



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

**DATE:** June 4, 2014

**TO:** Bruce Hoesly, Legislative Reference Bureau  
1 East Main Street, Suite 200

**FROM:** Ben Brancel, Secretary

**SUBJECT: Ch. ATCP 82 – Milk Haulers; Final Rule  
(Clearinghouse Rule #13-104)**

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

**CLEARINGHOUSE RULE #: 13-104**

**SUBJECT: Bulk Milk Collection, Sampling, and Transportation**

**ADM. CODE REFERENCE: ATCP 82**

**DATCP DOCKET #: 13-R-03**

We are enclosing a copy of the final rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

**Business Impact Analysis (Summary)**

This rule will impact dairy producers, dairy plants, and companies that operate bulk milk tankers, many of which may be small businesses. Milk is shipped from each of Wisconsin's 10,900 licensed dairy 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 dairy plant in another state.

The rule allows, but does not require, partial collection of milk from bulk tanks under certain conditions. Partial collection of milk will provide industry with the flexibility they need to manage milk collection from farms more efficiently. The rule clarifies and strengthens reciprocity requirements with other states for bulk milk tanker Grade "A" permits and establishes a certified industry inspection program for bulk milk tankers. In order to deliver Grade "A" milk and milk products, bulk milk tankers must hold a Grade "A" permit and tankers must demonstrate that within the past year the tanker passed an inspection. The rule will better ensure that bulk

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milk tankers are inspected in a timely manner. Other changes are designed to modernize the rule and further align it with the Food and Drug Administration's (FDA's) 2011 Pasteurized Milk Ordinance (PMO).

The rule does not substantially alter requirements dairy-related businesses already meet and does not increase license or permit fees. Some dairy producers who choose to voluntarily allow partial collections of milk from their bulk milk tanks and who own older tanks may incur costs because they would be required to purchase a 7-day temperature recording device to meet requirements of this rule. However, producers may offset some costs through reduced water and chemical use for bulk tank cleaning and sanitizing.

#### **Comments from Legislative Committees (Summary)**

On March 12, 2014, DATCP transmitted the above rule for legislative committee review. The rule was referred to the Senate Committee on Agriculture, Small Business and Tourism, and the Assembly Committee on Consumer Protection. Neither committee took action on the rule. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on April 21, 2014 and the Assembly referred the rule to JCRAR on April 29, 2014. JCRAR took no action on the rule.