

Chapter ATCP 55

MEAT AND POULTRY PRODUCTS

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Note: Chapter ATCP 55 as it existed on March 31, 2002 was repealed and a new chapter ATCP 55 was created, Register March 2002 No. 555, effective April 1, 2002.

Note: Chapter Ag 47 as it existed on September 30, 1971 was repealed and a new ch. Ag 47 was created, Register, September, 1971, No. 189, effective October 1, 1971; chapter Ag 47 was renumbered ch. ATCP 55 under s. 13.93 (2m) (b) 1., Stats., Register, March, 1993, No. 447.

ATCP 55.01 Scope. (1) GENERAL. Except as provided in sub. (2), this chapter applies to persons who slaughter livestock, poultry, captive game animals, captive game birds, or other food animals for human consumption, who submit livestock, poultry, captive game animals, captive game birds, or other food animals for slaughter for human consumption, or who process, store, transport, sell, or distribute meat or poultry products or edible food made from captive game animals, captive game birds, or other food animals for human consumption. This chapter applies to slaughter and other processing establishments, mobile processors, food warehouses and locker plants, meat distributors and transporters, meat brokers, food retailers, and central restaurant commissaries that engage in activities covered by this chapter.

(2) EXEMPTIONS. This chapter does not apply to any of the following:

(a) A restaurant, vending machine commissary, or catering establishment licensed and inspected by the department or its agent, provided that all the following apply:

1. The establishment processes no meat or poultry products other than meat or poultry products previously subjected to state or federal inspection.

2. The establishment sells meat or poultry products only as part of a meal.

3. Any processing of meat or poultry products is confined to the premises where the meat or poultry product is served as part of a meal or, in the case of a vending machine commissary or catering establishment, to the premises where ready-to-eat meals are prepared for catered service or vending machine service to individual consumers.

(b) Establishments inspected by the United States department of agriculture under 21 USC 451 to 695.

(c) An individual slaughtering or transporting his or her own animals, or processing or transporting his or her own meat, for the owner's consumption or consumption by members of the owner's household and the owner's nonpaying guests and employees.

(d) An individual processing poultry products who is exempted under 21 USC 464 (c) (1) (A) to (D) and 21 USC 464 (c) (4), which exempts certain personal and custom poultry slaughter and processing from federal regulations.

History: CR 01–042: cr. Register March 2002 No. 555, eff. 4–1–02; correction in (2) (a) (intro.) made under s. 13.92 (4) (b) 6., Stats., Register April 2009 No. 640; CR 17–072: am. (1), (2) (a), (c), cr. (2) (d) Register July 2018 No. 751, eff. 8–1–18.

ATCP 55.02 Definitions. In this chapter:

(1) “Adulterated” has the meaning given in 9 CFR 301.2.

(1g) “Amenable to inspection” means subject to mandatory inspection under 21 USC 451 to 695 or this chapter.

(1m) “Ante mortem inspection” means a pre-slaughter inspection of live food animals.

(2) “Captive game animals” means white-tailed deer and other animals of a normally wild type that are produced in captivity for slaughter and consumption. “Captive game animals” does not include farm-raised deer, ratites, captive game birds, fish, or animals kept solely for hunting purposes at a hunting preserve.

(3) “Captive game birds” means birds of a normally wild type, including pheasant, quail, wild turkey, or migratory wildfowl that are produced in captivity for slaughter and consumption. “Captive game birds” does not include poultry, ratites, or birds kept solely for hunting purposes in a hunting preserve.

(4) “Carcass” means all edible parts of a slaughtered animal, including edible viscera.

(4g) “Community supported agriculture business” means a farm with which individuals contract to regularly receive two or more different agricultural products, which may include uncooked poultry products, originating from the farm.

(4m) “Cooperative interstate shipment program” means the program under which an establishment licensed and inspected under this chapter and complying with applicable requirements in 9 CFR 321 and 332, or applicable requirements of 9 CFR 381, Subparts R and Z, is allowed to distribute and sell in interstate commerce meat or poultry products manufactured bearing the mark of inspection authorized under s. ATCP 55.06 (5) (j).

