

Clearinghouse Rule 23-003

THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION'S
PROPOSED ORDER TO ADOPT PERMANENT RULES

PROPOSED ORDER

The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes an order *to repeal and recreate* ss. ATCP 57.01, 57.18; *renumber* ss. ATCP 57.10 (2), (3), (4), (5), (6), (8), (9), 57.12 (2), (3), (4), (5), (6), (7), (8), (9), 57.14 (2), (3), (4), (5), (6), (7), (8), (9), (10), 57.22 (3) (h); *renumber and amend* s. ATCP 57.10 (7), 57.14 (3) (g); *create* ss. ATCP 57.10 (2), 57.12 (2), 57.14 (2), (3) (h), 57.20 (3) (c), 57.22 (3) (h) and (i); *amend* ss. ATCP 57.10 (4) note, (11), 57.12 (1) (b) note, 57.12 (3) (j) note, (8) (a), 57.14 (8) (a), 57.16 (2) (i) note, (5) (a), 57.20 (2) (c) note, (4), 57.26 (3) (a); and *repeal* ss. ATCP 57.10 (10), 57.12 (8) (f), (10), 57.14 (8) (f), 57.16 (5) (f); *relating to* Inedible Animal By-Products.

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

Statutes Interpreted: s. 95.72, Stats.

Statutory Authority: s. 95.72 (2) and (5), Stats.

Explanation of Agency Authority

Subsection 95.72 (2), Stats., provides statutory authority for the licensing of businesses that collect or process dead animals as a renderer, animal food processor, grease processor, or collector. Subsection 95.72 (5), Stats., gives the department specific rulemaking authority for the “collection, transportation, processing, rendering and disposal of dead animals, entrails and paunch materials, the slaughtering of animals for animal food processing or rendering, the location, construction and maintenance of all buildings, facilities and equipment used in collecting, slaughtering and processing operations, the sale or use of dead animal products as food for animals, the issuance of licenses or permits and other rules for the conduct of operations subject to a license under this section.”

Related Statutes and Rules

Section 95.72, Stats.

Plain Language Analysis

A revision of ch. ATCP 57 is necessary, due to changes in business practices, and updates to the Code of Federal Regulations (CFR) which include the implementation of definitions from the United States Food

and Drug Administration (FDA) Food Safety Modernization Act (FSMA), related to the production of animal feed.

The proposed rule harmonizes definitions with relevant federal regulations. Establishments in Wisconsin are governed by the state for their business activities, but also have oversight by United States Department of Agriculture (USDA) and the FDA, who oversee interstate and international distribution. The updated definitions create a smooth integration with relevant federal regulations.

The proposed rule addresses current and emerging business models. Truck transfer stations, which are used by animal food processors and renderers to be more efficient and cost effective, have been added to align with s. 95.72 (8), Stats. Building requirements have been clarified to match statute. This allows registration and reciprocity by agreement with contiguous states which allows more efficient and effective business planning.

The exemption for an operator of a grease processing plant that is solely engaged in the production of bio-diesel or other biofuels has been removed.

Carcass dealer registration has been removed from the rule. There have not been any registrations of carcass dealers for over thirty years, and it is not a current business practice.

Marking of vehicles has been clarified and requires the vehicle to be identified as “Inedible – Not Intended for Human Food”. This is to clearly separate and differentiate between inedible meat products and those intended as food for human consumption. The vehicles have a single use purpose limited to inedible products only.

Significant input from industry suggested that a variety of waterproof tarpaulin or other cleanable coverings could meet sanitary transport requirements for truck boxes or trailers that are leak proof, even if not fully enclosed. The rule has been modified to address the need to prevent leakage, but to allow industry to innovate to meet requirements without being overly prescriptive.

The proposed rule addresses two additional denaturants that industry has requested due to evolving technology and application of denaturants. They are liquid charcoal and a black dye; both will impart the color needed to assure the product cannot be diverted into the human food chain.

