

State of Wisconsin
Department of Agriculture, Trade and Consumer Protection

NOTICE OF HEARING

The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) announces that it will hold public hearings on the proposed permanent rule relating to ATCP 70 Food Processing Plants and the emergency rule affecting ATCP 70 Food Processing Plants that took effect October 1, 2017. The public hearings will also provide time for comments on rules affecting ATCP 55 Meat and Poultry Products, and ATCP 75 and its Appendix Retail Food Establishments and the Wisconsin Food Code.

The Department will hold five public hearings at the times and places shown below.

Hearing Dates and Locations:

November 16, 2017 Thursday 9:30 a.m. – 3:30 p.m.

The Mead Public Library – The Rocca Room
710 N. 8th Street, Sheboygan, WI

November 22, 2017 Wednesday 9:30 a.m. – 3:30 p.m.

Division of Public Health Regional Office
2187 N. Stevens Street, Rhinelander, WI

November 24, 2017 Friday 9:00 a.m. – 3:30 p.m.

The Prairie Oak State Office Building – Room 106
2811 Agriculture Drive, Madison, WI

December 1, 2017 Friday 9:30 a.m. - 3:30 p.m.

The Wisconsin State Office Building – Room 129
718 W. Clairemont Ave., Eau Claire, WI

December 8, 2017 Friday 9:30 a.m. – 3:30 p.m.

The Shawano Public Library
128 South Sawyer Street, Shawano, WI

The Department invites the public to attend the hearings and comment on the proposed rule. Following the public hearings, the hearing record will remain open until December 15, 2017, for additional public comments. Comments may be sent to the Department at the address below, to Peter.haase@wisconsin.gov, or to <http://docs.legis.wisconsin.gov/code/comment>

You can obtain a free copy of the hearing draft and related documents, including the economic impact analysis, by contacting the Department using the information below. Copies will also be available at the hearing. To view the hearing draft rules online, go to <http://docs.legis.wisconsin.gov/code/comment>.

Initial Regulatory Flexibility Analysis

Much of the focus of the proposed permanent rule revision is on clarification and the updating of existing regulations such as the various exemptions from a food processing plant license, and the clarification of various record-keeping requirements. Some small food processing plants may incur immediate costs to meet the requirement to have a door that opens to the outside rather than to a residential vestibule. There is also a potential cost for a small number of businesses that have not upgraded their facilities since the “grandfather clauses” were put in place over thirty years ago. They will now need to upgrade

warewashing and handwashing sinks or provide a non-residential restroom for the facility. Another cost that may be incurred by a few very small businesses is the \$320 canning surcharge which formerly was not assessed for food processing plants manufacturing and selling less than \$25,000 of food per year.

Because only small businesses already subject to federal Food and Drug Administration (FDA) inspection will be affected by the emergency rule, *i.e.* facilities and qualified facilities, the emergency rule will have no effect. Under the rule, small businesses will continue to be subject to FDA contract inspections conducted by state personnel and under state regulatory authority.

Comments or concerns relating to small business may be addressed to DATCP's small business regulatory coordinator Keeley Moll at the address below, by emailing keeley.moll@wisconsin.gov, or by telephone at (608) 224-5039.

Accommodations

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by November 6, 2017, by contacting Peter Haase using the information below. The hearing facilities are handicap accessible.

Department Contact:

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