(5) “Custom processing” means slaughtering a food animal or processing meat products as a custom service for an individual who owns the animal or those meat products, and who uses all the resulting meat products for his or her own consumption. An individual's own consumption may include consumption by the owner, members of the owner's household, and the owner's nonpaying guests and employees. “Custom processing” includes mobile custom processing.

Note: A provider of custom slaughtering services does not “sell” the slaughtered food animal or the resulting meat, but merely provides a service to the meat owner. An owner's nonpaying guests may include nonpaying immediate family members.

(6) “Denature” means to intentionally make an item unfit for human consumption by adding a substance to it to alter the item's appearance or other natural characteristics.

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

(8) “Diseased animal” means an animal that has been diagnosed with a disease not known to be cured, or that has exhibited signs or symptoms of a disease not known to be cured. “Diseased animal” does not include an otherwise healthy animal that suffers only from injuries such as fractures, cuts, or bruises.

(9) “Domesticated food animal” means any of the following:

- (a) Cattle.
- (b) Swine.
- (c) Poultry.
- (d) Sheep.
- (e) Goats.

- (f) Farm–raised deer.
- (g) Horses, mules and other equines.
- (10) “Edible” means edible by humans.
- (11) “Farm–raised deer” has the meaning given in s. 95.001 (1) (ag), Stats. “Farm–raised deer” does not include captive white–tailed deer.
- (12) “Food animals” means domesticated food animals, ratites, captive game animals, and captive game birds.
- (13) “Individual” means a natural person.
- (14) “Livestock” means domesticated food animals other than poultry. “Livestock” includes bison, alpacas, llamas, and rabbits.
- Note:** Sub. (14) is shown as amended eff. 1–1–19 by CR 17–072. Prior to 1–1–19 it reads:
- (14) “Livestock” means domesticated food animals other than poultry.
- (15) “Meat” means the edible muscle and other edible parts of a food animal, including edible skeletal muscle, edible organs, and edible muscle found in the tongue, diaphragm, heart, or esophagus. “Meat” includes edible fat, bone, skin, sinew, nerve, or blood vessel that normally accompanies meat and is not ordinarily removed in processing.
- (16) “Meat broker” means a person who, without taking title to meat or poultry products, purchases, sells, or arranges the purchase or sale of meat or poultry products.
- (17) “Meat distributor” means a person who distributes meat or poultry products at wholesale.
- (18) “Meat establishment” means a permanent or mobile plant or premises where meat or poultry products for human consumption are processed for entering commerce or where meat or poultry processing services are provided.
- (19) “Meat or poultry product” means any parts, including the viscera, of slaughtered livestock, poultry, or ratites that are capable of use for human food.
- (19m) “Misbranded” has the meaning given in 9 CFR 301.2.
- (20) “Mobile custom processing” means conducting slaughter or otherwise custom processing meat or poultry products for another person at that person’s premises.
- (22) “Person” means an individual, corporation, partnership, cooperative association, limited liability company, trust, or other organization or entity.
- (23) “Post mortem inspection” means the inspection of slaughtered food animal carcasses and parts thereof.
- (24) “Poultry” means domesticated birds including domesticated chickens, turkeys, geese, ducks, and guineas. “Poultry” does not include captive game birds or ratites.
- (25) “Process” means to slaughter an animal or bird, cut, grind, manufacture, compound, intermix, or otherwise prepare meat or poultry products.
- (26) “Ratite” means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rhea.
- (26m) “Retail” means selling food or food products directly to any consumer only for consumption by the consumer or the consumer’s immediate family or non–paying guests.
- (27) “Sanitize” means to destroy pathogens and other microorganisms, to the maximum practicable extent, by applying an approved sanitizer or sanitizing method to food contact surfaces of equipment, utensils, or food packages that are otherwise clean.
- (28) “Sell” means to transfer ownership for a price, or to advertise, offer, hold, or distribute for sale.
- (29) “Specified risk materials” means tonsils and the distal ileum of the small intestine from cattle of any age. For cattle 30 months of age or older, “specified risk materials” also means each of the following:

- (a) Skull.
- (b) Brain.
- (c) Trigeminal ganglia.