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

Title 9 of the CFR is enforced by the USDA Food Safety and Inspection Service. 9 CFR Part 325 addresses transportation and other transactions concerning dead, dying, disabled or diseased livestock, and parts of carcasses of livestock that have died other than by slaughter. Importantly, these regulations apply to livestock that are legally “in commerce” as defined by USDA. As such they may not be applicable to all Wisconsin businesses handling carcasses and carcass materials. In addition, these federal regulations do not overlap requirements of ch. ATCP 57. Title 21 of the CFR contains applicable FDA regulations, namely Subchapter E. Animal Drugs, Feeds, and Related Products. Of particular relevance, 21 CFR Part 589 address substances prohibited from use in animal food or feed. The combination of USDA and FDA regulations (9 CFR Part 325 and 21 CFR Part 589, respectively) is intended to prevent the spread of Transmissible Spongiform Encephalopathies (TSE’s; caused by prions) via animal food or feed. There is little overlap of these regulatory requirements and those of ch. ATCP 57. Regulations implementing FSMA address a broader range of hazards besides TSE-causing prions, and require animal food facilities to have a food safety plan in place that includes a hazard analysis, and the implementation of risk-based preventive

controls to minimize or prevent those hazards identified as known or reasonably foreseeable. FSMA definitions found in 21 CFR Part 507 have been incorporated in this rule.

***Summary of Comments Received during Preliminary Comment Period
and at Public Hearing on Statement of Scope***

The department held a preliminary public hearing on the Statement of Scope (SS 783A2) on March 15, 2021 and accepted public comments until March 29, 2021. The department received no oral comments during the preliminary hearings and one written comment. The department considered the comment which included the consideration of adding, expanding, clarifying or eliminating definitions. They also wanted to share that they are a global company regulated by other state and federal programs and would prefer less prescriptive rule revisions to allow industry to develop policies, practices, and safeguards that best fit the facilities and business culture. The commenter also expressed a desire to participate in the process as an industry expert.

Comparison with Rules in Adjacent States

Illinois

Illinois regulates inedible animal by-products through the Illinois Compiled Statutes, Animal Mortality Act (225 ILCS 610) and Meat and Poultry Inspection Act (225 ILCS 650). Regulations include licensing and fees, processing and handling regulations, facility standards, sanitation and labeling regulations, and enforcement provisions.

Illinois has several classifications of license depending on what materials are collected. Vehicle permits are required and the classification with specific naming conventions are required on the vehicle as well as address and business name.

Iowa

Iowa regulates inedible animal by-products through Iowa's Code section 167 and 189a, and by Administrative Codes, Chapters 61 "Dead Animal Disposal", and 76 Meat and Poultry Inspection. Regulations include licensing and fees, processing and handling regulations, facility standards, sanitation and labeling regulations, and enforcement provisions.

Iowa also requires inedible carcasses, carcass materials, and products to be identified and labeled similar to the requirements in Wisconsin. Iowa has incorporated federal regulations into their program. Vehicle permits are required for vehicles used to transport carcass and carcass materials. Vehicles also are required to identify the license holder and the address.

Michigan

Michigan regulates inedible animal by-products through Act 239 of 1982 BODIES OF DEAD ANIMALS. The act includes licensing and fees, processing and handling regulations, facility standards, sanitation and labeling requirements, and enforcement provisions.

Michigan also requires vehicles used to transport carcass and carcass materials to be registered, and identification on the vehicle that the material is not intended for human consumption. Vehicles also are required to identify the license holder and the address.

Minnesota

Minnesota regulates inedible animal by-products through Minnesota Statutes section 31A "Meat and Poultry Inspection" and 35 "Animal Health", and Minnesota Administrative rules Chapter 1540 "Meat Inspection". Regulations include licensing and fees, processing and handling regulations, facility standards,

sanitation and labeling regulations, and enforcement provisions. Minnesota addresses reciprocity in their statute with adjacent states.

Minnesota also requires inedible carcasses, carcass materials, and products to be identified and labeled similar to the requirements in Wisconsin. Minnesota incorporated 31A.21 Cooperation with Federal Government into their program. Vehicle permits are required for vehicles used to transport carcass and carcass materials.

