler because the department finds a violation of ch. 97, Stats., or this chapter,  
5 the department shall charge the bulk milk weigher and sampler a reinspection fee of \$60. The  
6 reinspection fee is payable when the reinspection is completed, and is due upon written demand  
7 from the department. The department may issue a demand for payment when it issues a license  
8 renewal application to the bulk milk weigher and sampler.

9           **SECTION 13.** ATCP 82.04 (6) is renumbered ATCP 82.04 (8) and, as renumbered, is  
10 amended to read:

11           ATCP 82.04 (8) ACTION ON ~~LICENSE APPLICATION~~ TO RENEW A BULK MILK WEIGHER AND  
12 SAMPLER LICENSE. The department shall grant or deny a license application under sub. ~~(4)~~ (7)  
13 within ~~60~~ 40 days after the department receives a complete application.

14           **SECTION 14.** ATCP 82.04 (6) (c) is created to read:

15           ATCP 82.04 (6) (c) The department may require that the bulk milk weigher and sampler  
16 pass a written examination in conjunction with a reinspection. No fee shall be charged to the  
17 bulk milk weigher and sampler for this examination.

18           **SECTION 15.** ATCP 82.04 (7) (intro.) is renumbered ATCP 82.04 (3)(intro.) and, as  
19 renumbered, is amended to read:

20           ATCP 82.04 (3) INITIAL BULK MILK WEIGHER AND SAMPLER LICENSE EXAMINATION  
21 APPLICATION. Before the department initially licenses any person as a bulk milk weigher and  
22 sampler, that person shall demonstrate his or her competency by doing ~~both~~ all of the following:

1           **SECTION 16.** ATCP 82.04 (7) (a) and (b) are renumbered ATCP 82.04 (3) (b) and (c)  
2 and, as renumbered, are amended to read:

3           ATCP 82.04 (3) (b) ~~Passing~~ Pass a written examination administered by the department.

4           ATCP 82.04 (3) (c) ~~Successfully completing~~ Pass a field ~~examination~~ inspection  
5 administered by the department, within 21 days of passing the written examination.

6           **SECTION 17.** ATCP 82.04 (7) (a) and (b) are created to read:

7           ATCP 82.04 (7) (a) Submit an application for renewal of a bulk milk weigher and  
8 sampler license on a form provided by the department. The form shall be accompanied by all  
9 fees that are due and payable under sub. (6). The application for renewal shall include all  
10 information reasonably required by the department for licensing purposes.

11           ATCP 82.04 (7) (b) Pass a field inspection administered by the department or another  
12 regulatory agency which grants bulk milk weigher and sampler licenses, within the previous 24  
13 month period.

14           **SECTION 18.** ATCP 82.04 (8) is renumbered ATCP 82.04 (7) and, as renumbered, is  
15 amended to read:

16           ATCP 82.04 (7) LICENSE RENEWAL. A person applying to renew a bulk milk weigher and  
17 sampler license ~~may~~ shall be required to ~~pass a written examination or field examination~~  
18 ~~administered by the department.~~ do all of the following:

19           **SECTION 19.** ATCP 82.04 (9), (10), and (11) are created to read:

20           ATCP 82.04 (9) GRADE A BULK MILK WEIGHER AND SAMPLER PERMIT REQUIRED. Except  
21 as provided under sub. (2), no person may do either of the following unless that person holds a  
22 valid grade A bulk milk weigher and sampler permit in addition to the bulk milk weigher and  
23 sampler license issued by the department under s. 98.146, Stats., and this section:

1 (a) Weigh or measure grade A milk, which will be processed as grade A milk or a grade  
2 A dairy product, for payment purposes.

3 (b) Collect test samples of grade A milk, which will be processed as grade A milk or a  
4 grade A dairy product, as required under s. ATCP 60.17.