Note: Trigeminal ganglia are the nerves attached to the brain.

- (d) Eyes.
 - (e) Spinal cord.
 - (f) Vertebral column, excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum.
 - (g) Dorsal root ganglia.
- Note:** Dorsal root ganglia are the nerves attached to the spinal cord.
- (30) “Veterinarian” has the meaning given in s. 97.42 (1) (n), Stats.

(31) “Wholesale” means the transfer of any food to a person or commercial entity who will either re–sell it, distribute it, or use it as an ingredient in a product that will be then offered for sale or distribution. “Wholesale” also means the transfer of food from the point of production to another location for sale even if the other location is adjacent to the point of production.

(32) “Wild game” means edible wild animals other than fish. “Wild game” does not include any of the following:

- (a) Captive game animals or captive game birds.
- (b) Farm–raised deer.

History: CR 01–042: cr. Register March 2002 No. 555, eff. 4–1–02; correction in (11) made under s. 13.93 (2m) (b) 7., Stats., Register October 2004 No. 586; EmR1213: emerg. cr. (4m), am. (24), eff. 9–13–12; CR 12–040: cr. (4m), am. (24) Register May 2013 No. 689, eff. 6–1–13; CR 14–024: renum. (1) to (1m), cr. (1) Register May 2015 No. 713, eff. 6–1–15; correction in (2) and (11) made under s. 35.17, Stats., Register May 2015 No. 713; CR 17–072: am. (1), cr. (1g), am. (1m), (2), (3), cr. (4g), am. (5), r. and recr. (6), am. (14), (16) to (19), cr. (19m), am. (20), r. (21), am. (23) to (25), cr. (26m), r. and recr. (29), (31) Register July 2018 No. 751, eff. 8–1–18 except (14), eff. 1–1–19.

ATCP 55.03 Meat establishment license.

(1) ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person may operate a meat establishment without a current annual license from the department. A license expires on June 30 of each year. A person who operates more than one meat establishment shall hold a current annual license for each meat establishment. The license, for each licensed meat establishment conducting slaughter, shall bear a livestock premises code issued under s. ATCP 17.02 (7). A license may not be transferred between persons or meat establishments.

(2) LICENSE EXEMPTIONS. The license requirement under sub. (1) does not apply to any of the following:

- (a) Slaughter or processing operations inspected by the United States department of agriculture under 21 USC 451 to 695.
- (b) Mobile custom processing operations.
- (c) The custom processing of captive game animals or captive game birds.

Note: Under s. 97.42 (3), Stats., the department provides ante mortem and post mortem inspection services only to licensed meat establishments. According to federal law and s. ATCP 55.04, captive game animals and captive game birds must be slaughtered subject to ante mortem and post mortem inspection if they are slaughtered for sale for human consumption. This slaughter inspection requirement does not apply to the custom slaughter of captive game animals or captive game birds.

(d) A person slaughtering and otherwise processing poultry produced on that person’s premises, provided that all the following apply:

1. The person slaughters and otherwise processes no more than 1,000 poultry annually.
2. The person slaughters, otherwise processes, and sells the poultry at the premises where they are produced.
3. The person clearly and conspicuously labels each package or container of poultry meat with the processor’s name and address and the words “NOT INSPECTED.”

Note: See s. 97.42 (11), Stats.

(e) A retail food establishment licensed under s. 97.30 (2), Stats., that processes meat or poultry products primarily for sale to individual consumers at the retail food establishment, provided that all the following apply:

1. The retail food establishment is not engaged in slaughter operations that are amenable to inspection.

2. The retail food establishment sells the processed meat or poultry products only to individual consumers at the retail food establishment, or to hotels, restaurants, or institutions for use in meals served at those hotels, restaurants, or institutions.