Summary of Factual Data and Analytical Methodologies

Feedback on ch. ATCP 57 was solicited through an advisory committee during both the scope statement and rule development. There were approximately five meetings throughout fiscal year 2021 and 2022. We took all the information a series of virtual public meetings, into consideration during the modification of the rule. The department continually sought feedback on ch. ATCP 57 from industry stakeholders and notified license or registration holders in advance of public meetings.

Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

The department does not anticipate a significant fiscal impact from the proposed rule revisions. There may be some cost for licensing for certain, previously unlicensed, dead animal collection businesses that move into the rendering and animal food processing realms. Pursuant to current requirements for licensing in s. 95.72 (2) (c), Stats., the cost would be \$100 per business per year. However, there would likely be only a small number of persons requiring such a license.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on Small Business

The Department's Regulatory Review Coordinator may be contacted by:

Email at Bradford.Steine1@wisconsin.gov

Telephone at (608) 224-5024

The Regulatory Flexibility Analysis is attached.

Department Contact Person

Paul Pierce
Division of Food and Recreational Safety
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
(608) 224-4731
e-mail: paul.pierce@wisconsin.gov

Place Where Comments are to Be Submitted and Deadline for Submission:

Comments must be received on or before (put in comment period deadline for public hearing), 2022 to be included in the record of rule-making proceedings. Submit comments:

By mail to:

Paul Pierce
Division of Food and Recreational Safety
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
(608) 224-4731
e-mail: paul.pierce@wisconsin.gov

RULE TEXT

1 SECTION 1. ATCP 57.01 is repealed and recreated to read:

2 ATCP 57.01 **Definitions.** In this chapter:

3 (1) "Adulterated" means any animal remains from an animal that has been euthanized by the use of any
4 drug injected intravenously or through another nonvascular route.

5 (2) "Animal" means any member of the animal kingdom other than a human being.

6 (3) "Animal food" means any article intended for use as food for dogs, cats, or other animals derived
7 wholly, or in part, from the carcass or parts or products of the carcass of any livestock.

8 (4) "Animal food processing" means slaughtering animals or collecting or receiving of dead animals for
9 processing into animal food or processing carcasses or carcass materials for use as animal feed, and includes
10 packaging or labeling carcass materials or other finished product.

11 (5) "Animal food processing plant" means a place at which animal food processing occurs.

12 (6) "Animal food processor" means a person, other than a renderer, engaged in the business of animal
13 food processing.

14 (7) "Brown grease" means a mixture of oils, fats, solids and detergents from food industry wastes that is
15 captured in grease traps.

16 (8) "Carcass" means all or part of a dead animal, as defined in s. 95.72 (1) (c), Stats. Carcass does not
17 include any of the following:

18 (a) Material that may be lawfully sold or distributed as food for human consumption.

19 **Note:** The term “carcass: as used in this chapter does not include fish that are lawfully sold or distributed
20 as food for human consumption, nor does it include state-inspected or federally-inspected meat or poultry
21 products that are lawfully sold as food for human consumption.

22 (b) A fully-rendered product.

23 (9) “Carcass material” means blood, tankage, bone, offal or other material derived from a carcass. Carcass
24 material does not include a fully rendered product.

25 (10) “Collector” means a person engaged only in the business of collecting or receiving dead animals for
26 sale or delivery to a renderer, animal food processor, grease processor or an operator of a fur farm and who
27 does not otherwise process the dead animals.

28 (11) “Dead animal” does not include commercial feed as defined under s. 94.72 (1) (b), Stats., or fully
29 rendered products of dead animals, but means any of the following:

30 (a) A dead animal or part of a dead animal other than an animal slaughtered as food for human
31 consumption.

32 (b) An animal slaughtered as food for human consumption, but which becomes unsuitable as food for
33 human consumption.

34 (c) An animal slaughtered or processed as food for animals and all inedible parts and by-products of
35 animals slaughtered or processed as food for human consumption.