5 ATCP 82.04 (10) OBTAINING AN INITIAL GRADE A BULK MILK WEIGHER AND SAMPLER PERMIT.

6 A person shall be granted a grade A permit by the department upon successfully obtaining their  
7 initial bulk milk weigher and sampler license under sub. (3) or before the expiration date of that  
8 license under sub. (5), provided that if any reinspections of the person have been conducted  
9 under sub (6), the most recent reinspection was passed by the person. A person holding a bulk  
10 milk weigher and sampler license from the department, who passes an inspection conducted by  
11 another regulatory agency which grants grade A bulk milk weigher and sampler permits, may  
12 conduct the activities in sub. (9) (a) and (b).

13 ATCP 82.04 (11) RENEWING A GRADE A BULK MILK WEIGHER AND SAMPLER PERMIT. A  
14 person shall be granted a renewal of a grade A bulk milk weigher and sampler permit by the  
15 department upon successfully renewing their initial bulk milk weigher and sampler license under  
16 sub. (7) or before the expiration date of that license under sub. (5), provided that if any  
17 reinspections of the person have been conducted under sub (6), the most recent reinspection was  
18 passed by the person. A person holding a bulk milk weigher and sampler license from the  
19 department, who passes an inspection conducted by the regulatory agency of another state which  
20 grants grade A bulk milk weigher and sampler permits, may conduct the activities in sub. (9) (a)  
21 and (b).

22 **SECTION 20.** ATCP 82.08 (title) is amended to read:

23 ATCP 82.08 (title) **Cleaning and sanitizing bulk milk containers tankers.**

1           **Section 21. ATCP 82.08** (1) (intro.) is created to read:

2           ATCP 82.08 (1) (intro.) A bulk milk tanker operator shall ensure the following:

3           **SECTION 22.** ATCP 82.08 (1) (a) to (c), (2), (3) (intro.) and (a), (4) (title), (a) (intro.), 2.,  
4 and 3., (b), and (c) are amended to read:

5           ATCP 82.08 (1) (a) No person may operate a bulk milk tanker unless ~~a~~ the bulk milk  
6 tanker ~~operator cleans the bulk milk tanker~~ is cleaned immediately after each day's use and  
7 ~~sanitizes the bulk milk tanker~~ sanitized prior to the next day's use. A bulk milk tanker ~~operator~~  
8 ~~shall clean and sanitize a bulk milk tanker~~, including all attached dairy product pumps and hoses,  
9 shall be cleaned and sanitized according to this section. A bulk milk tanker ~~operator~~ shall ~~re-~~  
10 ~~sanitize a bulk milk tanker~~ be re-sanitized if the tanker has not been used for more than 96 hours  
11 after last being sanitized.

12           ATCP 82.08 (1) (b) Except as provided in par. (c), a bulk milk tanker ~~operator~~ is not  
13 required to ~~clean~~ be cleaned or ~~sanitize a bulk milk tanker~~ sanitized between loads during a 24  
14 hour period, provided that ~~a~~ the bulk milk tanker ~~operator cleans the bulk milk tanker~~ is cleaned  
15 after that day's use and ~~sanitizes the bulk milk tanker~~ sanitized prior to the next day's use.

16           ATCP 82.08 (1) (c) ~~A bulk milk tanker operator shall clean and sanitize dairy~~ Milk and  
17 dairy product pumps and hoses ~~attached to the bulk milk tanker~~ shall be cleaned and sanitized  
18 whenever those pumps or hoses remain unused for more than 4 hours.

19           ATCP 82.08 (2) (a) A bulk milk tanker, including its pumps and hoses, shall be cleaned  
20 and sanitized in a fully enclosed and heated facility. The facility shall have an impervious  
21 drained floor. The facility shall be equipped with adequate hot and cold water under pressure, a  
22 wash vat, pressure sanitizing facilities and equipment storage racks. Bulk milk tankers may be  
23 cleaned and sanitized in the same room where milk is received from those bulk milk tankers.