3. The retail food establishment's gross annual value of sales of its meat and poultry products to hotels, restaurants, or institutions does not exceed the adjusted dollar limits published by the United States department of agriculture in 9 CFR 303.1 (d) (2) (iii) (b) and 9 CFR 381.10 (d) (2) (iii) (b) or 25% by dollar volume of all meat sales from the retail establishment, whichever is less. No person exempt from licensure under this paragraph may sell any cured, smoked, canned, or cooked meat or poultry products produced by the person to hotels, restaurants, or institutions.

4. The retail food establishment receives meat only from meat establishments licensed under this section or inspected by the United States department of agriculture under 21 USC 451 to 695.

5. The operator of the retail food establishment does not sell, to any person other than an individual consumer, any meat or poultry product that is cured, smoked, canned, or cooked at the retail establishment.

6. The operator of the retail food establishment does not sell, to any person other than an individual consumer, any meat or poultry product made by combining meat from different animal species at the retail establishment.

(f) A retail food establishment qualifying for an exemption under 9 CFR 303.1 (d) (2) (iv) (c) or (e) (1) or 9 CFR 381.10 (d) (1) or (e) (1).

(3) LICENSE APPLICATION. A person shall apply for a meat establishment license on a form provided by the department. The application shall include all the following:

(a) The applicant's correct legal name, and any trade name under which the applicant proposes to operate a meat establishment.

(b) The applicant's social security number if the applicant is an individual.

Note: See s. 93.135 (1) (nm), Stats.

(c) The address of each meat establishment.

(d) For each meat establishment, a proposed slaughter and processing schedule under sub. (12) (a).

(dm) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(e) Other relevant information required by the department.

(f) The fees required under sub. (4).

(4) LICENSE FEES. A person shall pay an annual license fee for each licensed meat establishment as follows:

(a) A person shall pay an annual license fee of \$80 if the person is solely engaged in custom processing operations.

(b) A person shall pay an annual license fee for each of the following activities up to a maximum of \$200:

1. \$100 for processing cooked meat or poultry products or processing shelf-stable uncooked meat or poultry products.

2. \$100 for the slaughter of livestock, other than rabbits, and captive game animals.

3. \$50 for processing not shelf stable uncooked meat or poultry products.

4. \$50 for the slaughter of poultry unless exempt under s. ATCP 55.03 (2) (d), ratites, and captive game birds.

5. \$25 for the slaughter of more than 3,000 rabbits annually. A rabbit slaughter establishment shall be licensed except there shall be no license fee for the slaughter of 3,000 or fewer rabbits annually.

Note: Sub. (4) is shown as affected eff. 1–1–19 by CR 17–072. Prior to 1–1–19 it reads:

(4) LICENSE FEES. A person shall pay a \$200 annual license fee for each licensed meat establishment, except that the person shall pay an annual license fee of \$80 if the person is solely engaged in custom slaughtering or custom processing operations at that meat establishment.

(5) PRE-LICENSE INSPECTION. Before the department issues a license for a new meat establishment, or issues a license to a new operator of an existing meat establishment, the department shall inspect that meat establishment. The department shall perform the inspection within 30 days after the operator applies for the license, unless the applicant agrees to a later inspection date.

Note: The department may inspect any meat establishment, regardless of whether an inspection is required under sub. (5).

(6) ACTION ON LICENSE APPLICATION. (a) Except as provided in par. (b), the department shall grant or deny an annual meat establishment license application within 30 days after the department receives a complete application.

(b) If sub. (5) requires a pre-license inspection, the department shall grant or deny the license application within 30 days after the department performs that inspection.

(c) If the department denies a meat establishment license application, the department shall give the applicant written notice of the reasons for that denial.

(7) DENYING, SUSPENDING OR REVOKING A LICENSE. The department may deny, suspend or revoke a meat establishment license for cause, as provided in ss. 93.06 (7), 97.42 (10) and 97.42 (12), Stats. Cause may include a violation of this chapter.

Note: The procedure for suspending or revoking a license, or for contesting a license denial, is set forth in ch. ATCP 1.