36 (12) “Denature” means to alter the normal character or appearance of carcasses or carcass materials to
37 make them incapable of being used as food for human consumption.

38 (13) “Department” means the Wisconsin department of agriculture, trade and consumer protection.

39 (14) “Disinfect” means to destroy pathogens and other disease-causing microorganisms, to the maximum
40 practicable extent, by applying a federally registered chemical agent to a surface.

41 (15) "Facilities" means premises, fixtures, and equipment used in the operation of a rendering plant,
42 animal food processing plant, grease processing plant, or transfer station. Facilities includes carcass
43 receiving and holding areas.

44 (16) "Feed" means any substance which is intended for use as food for animals other than humans. Feed
45 includes commercial feed and feed ingredients.

46 **Note:** See also ch. ATCP 42.

47 (17) "Food," except as used in the term "animal food processor" or "animal food processing," has the
48 meaning given in s. [97.01 \(6\)](#), Stats. "Food" includes oils or animal fats used to cook food if, during the
49 cooking process, the oils or animal fats may come in contact with the food.

50 **Note:** "Food," as defined in sub. (13), means food for human consumption. A license under this chapter
51 does not authorize the license holder to produce any kind of food, including any cooking oils or fats that
52 may come in contact with food.

53 (18) "Fully rendered product" means a rendered product whose ingredients have been fully melted or
54 reconstituted by the application of heat, according to generally accepted rendering practices that destroy
55 microorganisms in the rendered product.

56 (19) "Grease" means a fully rendered product consisting of animal fat or tallow, or animal fat or tallow
57 combined with vegetable oil.

58 (20) "Grease processing" means any of the following: combining, melting, refining, reconstituting or
59 recycling fully rendered products to produce grease or other products for non-food use.

60 (21) "Grease processing plant" means a place at which grease processing occurs.

61 (22) "Grease processor" means any person engaged in the business of collecting or receiving and melting
62 or refining previously cooked materials containing dead animal fat or tallow or a combination of dead
63 animal fat or tallow and vegetable oil or to produce grease.

64 (23) "Nuisance conditions" means conditions that pose a significant risk to human health or the
65 environment, or cause obnoxious odors other than normal odors incidental to generally accepted processing

66 practices. Nuisance conditions may include accumulated carcasses, carcass materials, or manure; drainage
67 from carcasses, carcass materials or manure; accumulated litter; insect or rodent infestations; unclean
68 facilities; or similar conditions.

69 (24) "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust,
70 or other legal entity.

71 (25) "Rendered product" means grease, tallow, liquefied fat, blood meal, bone meal, meat meal, meat
72 and bone meal, reconstituted tankage, dry poultry product meal, feather meal, or other product produced by
73 rendering. Rendered product does not include food for human consumption.

74 (26) "Renderer" means a person who engages in rendering.

75 (27) "Rendering" means reducing, converting or melting down carcasses or carcass materials, with the
76 use of heat, to produce rendered products for non-food use. Rendering includes the slaughter of animals by
77 a renderer, or the processing of animal carcasses or carcass materials by a renderer, for use in rendering.

78 (28) "Rendering plant" means a place at which rendering occurs.

79 (29) "Truck transfer station" means a location at which carcasses or carcass materials are collected or
80 transferred between vehicles for transportation to another location. Truck transfer station does not include
81 a receiving or holding area that is part of a rendering plant or animal food processing plant.

82 (30) "Yellow Grease" means fats, oils, and grease recovered from food preparation that have not been in
83 contact or contaminated with other sources such as water, wastewater or solid waste.

84 SECTION 2. ATCP 57.10 (2) is renumbered ATCP 57.10 (3).

85 SECTION 3. ATCP 57.10 (2) is created to read:

86 ATCP 57.10 (2) LICENSE EXEMPTIONS. Rendering does not include any of the following:

87 (a) Grease processing pursuant to a license under s. ATCP 57.14.

88 (b) The processing of hides.

89 (c) The manufacture of glue, pharmaceuticals, or gelatin.