1 ATCP 82.08 (2) (b) A facility used to clean and sanitize grade A bulk milk tankers,  
2 pumps, and hoses shall be covered by a grade A permit under sub. (6) and meet the requirements  
3 of par. (a).

4 ATCP 82.08 (3) CLEANING AND SANITIZING PROCEDURE. Whenever a bulk milk tanker  
5 ~~operator cleans~~ is cleaned and ~~sanitizes a bulk milk tanker~~ sanitized, the bulk milk tanker  
6 operator or bulk milk tanker cleaning facility employee shall do all of the following:

7 ATCP 82.08 (3) (a) Clean and sanitize every dairy product contact surface on the bulk  
8 milk tanker, including product contact surfaces of equipment and accessories used on the tanker.  
9 If a bulk milk tanker operator or bulk milk tanker cleaning facility employee is only required to  
10 clean tanker pumps and hoses under sub. (1) (c), the operator or employee shall clean every dairy  
11 product contact surface on those pumps and hoses.

12 ATCP 82.08 (4) (title) ~~CLEANING TAG~~ DOCUMENTATION.

13 ATCP 82.08 (4) (a) ~~Whenever a bulk milk tanker operator cleans and sanitizes a bulk~~  
14 ~~milk tanker according to sub. (1), the bulk milk tanker operator shall attach to the tanker a~~ No  
15 person may operate a bulk milk tanker unless a cleaning tag is attached that includes all of the  
16 following information:

17 2. The date and time of day when the bulk milk tanker ~~operator~~ was cleaned and  
18 sanitized ~~the bulk milk tanker~~.

19 3. The name and location of the facility where the bulk milk tanker ~~operator~~ was cleaned  
20 and sanitized ~~the bulk milk tanker~~, and the facility's grade A permit number under sub. (6) if  
21 any.

1           ATCP 82.08 (4) (b) The bulk milk tanker ~~operator~~ shall ~~attach the~~ have a tag attached as  
2 required under par. (a) to the outlet valve or inside the pump cabinet of the tanker. No person  
3 may remove the tag, except as provided in par. (c).

4           ATCP 82.08 (4) (c) Whenever a bulk milk tanker operator or bulk milk tanker cleaning  
5 facility employee cleans and sanitizes a bulk milk tanker, ~~the bulk milk tanker operator shall~~  
6 ~~remove~~ the last cleaning tag attached to the bulk milk tanker under this subsection shall be  
7 removed before attaching a new tag. The ~~operator~~ removed tag shall ~~retain the removed tag be~~  
8 retained for at least 15 days, at the location where the bulk milk tanker ~~operator~~ was cleaned and  
9 sanitized ~~the bulk milk tanker~~.

10           **SECTION 23.** ATCP 82.08 (4) (d) and (6) (d) are created to read:

11           ATCP 82.08 (4) (d) Whenever a bulk milk tanker operator or a bulk milk tanker cleaning  
12 facility employee cleans and sanitizes a direct ship tanker, the operator or employee shall apply a  
13 seal to each access port.

14           ATCP 82.08 (6) (d) In order for a bulk milk tanker cleaning facility to hold a valid grade  
15 A permit, the bulk milk tanker cleaning facility must pass a semi-annual inspection by the  
16 department.

17           **SECTION 24.** ATCP 82.10 (1), (2) (intro.) and (c) to (e), (3), (4) (b), and (5) (a) are  
18 amended to read:

19           ATCP 82.10 (1) (a) If milk from a grade A or grade B dairy farm violates ~~an applicable a~~  
20 standard under s. ATCP 60.15 on any single test, milk from that farm shall be collected at least  
21 once every 2 days until a subsequent test shows that the milk from that dairy farm ~~no longer~~  
22 ~~violates~~ complies with that standard. This paragraph does not require a bulk milk hauler weigher  
23 and sampler to collect milk if collection would violate ch. ATCP 60.