(8) CONDITIONAL LICENSE. The department may issue a meat establishment license subject to conditions, or may impose conditions on an existing license, as provided in s. 93.06 (8), Stats.

Note: The procedure for imposing conditions on an existing license, or for contesting license conditions, is set forth in ch. ATCP 1.

(9) LICENSE DISPLAYED. A person holding a meat establishment license shall display that license in a prominent location at the licensed meat establishment.

(10) MEAT ESTABLISHMENT NUMBER. The department shall assign, to each licensed meat establishment, a meat establishment number that uniquely identifies that meat establishment.

(11) PROCESSING WILD GAME. (a) Except as provided in par. (b), no person may slaughter or otherwise process any animals other than food animals at a meat establishment.

(b) A meat establishment operator may custom process legally harvested wild game at a meat establishment if all the following apply:

1. The operator notifies the department that the operator plans to custom process wild game at that meat establishment. Notice shall specify the type of wild game to be processed. The department may restrict wild game processing that is incompatible with the slaughter or processing of food animals.

2. The operator accepts only clean and apparently unadulterated wild game carcasses for custom processing.

3. The operator, when custom processing wild game, complies with processing, labeling, and record keeping requirements applicable to the custom processing of food animals under s. ATCP 55.08.

4. The operator custom processes wild game only at times when the operator is not engaged in slaughtering or processing food animals. The operator shall thoroughly clean and sanitize equipment and utensils used to process wild game before using the same equipment or utensils to slaughter food animals or otherwise process food animals or the meat of food animals.

5. The operator keeps wild game and wild game products separate from all other meat or poultry products in the meat establishment.

6. The operator clearly labels wild game products, so they cannot be confused with other meat or poultry products. Wild game products shall be clearly identified by species.

7. The operator handles, processes, and stores wild game and wild game products in a manner that prevents contamination of other meat or poultry products.

(12) **SLAUGHTER AND OTHER PROCESSING SCHEDULE.** (a) A person applying for a meat establishment license shall include, with the license application, a proposed schedule for slaughter and other processing. A meat establishment operator need not include a schedule with a license renewal application if there has been no change in the schedule last established for the meat establishment under this subsection.

(b) A schedule under par. (a) shall specify the days of each week, and the hours of each day, during which the applicant proposes to engage in each of the following activities at the meat establishment:

1. Slaughter food animals to produce meat or poultry products for sale.
2. Process, by means other than slaughtering, meat or poultry products for sale.
3. Custom slaughter food animals, or otherwise custom process meat or poultry products.
4. Custom process wild game, as provided in sub. (11).

(c) The department may require a change in a schedule for slaughtering and other processing under this subsection if any of the following apply:

1. A change is needed in order to make slaughter inspection services available, or to make efficient use of the department's slaughter inspection staff.
2. The operator proposes to process wild game during times also scheduled for the slaughter or processing of food animals.

Note: Sub. (11) (b) 4. prohibits simultaneous processing of wild game and food animals.

3. The operator proposes to engage in custom slaughter or processing operations during times also scheduled for the slaughter of food animals for sale, or the processing of meat for sale.

Note: A meat establishment operator may not engage in custom slaughter or other custom processing operations while the operator is simultaneously slaughtering food animals for sale, or simultaneously otherwise processing the meat of food animals for sale. There are exceptions for *inspected* custom operations, and for simultaneous operations that are physically separated to prevent cross-contamination and commingling. The department may disapprove a simultaneous schedule if these exceptions do not apply. See s. ATCP 55.08 (3).

(d) A meat establishment operator may not deviate from a schedule established under this subsection, without prior written department approval.

History: CR 01–042: cr. Register March 2002 No. 555, eff. 4–1–02; CR 04–103: am. (1) and cr. (3) (dm) Register September 2005 No. 597, eff. 10–1–05; EmR1213: emerg. cr. (2) (f), eff. 9–13–12; CR 12–040: cr. (2) (f) Register May 2013 No. 689, eff. 6–1–13; CR 17–072: am. (1), (2) (b), (c), (d) (intro.), 1. to 3., (e), (f), renum. (4) to (4) (intro.) and am., cr. (4) (a), (b), am. (11) (a), (b) 2., 4. to 7., (12) (title), (a), (b) 1. to 3., (c) (intro.), (d) Register July 2018 No. 751, eff. 8–1–18 except (4), eff. 9–1–19; correction in (4) (b) 4. made under s. 35.17, Stats., Register July 2018 No. 751.