90 (d) Animal food processing by a person who does not render the processed materials.

91 **Note:** Persons who produce gelatin or other food for human consumption are subject to state licensing
92 requirements under ch. ATCP 55 (meat and poultry products), ch. ATCP 70 (wholesale food
93 manufacturing), and ch. ATCP 75 (retail food establishments). Animal food processors are subject to
94 licensing under s. ATCP 57.12. Commercial feed manufacturers are subject to licensing under ch. ATCP
95 42. The United States food and drug administration regulates pharmaceutical manufacturers.

96 SECTION 4. ATCP 57.10 (3), (4), (5), (6) are renumbered to ATCP 57.10 (4), (5), (6), (7).

97 SECTION 5. ATCP 57.10 (4) Note is amended to read:

98 ATCP 57.10 **Note:** A person may obtain an annual renderer license application by calling (608) 224-
99 ~~47264694~~, sending an email to datcpmeatpoultrylicensing@wi.gov, or by writing to the following address:

100 Wisconsin Department of Agriculture, Trade and Consumer Protection

101 Division of Food Safety

102 PO Box 8911

103 Madison, WI 53708-8911

104 SECTION 6. ATCP 57.10 (7) is renumbered to ATCP 57.10 (8) and amended to read:

105 ATCP 57.10 ~~(7)~~(8) FACILITIES. Facilities operated by a renderer shall be all of the following:

106 (a) Designed, constructed, ~~and equipped, and maintained~~ for safe, sanitary and orderly operation, and
107 for easy cleaning.

108 ~~(e)~~(b) Fully enclosed to prevent access by dogs, cats, wild animals, rodents, birds and insects.

109 ~~(d)~~(c) Constructed with self-draining floors and smooth interior walls and ceilings that can be easily
110 cleaned.

111 ~~(e)~~(d) Equipped with effective ventilation and vapor control systems to minimize offensive odors.

112 ~~(f)~~ Maintained for safe, sanitary and orderly operation, and for easy cleaning.

113 ~~(g)~~(e) Kept clean, orderly, and free of nuisance conditions.

114 ~~(f)~~ Served by hot and cold running water that is adequate for processing, cleaning, waste disposal,
115 drinking and employee sanitation needs. Water shall be obtained from a source that complies with chs. NR
116 811 or 812. Water outlets shall be conveniently designed and located.

117 ~~(g)~~ Equipped with drinking water, toilet and hand washing fixtures for persons who work at the
118 facilities.

119 SECTION 7. ATCP 57.10 (8) and (9) are renumbered to ATCP 57.10 (9) and (10).

120 SECTION 8. ATCP 57.10 (10) is repealed.

121 SECTION 9. ATCP 57.10 (11) is amended to read:

122 ATCP 57.10 **(11)** SLAUGHTERING ANIMALS. If a renderer slaughters animals for rendering, the renderer
123 shall use one of the humane methods listed in ~~s. ATCP 55.07 (11) (a) 1. to 4.~~ s. 95.80 (1), Stats. Animals
124 slaughtered at a rendering plant shall be slaughtered in an area that is designed and equipped for safe and
125 humane slaughtering. Live animals may not be unloaded, kept or slaughtered in processing or storage areas.

126 **Note:** A renderer may not transport live animals unless licensed to do so under ch. ATCP 12. See s. ATCP
127 57.20 (5) (a).

128 **Note:** Animal markets, dealers and truckers that handle live animals are regulated under ch. ATCP 12. Live
129 animal movements are also governed by ch. ATCP 10. No person may transport carcasses or carcass
130 materials in the same vehicle used to transport live animals, except that if a live animal dies in transit the
131 animal trucker may deliver the carcass directly to a renderer or animal food processor licensed under ss.
132 ATCP 57.10 or 57.12. See s. ATCP 57.20 (1) (b) 5. and 6.