1           ATCP 82.10 (1) (b) A dairy plant operator receiving milk from a dairy farm shall  
2 immediately notify the bulk milk hauler weigher and sampler and milk producer whenever milk  
3 from that dairy farm must be collected more frequently in order to comply with par. (a). No  
4 dairy plant operator may receive milk collected in violation of par. (a).

5           ATCP 82.10 (2) SUPPLIES REQUIRED FOR MILK COLLECTION AND SAMPLING. A bulk milk  
6 ~~hauler weigher and sampler~~ who collects milk in bulk shall have the following supplies  
7 available:

8           ATCP 82.10 (2) (c) A sanitizing solution of not less than 100 ppm nor more than 200  
9 ppm chlorine or its equivalent. The bulk milk hauler weigher and sampler shall carry a  
10 sanitizing solution test kit to test the strength of the sanitizing solution.

11           ATCP 82.10 (2) (d) ~~If a milk hauler collects milk from a bulk tank at a dairy farm, an An~~  
12 insulated carrying case with a rack to hold samples collected under s. ATCP 82.12. The carrying  
13 case shall comply with s. ATCP 82.12 (6) (a).

14           ATCP 82.10 (2) (e) A dial or digital thermometer, calibrated for accuracy against a  
15 thermometer traceable to a National Institute of Standards and Technology certified thermometer  
16 at least every 6 months, accurate to plus or minus 2° F., that can be used to check the accuracy  
17 of farm bulk tank indicating thermometers under sub. (6) (b).

18           ATCP 82.10 (3) BULK MILK HAULER WEIGHER AND SAMPLER SANITATION. A bulk milk  
19 ~~hauler weigher and sampler~~ shall wear clean, ~~light colored~~ clothes ~~and an effective hair restraint~~  
20 when measuring, sampling or collecting milk at a dairy farm. A bulk milk hauler weigher and  
21 sampler shall maintain a high degree of personal cleanliness, and shall observe good hygienic  
22 practices during all working periods. No bulk milk hauler weigher and sampler who has a



1 discharging or infected wound, sore or lesion on his or her hands or exposed arms may measure,  
2 sample or collect milk at a dairy farm.

3 ATCP 82.10 (4) (b) A bulk milk hauler weigher and sampler who rejects milk under par.  
4 (a) may not collect that milk, or commingle it with milk from any other producer. If a producer  
5 disputes a bulk milk hauler's weigher and sampler's rejection of milk, the bulk milk hauler  
6 weigher and sampler shall contact the operator of the dairy plant to which the milk would  
7 ordinarily be delivered, and the dairy plant operator shall examine the rejected milk to determine  
8 whether it was properly rejected.

9 **SECTION 25.** ATCP 82.10 (5) (a) and 1. to 3., are renumbered ATCP 82.10 (5) (intro.)  
10 and (a) to (c) and, as renumbered, amended to read:

11 ATCP 82.10 (5) A bulk milk hauler weigher and sampler shall wash and dry his or her  
12 hands before performing any of the following operations at a dairy farm:

13 (a) Using the bulk milk hauler's weigher and sampler's calibrated thermometer to  
14 measure the temperature of milk in a dairy farm bulk tank.

15 (b) Measuring ~~or sampling~~ the milk in the bulk tank.

16 (c) ~~Connecting-Sampling the bulk milk tanker hose to in the dairy farm~~ bulk tank.

17 **SECTION 26.** ATCP 82.10 (5) (b) is repealed.