ATCP 55.04 Slaughter and other processing inspection; general. (1) **SLAUGHTER INSPECTION REQUIRED.**

(a) Except as provided in pars. (b) to (d), no person may sell any meat from any food animal for human consumption unless the department or the United States department of agriculture has conducted a slaughter inspection of that food animal. The slaughter inspection shall include an ante mortem inspection of the live food animal, and a post mortem inspection of the food animal carcass.

Note: Slaughter inspection is not required for custom slaughtered animals, because there is no sale of meat. Except as allowed under the cooperative interstate shipment program, federal law prohibits the interstate sale of meat from animals slaughtered under state (rather than federal) inspection. But this federal prohibition does not apply to meat from farm-raised deer, captive game animals, captive game birds, bison, alpacas, llamas, or rabbits.

(b) Paragraph (a) does not apply to a person selling meat from a captive game animal or captive game bird if neither the department nor the United States department of agriculture has established ante mortem or post mortem inspection procedures for that type of captive game animal or captive game bird.

Note: The exemption under par. (b) is very limited, because the department and USDA have established inspection standards for most captive game animals and game birds.

(c) Paragraph (a) does not apply to a person selling meat from not more than 1,000 poultry annually, provided that all the following apply:

1. The person produces all of those poultry on his or her premises.
2. The person slaughters, otherwise processes, and sells the poultry at the premises where they are produced or directly to consumers contracting with the person's community supported agriculture business, or has them slaughtered and otherwise processed at a licensed meat establishment.

3. The person clearly and conspicuously labels each package or container of poultry meat with the processor's name and address and the words "NOT INSPECTED."

Note: See s. 97.42 (11), Stats.

(d) Paragraph (a) does not apply to a person selling meat from rabbits, provided that all the following apply:

1. The person only slaughters and otherwise processes rabbits produced on that person's premises.
2. The person slaughters and otherwise processes not more than 3,000 rabbits annually.
3. The person keeps a record of the number of rabbits slaughtered, retains that record for at least 3 years, and makes the record available for inspection and copying by the department upon request.
4. The person slaughtering and otherwise processing rabbits complies with the requirements of s. ATCP 55.07 (4).

5. The person holds an establishment license under s. ATCP 55.03.

Note: Par. (d) is created eff. 9–1–19 by CR 17–072.

(1m) **PROCESSING INSPECTION REQUIRED.** (a) No person operating a licensed meat establishment may sell any meat or poultry product unless that meat or poultry product is labeled as provided in s. ATCP 55.10 (3).

(b) Paragraph (a) does not apply to meat or poultry products processed at a retail food establishment licensed under s. 97.30, Stats., and sold only to individual consumers at that establishment.

(2) **SLAUGHTER AND OTHER PROCESSING INSPECTION PROVIDED TO LICENSED MEAT ESTABLISHMENTS.** (a) The department shall provide required ante mortem and post mortem slaughter inspection services and processing inspection services to operators of meat establishments licensed under s. ATCP 55.03. The department shall specify the minimum frequency at which custom slaughter and other custom processing activities in a licensed meat establishment are to be inspected. This inspection frequency shall be at least once every three months during which custom processing activities or transactions occur. The department may not provide slaughter or other processing inspection services to other persons.

(b) A meat establishment operator requesting slaughter or other processing inspection services shall submit the request to the department in writing, and shall specify a proposed schedule of slaughter or other processing according to s. ATCP 55.03 (12) (b). The department may require a different schedule, as provided in s. ATCP 55.03 (12) (c). The meat establishment operator may not deviate from the specified schedule without prior department approval, as provided in s. ATCP 55.03 (12) (d).