133 SECTION 10. ATCP 57.12(1)(b) Note is amended to read:

134 ATCP 57.12 **(1) (b) Note:** An animal food processor licensed under sub. (1) must also hold a commercial
135 feed license under s. ATCP 42.02 if the animal food processor does more than "minimal processing" of
136 carcasses or carcass materials (see s. ATCP 42.02 (2) (e)). A commercial feed manufacturer licensed
137 under s. ATCP 42.02 does not need an animal food processor license under sub. (1) if the commercial
138 feed manufacturer processes only fully rendered animal products (see s. ATCP 57.01 (18)).

139 An animal food processor license does not authorize a person to process food for human consumption.
140 Food processing is subject to other license requirements. See ch. [ATCP 55](#) (meat and poultry products),
141 ch. [ATCP 70](#) (wholesale food manufacturing) and ch. [ATCP 75](#) (retail food establishments).

142 SECTION 11. [ATCP 57.12 \(2\)](#) is renumbered to [ATCP 57.12 \(3\)](#).

143 SECTION 12. [ATCP 57.12 \(2\)](#) is created to read:

144 [ATCP 57.12 \(2\)](#) LICENSE EXEMPTIONS. Animal food processing does not include any of the following:

145 (a) The collection or transportation of whole animal carcasses by a collector licensed under s. [ATCP](#)
146 [57.16](#), provided that the collector does not process the carcasses or remove hides or feathers.

147 (b) A fur farm operator's processing of carcasses or carcass materials solely for feeding to fur bearing
148 animals produces on that fur farm.

149 **Note:** Fur farmers must register with the department under s. [97.44 \(2\)](#), Stats.

150 (c) Rendering operations conducted pursuant to a license under s. [ATCP 57.10](#).

151 (d) Grease processing pursuant to a license under s. [ATCP 57.14](#).

152 (e) Meat processing pursuant to a license under s. [ATCP 55.03](#).

153 (f) Mobile custom processing of meat pursuant to a registration under s. [ATCP 55.09 \(2\)](#).

154 (g) Food processing pursuant to a license under s. [ATCP 70.03](#).

155 (h) Retail food processing pursuant to a license under s. [97.30 \(2\)](#), Stats.

156 (i) The processing of hides.

157 (j) The manufacture of glue, pharmaceuticals, or gelatin.

158 (k) The processing of fully rendered products for use as animal feed, pursuant to a commercial feed
159 license under ch. [ATCP 42](#).

160 **Note:** Persons who produce gelatin or other food for human consumption are subject to state licensing
161 requirements under ch. [ATCP 55](#) (meat and poultry products), ch. [ATCP 70](#) (wholesale food
162 manufacturing), and ch. [ATCP 75](#) (retail food establishments). The United States food and drug
163 administration regulates pharmaceutical manufacturers.

164 **Note:** Persons who produce commercial feed must be licensed under ch. ATCP 42 except an animal food
165 processor licensed under s. ATCP 57.12 does not need a commercial feed license if the animal food
166 processor is engaged only in minimal processing of carcasses and carcass materials, s. ATCP 42.02 (2) (e).
167 If an animal food processor licensed under s. ATCP 57.12 does more than minimal processing, the animal
168 food processor also needs a commercial feed license under ch. ATCP 42. A feed manufacturer licensed
169 under ch. ATCP 42 does not need an animal food processor license under s. ATCP 57.12 if the feed
170 manufacturer processes only fully rendered animal products.

171 SECTION 13. ATCP 57.12 (3), (4), (5), (6), (7), (8), (9) are renumbered to ATCP 57.12 (4), (5), (6), (7),
172 (8), (9), (10).

173 SECTION 14. ATCP 57.12 (3) (j) Note is amended to read:

174 ATCP 57.12 (3) (j) **Note:** A person may obtain an animal food processor license application by calling
175 (608) 224-47264694, sending an email to datcpmeatpoultrylicensing@wi.gov, or by writing to the
176 following address:

177 Wisconsin Department of Agriculture, Trade and Consumer Protection

178 Division of Food Safety

179 P.O. Box 8911

180 Madison, WI 53708-8911

181 SECTION 15. ATCP 57.12 (8) (a) is amended to read:

182 ATCP 57.12 (8) (a) Designed, constructed ~~and~~, equipped and maintained for safe, sanitary ~~and~~ orderly
183 operation, and for easy cleaning.