18 **SECTION 27.** ATCP 82.10 (6), (7), and (8) are amended to read:

19 ATCP 82.10 (6) (a) Before a bulk milk hauler weigher and sampler collects milk at a  
20 dairy farm, the bulk milk hauler weigher and sampler shall record the temperature of the milk to  
21 be collected, as shown on the dairy farm bulk tank indicating thermometer. If the milk is  
22 collected more than 2 hours after the last milking, the bulk milk hauler weigher and sampler shall  
23 reject the milk if the milk temperature exceeds 45° F. (7° C.). If milk from 2 or more milkings is

1 collected within 2 hours of the last milking, the bulk milk hauler weigher and sampler shall reject  
2 the milk if the milk temperature exceeds 50° F. (10° C.). Milk which does not meet these  
3 temperature requirements may be collected if, within 4 hours after collection, the milk has begun  
4 to be processed exclusively into milk or dairy products not designated as a grade A dairy product  
5 under s. ATCP 80.01(14) and (15).

6 ATCP 82.10 (6) (b) At least once each month, and more often if necessary, a bulk milk  
7 hauler weigher and sampler shall check the accuracy of each dairy farm bulk tank indicating  
8 thermometer by measuring the temperature of milk in the bulk tank with the bulk milk hauler's  
9 weigher and sampler's dial or digital thermometer. The bulk milk hauler weigher and sampler  
10 shall keep a written record comparing the temperatures recorded by the bulk milk hauler's  
11 weigher and sampler's thermometer with those recorded by the bulk tank thermometer. The  
12 written record shall be kept in the dairy farm milkhouse for at least one year.

13 ATCP 82.10 (6) (c) Before a bulk milk hauler weigher and sampler uses a dial or digital  
14 thermometer to measure the temperature of milk in a dairy farm bulk tank, the hauler weigher  
15 and sampler shall sanitize the stem of the thermometer in a sanitizing solution of not less than  
16 100 ppm nor more than 200 ppm chlorine or its equivalent. The bulk milk hauler weigher and  
17 sampler shall use the sanitizing solution according to label directions.

18 ATCP 82.10 (6) (d) A bulk milk hauler weigher and sampler shall immediately notify  
19 the milk producer and the dairy plant operator if the bulk milk hauler weigher and sampler finds  
20 that a dairy farm bulk tank is not cooling properly, or that the bulk tank thermometer is not  
21 indicating or recording temperatures accurately.

22 ATCP 82.10 (7) CONNECTING MILK HOSE. Before a bulk milk hauler weigher and  
23 sampler connects a bulk milk tanker hose to a dairy farm bulk tank, the bulk milk hauler weigher

1 and sampler shall examine the fittings of the bulk milk tanker hose and the dairy farm bulk tank  
2 outlet to ensure that both are clean. Before connecting the hose, the bulk milk hauler ~~may~~  
3 weigher and sampler shall clean and sanitize the bulk tank outlet if the outlet valve is leaking.  
4 The bulk milk hauler weigher and sampler shall attach the milk hose to the bulk tank outlet in a  
5 manner that does not contaminate the hose or hose cap. The hose shall be connected through the  
6 hose port in the milkhouse, and not through the milkhouse door.

7 ATCP 82.10 (8) (a) Before milk is transferred from a dairy farm bulk tank to a bulk milk  
8 tanker, the bulk milk hauler weigher and sampler shall accurately measure the amount of milk in  
9 the bulk tank. The bulk milk hauler weigher and sampler shall measure the milk using a ~~clean~~  
10 gauge rod or other measuring device that is specifically designed and calibrated to measure milk  
11 in the bulk tank. Immediately before using ~~the a gauge rod or measuring device~~, the bulk milk  
12 hauler weigher and sampler shall ~~rinse the gauge rod or device with warm potable water, and~~  
13 wipe it dry with a clean single-service disposable towel.

14 ATCP 82.10 (8) (b) A bulk milk hauler weigher and sampler shall not measure the  
15 amount of milk in a dairy farm bulk tank until the milk is motionless. If the milk is being  
16 agitated, the bulk milk hauler weigher and sampler shall turn off the agitator and wait for the  
17 milk to become completely motionless before measuring the milk.