(3) **SLAUGHTER INSPECTION SITE.** (a) The department may not perform a slaughter inspection at any place other than a meat establishment licensed under s. ATCP 55.03, except that the department may agree to perform field ante mortem inspections on any of the following:

1. Apparently healthy farm-raised deer or captive game animals that cannot be safely or humanely transported to a licensed meat establishment for ante mortem inspection.
2. Apparently healthy livestock or ratites, if special circumstances prevent the transportation of those animals to a licensed meat establishment for ante mortem inspection.

(b) The department may not perform field ante mortem inspections under par. (a) on diseased animals, or on animals that cannot stand or walk.

(c) If an animal passes a field ante mortem inspection under par. (a), the operator of a meat establishment licensed under s. ATCP 55.03 may stun and bleed the animal in the field. The operator shall bleed the animal immediately after stunning, and shall immediately transport the carcass to the meat establishment for skinning, post mortem inspection, and processing. The operator shall transport the carcass in compliance with s. ATCP 55.11. The inspector shall identify the carcass and monitor the carcass shipment, as necessary, to ensure compliance with this paragraph.

(4) INSPECTION CHARGES; WHEN REQUIRED. The department shall provide slaughter inspection services under subs. (2) and (3) without charge, except that the department shall charge a meat establishment operator for slaughter inspection services if any of the following apply:

(a) The inspection pertains to a captive game animal or captive game bird.

(b) The department performs the inspection on any of the following days, or at any of the following times:

1. Days or times not included in the normal schedule of slaughter or other processing under sub. (2).
2. Before 6:00 a.m. or after 6:00 p.m.
3. Any inspection time in excess of 40 hours in any calendar week.
4. Saturday or Sunday.
5. The holidays of New Year's Eve, New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, or Christmas Day. If any of these holidays, other than New Year's Eve and Christmas Eve, falls on Sunday, the following Monday is considered the holiday.
6. Any day that is an official holiday for state employees.

(5) INSPECTION CHARGES; AMOUNT. (a) If sub. (4) requires a meat establishment operator to pay for slaughter inspection services, the department shall bill and the operator shall pay uniform hourly charges for those services. The department shall establish uniform hourly charges based on the department's statewide average cost to provide inspection services. The department may establish higher hourly charges for inspections that must be provided by veterinarians.

Note: A veterinarian must inspect animals that cannot stand or walk, and animals found to be suspect on ante mortem examination. See ss. ATCP 55.07 (8) and 55.05 (2).

(b) The department shall notify a meat establishment operator of the applicable hourly charge before providing an inspection service requiring a charge under sub. (4). The department shall give at least 30 days prior written notice before increasing hourly charges under an ongoing inspection agreement.

(6) SLAUGHTER AND OTHER PROCESSING INSPECTION PROCEDURES. Slaughter and other processing inspection procedures shall comply with this chapter, including ss. ATCP 55.05 to 55.07 and applicable federal requirements as specified in 9 CFR Chapter III, Subchapters A and E.

(7) INSPECTOR ABSENCE. A meat establishment operator shall immediately notify the department if a department inspector fails to appear for a scheduled ante mortem or post mortem inspection required under sub. (1). The department shall provide an inspector as soon as possible, so that slaughter may proceed in a timely manner.

(8) WITHDRAWING INSPECTION. The department may, upon written notice, withdraw inspection of slaughter or other processing for cause, including violations of this chapter. No person may conduct operations for which department inspection is required under this chapter while those inspection services are withdrawn.

(9) INSPECTION EFFICIENCY. All animal slaughter or other processing shall be conducted with sufficient staffing to attain a rea-

sonable rate of operation, considering the meat establishment's size and scope of operations. Ante mortem and post mortem inspection shall be conducted continuously throughout slaughter with one lunch period of between 30 and 45 minutes beginning between four and five hours after slaughter operations begin.