184 SECTION 16. ATCP 57.12 (8) (f) and (10) are repealed.

185 SECTION 17. ATCP 57.14 (2) is renumbered to ATCP 57.14 (3).

186 SECTION 18. ATCP 57.14 (2) is created to read:

187 ATCP 57.14 (2) LICENSE EXEMPTIONS. Grease processing does not include any of the following:

188 (a) Rendering pursuant to a license under s. ATCP 57.10.

189 (b) Animal food processing pursuant to a license under s. ATCP 57.12.

190 (c) Meat processing pursuant to a license under s. ATCP 55.03.

191 (d) Food processing pursuant to a license under s. ATCP 70.03.

192 (e) Retail food processing pursuant to a license under s. 97.30 (2), Stats., or a permit under s. 254.64,
193 Stats.

194 SECTION 19. ATCP 57.14 (3) (g) Note is renumbered to ATCP 57.14 (3) (h) and amended to read:

195 ATCP 57.14 (3) (gh) **Note:** A person may obtain a grease processor license application by calling (608)
196 224-46964694, sending an email to datcpmeatpoultrylicensing@wi.gov, or by writing to the following
197 address:

198 Wisconsin Department of Agriculture, Trade and Consumer Protection

199 Division of Food Safety

200 P.O. Box 8911

201 Madison, WI 53708-8911

202 SECTION 20. ATCP 57.14 (3) (h) is created to read:

203 ATCP 57.14 (3) (h) A pre-license inspection of \$25 for each grease processor for which a pre-license
204 inspection is required under sub. (3).

205 SECTION 21. ATCP 57.14 (3), (4), (5), (6), (7), (8), (9), (10) are renumbered to ATCP 57.14 (4), (5), (6),
206 (7), (8), (9), (10), (11).

207 SECTION 22. ATCP 57.14 (8) (a) is amended to read:

208 ATCP 57.14 (8) (a) Designed, constructed~~and~~, equipped and maintained for safe, sanitary~~and~~ orderly
209 operation, and for easy cleaning.

210 SECTION 23. ATCP 57.14 (8) (f) is repealed.

211 SECTION 24. ATCP 57.16 (2) (i) Note is amended to read:

212 ATCP 57.16 (2) (i) **Note:** A person may obtain a ~~grease processor~~collector license application by calling
213 (608) 224-46964694, sending an email to datcpmeatpoultrylicensing@wi.gov, or by writing to the
214 following address:

215 Wisconsin Department of Agriculture, Trade and Consumer Protection

216 Division of Food Safety

217 P.O. Box 8911

218 Madison, WI 53708-8911

219 SECTION 25. ATCP 57.16 (5) (a) is amended to read:

220 ATCP 57.16 (5) (a) Designed, constructed ~~and~~, equipped and maintained for safe, sanitary ~~and~~, orderly
221 operation, and for easy cleaning.

222 SECTION 26. ATCP 57.16 (5) (f) is repealed.

223 SECTION 27. ATCP 57.18 is repealed and recreated to read:

224 **ATCP 57.18 Truck Transfer Station.**

225 (1) PERMIT REQUIRED. No person may operate a “truck transfer station” without an annual permit from the
226 department. An annual permit expires on February 28 of each year.

227 Note: The department shall issue permits only to persons licensed under this section, or under a reciprocity
228 agreement with a contiguous state.

229 (2) PERMIT PROCEDURES. (a) To obtain a permit under sub (1), an applicant shall apply with the department
230 on a form provided by the department. The completed form shall include all of the following information:

231 1. The applicant’s legal name and any trade names under which the applicant does business in this state.

232 2. A statement indicating whether the applicant is an individual, corporation, partnership, cooperative,
233 limited liability company, trust, or other legal entity.

234 3. The applicant’s principle business address.

235 4. Other relevant information reasonably required by the department for permitting purposes.