18 ATCP 82.10 (8) (c) After measuring the milk with a gauge rod or other device, the bulk  
19 milk hauler weigher and sampler shall use that measurement to calculate the weight or volume of  
20 milk in the bulk tank using the bulk tank manufacturer's conversion chart. The bulk milk hauler  
21 weigher and sampler shall record that weight or volume on a written collection record under sub.  
22 (10).

1           **SECTION 28.** ATCP 82.10 (9) is renumbered ATCP 82.10 (9) (a) and, as renumbered,  
2 amended to read:

3           ATCP 82.10 (9) (a) Before milk is transferred from a dairy farm bulk tank to a bulk milk  
4 tanker, a bulk milk hauler weigher and sampler shall collect a representative sample of that milk  
5 from the bulk tank for testing. The bulk milk hauler weigher and sampler shall collect the test  
6 sample according to s. ATCP 82.12.

7           **SECTION 29.** ATCP 82.10 (9) (b) is created to read:

8           ATCP 82.10 (9) (b) No additional milk may be added to the bulk tank until after all of the  
9 following:

- 10           1. Sampling and measuring has occurred,
- 11           2. The pick-up of milk is complete, and
- 12           3. The pick-up hose is disconnected from the bulk tank.

13           **SECTION 30.** ATCP 82.10 (10) (intro.), (a), (b), (d), and (e) and (11) (a) are amended to  
14 read:

15           ATCP 82.10 (10) MILK COLLECTION RECORD. Whenever a bulk milk hauler weigher and  
16 sampler collects a milk shipment from a dairy farm, the bulk milk hauler weigher and sampler  
17 shall make a written or electronic collection record for that shipment. One duplicate or  
18 electronically-printed copy of the collection record shall be posted in the dairy farm milkhouse,  
19 and an identical copy shall be provided to the dairy plant operator when the milk is delivered to a  
20 dairy plant. The collection record shall be legibly signed or initialed by the bulk milk hauler  
21 weigher and sampler and shall include all of the following:

- 22           (a) The milk producer's dairy plant identification number.

1 (b) The ~~milk hauler's~~ bulk milk weigher and ~~sampler~~ sampler's license number and  
2 license expiration date.

3 (d) The temperature of the milk when collected, as determined by the bulk milk hauler  
4 weigher and sampler under sub. (6).

5 (e) The weight or volume of milk collected, as determined by the bulk milk hauler  
6 weigher and sampler under sub. (8).

7 ATCP 82.10 (11) (a) After a bulk milk hauler weigher and sampler has sampled milk  
8 from a dairy farm bulk tank under sub. (9) and prepared a complete collection record under sub.  
9 (10), the ~~hauler~~ bulk milk weigher and sampler may transfer milk from that bulk tank to the bulk  
10 milk tanker. A bulk milk hauler weigher and sampler may not collect milk from any container  
11 on a dairy farm other than from a bulk tank. ~~A milk hauler may not collect any milk from a bulk~~  
12 ~~tank unless the hauler collects all of the milk from that bulk tank before any more milk is added~~  
13 ~~to the tank.~~ Except as provided in par. (am), partial removal of milk from the bulk tank shall only  
14 be permitted if the bulk tank is completely emptied, cleaned, and sanitized prior to the addition  
15 of more milk to the bulk tank.

16 **SECTION 31.** ATCP 82.10 (11) (am) is created to read:

17 ATCP 82.10 (11) (am) Partial removal of milk from the bulk tank shall be permitted if all  
18 of the following apply:

19 1. The bulk tank is equipped with a 7 day recording device approved by the department as  
20 specified in s. ATCP 60.10(6).

21 2. The bulk tank is cleaned and sanitized when emptied.

22 3. The bulk tank is emptied at least every 72 hours.

1 4. The bulk milk weigher and sampler indicates the time and date on the recorder chart  
2 when a partial pickup is made and when the bulk tank is emptied.

3 **SECTION 32.** ATCP 82.10 (11) (b) and (c) are amended to read:

4 ATCP 82.10 (11) (b) After a bulk milk hauler weigher and sampler has collected all of  
5 the milk from a bulk tank, the bulk milk hauler weigher and sampler shall disconnect the milk  
6 hose from the bulk tank, cap the hose, and return the hose to its cabinet in the bulk milk tanker.  
7 The bulk milk hauler weigher and sampler shall inspect the bulk tank for abnormal sediments,  
8 and shall report any abnormal sediments to the dairy plant operator.

9 ATCP 82.10 (11) (c) After the bulk milk hauler weigher and sampler has disconnected  
10 the milk hose and inspected the empty bulk tank for abnormal sediments, the bulk milk hauler  
11 weigher and sampler shall rinse the bulk tank and milkhouse floor with cold or lukewarm water  
12 unless the bulk tank is self-cleaning and includes a pre-rinse cycle as part of the self-cleaning  
13 process.

14 **SECTION 33.** ATCP 82.12 (1) (a) and (b), (2), (2m) (b), (3), (4) (d), (5) (intro.), and (6)  
15 are amended to read:

16 ATCP 82.12 (1) (a) A bulk milk hauler weigher and sampler or other individual shall  
17 collect a sample of a producer's milk before that milk is commingled with milk from any other  
18 producer. The bulk milk hauler weigher and sampler or other individual who collects the  
19 sample shall be licensed under s. 98.146 or 97.17, Stats.

20 ATCP 82.12 (1) (b) A bulk milk hauler weigher and sampler who collects milk from a  
21 dairy farm bulk tank shall collect the milk sample under par. (a). The bulk milk hauler weigher  
22 and sampler shall collect the milk sample from the bulk tank before the bulk milk hauler  
23 weigher and sampler transfers the bulk tank contents to a bulk milk tanker. The bulk milk hauler

1 weigher and sampler shall collect the sample according to sub. (2). The milk sample may not be  
2 commingled with a milk sample from any other bulk tank.

3 ATCP 82.12 (2) SAMPLING PROCEDURE; DAIRY FARM BULK TANKS. A bulk milk hauler  
4 weigher and sampler shall comply with the following procedures when collecting a milk sample  
5 from a farm bulk tank under sub. (1) (b):

6 ATCP 82.12 (2) (a) The bulk milk hauler weigher and sampler shall collect the sample  
7 from the dairy farm bulk tank after the bulk tank contents have been thoroughly mixed to ensure  
8 that the sample is representative. If the bulk tank capacity is less than 1500 gallons, milk in the  
9 bulk tank shall be agitated in the bulk milk hauler's weigher and sampler's presence for at least  
10 5 minutes before a sample is taken. If the bulk tank capacity is 1500 gallons or more, milk in the  
11 bulk tank shall be agitated in the bulk milk hauler's weigher and sampler's presence for at least  
12 10 minutes before a sample is taken.

13 ATCP 82.12 (2) (b) The bulk milk hauler weigher and sampler shall collect the sample  
14 using a method approved by the department or a sample dipper that is of sanitary design and  
15 construction, is clean and in good repair. The dipper shall be cleaned, sanitized, and then dipped  
16 at least twice in the bulk tank milk before it is used to collect a sample. The bulk milk hauler  
17 weigher and sampler shall sanitize the dipper in a sanitizing solution that is not less than 100  
18 ppm nor more than 200 ppm chlorine or an equivalent sanitizing solution and shall comply with  
19 the label directions of the sanitizing solution.

20 ATCP 82.12 (2) (c) After dipping the milk sample from the bulk tank, the bulk milk  
21 hauler weigher and sampler shall pour the sample into a sample container under sub. (4), and  
22 shall securely close the container. The container shall be labeled with the information required  
23 under sub. (5). When pouring the sample into its container, the bulk milk hauler weigher and

1 sampler shall take care not to contaminate the sample or spill milk back into the open bulk tank.