236 (b) The department shall grant or deny an initial permit under sub. (1) after completing an inspection
237 within 30 days after the department receives a complete application under par (a), unless the applicant
238 agrees to a later inspection date.

239 (c) The department shall issue an annual permit under sub. (1) within 30 days after the department
240 receives a complete application under par (a).

241 **Note:** A person may obtain a truck transfer station permit application by calling (608) 224-4694, sending
242 an email to datcpmeatpoultrylicensing@wi.gov, or by writing to the following address:

243 Wisconsin Department of Agriculture, Trade and Consumer Protection
244 Division of Food Safety
245 P.O. Box 8911
246 Madison, WI 53708-8911

247 **(3) FACILITIES.** Facilities operated by a truck transfer station shall be all of the following:

248 (a) Designed, constructed, equipped, and maintained for safe, sanitary and orderly operation, and for
249 easy cleaning.

250 (b) Fully enclosed to prevent access by dogs, cats, wild animals, rodents, birds and insects.

251 (c) Constructed with self-draining floors and smooth interior walls and ceilings that can be easily
252 cleaned.

253 (d) Equipped with effective ventilation and vapor control systems to minimize offensive odors.

254 (e) Kept clean, orderly, and free of nuisance conditions.

255 (f) Served by hot and cold running water that is adequate for processing, cleaning, waste disposal,
256 drinking and employee sanitation needs. Water shall be obtained from a source that complies with chs. NR
257 811 or 812. Water outlets shall be conveniently designed and located.

258 (g) Equipped with drinking water, toilet and hand washing fixtures for persons who work at the
259 facilities.

260 SECTION 28. ATCP 57.20 (2) (c) Note is amended to read:

261 ATCP 57.20 (2) (c) **Note:** A person may obtain ~~an~~ a vehicle permit application under sub (2) by calling
262 (608) 224-47264694, sending an email to datcpmeatpoultrylicensing@wi.gov, or by writing to the
263 following address:

264 Wisconsin Department of Agriculture, Trade and Consumer Protection

265 Division of Food Safety

266 P.O. Box 8911

267 Madison, WI 53708-8911

268 SECTION 29. ATCP 57.20 (3) (c) is created to read:

269 57.20 (3) (c) The words “Inedible – Not Intended for Human Food” not less than 4 inches high, unless all
270 product is in other containers properly marked inside the vehicle.

271 SECTION 30. ATCP 57.20 (4) is amended to read:

272 ATCP 57.20 (4) SANITARY TRANSPORT. A person who is required to hold a license under sub. (1) shall do
273 all of the following:

274 (a) Transport carcasses or carcass materials in ~~leak-proof~~ leak-proof vehicles or containers that are closed
275 or fully covered by a tarpaulin or other cleanable ~~watertight~~ covering.

276 (b) Clean and sanitize, after each day’s use and more often if necessary, vehicles and containers used
277 to transport carcasses and carcass materials. The person shall clean and ~~sanitize~~ disinfect vehicles and
278 containers immediately after transporting carcasses or carcass materials that may spread contagious or
279 infectious diseases.

280 SECTION 31. ATCP 57.22 (3) (h) is renumbered to ATCP 57.22 (3) (j)

281 SECTION 32. ATCP 57.22 (3) (h) and (i) are created to read:

282 ATCP 57.22 (3) (h) Liquid charcoal, in an amount sufficient to impart a distinctive coloring to all surfaces
283 of the material.

284 (i) Black dye, in an amount sufficient to impart a distinctive coloring to all surfaces of the material.

285 SECTION 33. ATCP 57.26 (3) (a) is amended to read:

286 ATCP 57.26 (3) (a) No person may produce, sell, store or distribute food for human consumption pursuant
287 to a renderer license under s. ATCP 57.10, an animal food processor license under s. ATCP 57.12, or a
288 grease processor license under s. ATCP 57.14.

289 SECTION 34. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the
290 month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.),
291 Stats.

(END OF RULE TEXT)

Dated this ____ day of _____, 2023

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: Randy Romanski, Secretary