2 The bulk milk hauler weigher and sampler shall handle the sample container and cap aseptically.

3 ATCP 82.12 (2) (d) After collecting a milk sample, the bulk milk hauler weigher and  
4 sampler shall immediately rinse the sample dipper with clean potable water.

5 ATCP 82.12 (2m) (b) Before the individual collects the milk sample, the individual shall  
6 verify ~~all of the following:~~

7 1. ~~That the bulk milk tanker access port is properly sealed. A dairy plant operator may~~  
8 ~~not accept the bulk milk shipment if the bulk milk tanker is not properly sealed when it arrives at~~  
9 ~~the dairy plant.~~

10 2. ~~That~~ that the contents of the bulk milk tanker have been thoroughly mixed,  
11 immediately prior to sampling, to ensure that the entire contents are homogeneous at the time of  
12 sampling. The contents shall be mixed in a manner that is known to ensure homogeneity.

13 ATCP 82.12 (3) TEMPERATURE CONTROL SAMPLE. A bulk milk hauler weigher and  
14 sampler shall collect 2 milk samples under sub. (1) at the first dairy farm where milk is collected  
15 for each bulk milk tanker load. The bulk milk hauler weigher and sampler shall mark one of  
16 those samples as the temperature control sample for all samples pertaining to that load. The  
17 sample container for the temperature control sample shall be marked with the producer's  
18 identification number, the bulk milk hauler's weigher and sampler's initials, the date and time  
19 when the sample was collected, and the temperature of the milk in the farm bulk tank from which  
20 the sample was collected.

21 ATCP 82.12 (4) (d) Labeled with the all of the information required under sub. (5), or  
22 designed so that the bulk milk hauler weigher and sampler can easily mark that information on  
23 the sample container.



1           ATCP 82.12 (5) SAMPLE IDENTIFICATION. Immediately before a bulk milk hauler  
2 weigher and sampler collects a milk sample under sub. (1), but before the bulk milk hauler  
3 weigher and sampler opens the sample container, the bulk milk hauler weigher and sampler  
4 shall clearly and indelibly label the sample container with all of the following information unless  
5 that information is already labeled on the sample container:

6           ATCP 82.12 (6) (a) Immediately after a bulk milk hauler weigher and sampler collects a  
7 milk sample under sub. (1), the bulk milk hauler weigher and sampler shall place the sample  
8 container in a clean refrigerated carrying case in which the bulk milk hauler weigher and sampler  
9 shall keep the sample at a temperature of 32 to 40° F. (0 to 4° C.). The carrying case shall be  
10 constructed of rigid metal or plastic, shall be effectively insulated and refrigerated to keep  
11 samples at the required temperature, and shall have racks designed to hold samples in a proper  
12 upright position. If sample containers are packed in ice or cold water to keep the samples  
13 refrigerated, the ice or water shall cover no more than 2/3 of each sample container.

14           ATCP 82.12 (6) (b) A bulk milk hauler weigher and sampler who collects a milk sample  
15 ~~under~~ under sub. (1) shall promptly deliver the sample to the dairy plant that receives the milk  
16 from the producer, or to a certified testing laboratory designated by the dairy plant operator.

17           **SECTION 34.** ATCP 82.14 (3) is repealed.

18           **SECTION 35.** ATCP 82.14 (4) is renumbered ATCP 82.14 (3) and, as renumbered,  
19 amended to read:

20           ATCP 82.14 (3) ~~After each day's use, a~~ A bulk milk tanker shall be cleaned and sanitized  
21 when empty as provided under s. ATCP 82.08.

1           **SECTION 36. EFFECTIVE DATE.** This rule takes effect on the first day of the month  
2 following publication in the Wisconsin administrative register, as provided under s.  
3 227.22(2)(intro.).

Dated this \_\_\_\_\_day of \_\_\_\_\_, 2014.

WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
Ben Brancel, Secretary