History: CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; EmR1213: emerg. am. (title), cr. (1m), am. (2) (title), (a), (b), (6), eff. 9-13-12; CR 12-040: am. (title), cr. (1m), am. (2) (title), (a), (b), (6) Register May 2013 No. 689, eff. 6-1-13; CR 17-072: am. (title), (1) (a), (c), cr. (1) (d), am. (1m), (2), (3) (a) 2., (4) (title), (b) 1., 3., 5., (5) (title), (6), (8), cr. (9) Register July 2018 No. 751, eff. 8-1-18 except (1) (d), eff. 9-1-19; correction in (1) (a), (d) (intro.) made under s. 35.17, Stats., Register July 2018 No. 751.

ATCP 55.05 Ante mortem inspection. (1) GENERAL. Ante mortem inspections shall comply with applicable standards under s. ATCP 55.07.

(2) SUSPECT ANIMALS. If a department inspector performing an ante mortem inspection suspects that a food animal is affected by a disease or condition that may cause all or part of the animal's carcass to be condemned after post mortem inspection, the inspector shall cause the animal to be held for ante mortem inspection by a department veterinarian. The animal shall be segregated from other food animals, and shall be placed in a holding area marked with a "WIS. SUSPECT" tag or placard until a department veterinarian performs an ante mortem inspection.

(3) ANIMALS THAT CANNOT STAND OR WALK. If the department performs an ante mortem inspection on an animal that cannot stand or walk, a department veterinarian shall perform the inspection. The department veterinarian may order the animal held for up to 24 hours for further observation. If the animal has been treated with drugs for which the prescribed withdrawal time has not elapsed, the department veterinarian shall condemn the animal or order the animal held until the withdrawal time elapses.

(4) CONDEMNED ANIMALS. Except as provided in sub. (5), if a department veterinarian performing an ante mortem inspection finds that a food animal is affected by a disease or condition that would cause the animal's carcass to be condemned in its entirety after post mortem inspection, the veterinarian shall condemn the animal. The condemned animal shall be segregated from other live food animals. The veterinarian shall supervise the humane slaughter and disposal of the animal.

(5) TREATABLE ANIMALS. If a department veterinarian performing an ante mortem inspection finds that a food animal is affected by a treatable disease or condition, the veterinarian may order the animal withheld from slaughter pending specified treatment. A food animal held for treatment may not be slaughtered for human consumption until a department veterinarian performs another ante mortem inspection after the animal is treated. A diseased animal may not be held for treatment in a manner that threatens the health of other animals.

(6) FIELD ANTE MORTEM INSPECTION. An inspector or veterinarian conducting a field ante mortem inspection under s. ATCP 55.04 (3) shall observe the live animal in the field, in motion, and at rest. The inspector or veterinarian may specify other procedures, as necessary, to ensure a safe and effective field ante mortem examination.

History: CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02.

ATCP 55.06 Post mortem inspection. (1) GENERAL. Post mortem inspections shall comply with applicable standards under s. ATCP 55.07.

(2) DOMESTICATED FOOD ANIMALS. Post mortem inspections of domesticated food animals, other than poultry, shall comply with 9 CFR 310. Post mortem inspection procedures for farm-raised deer shall be the same as for sheep.

(3) POULTRY AND CAPTIVE GAME BIRDS. Post mortem inspections of poultry and captive game birds shall comply with 9 CFR 381.

(4) CAPTIVE GAME ANIMALS, RABBITS, ALPACAS, AND LLAMAS. The department may specify post mortem inspection procedures

for captive game animals, rabbits, alpacas, and llamas. Post mortem inspections of captive game animals, rabbits, alpacas, and llamas shall comply with 9 CFR 310, as applicable. Post mortem inspection procedures for bison shall be the same as for cattle.

Note: Sub. (4) is shown as amended eff. 9-1-19 by CR 17-072. Prior to 9-1-19 it reads:

(4) **CAPTIVE GAME ANIMALS.** The department may specify post mortem inspection procedures for captive game animals. Post mortem inspections of captive game animals shall comply with 9 CFR 310, as applicable. Post mortem inspection procedures for bison shall be the same as for cattle.

(5) **SLAUGHTER INSPECTION MARKS.** (a) Except as provided under par. (k), the department shall apply official inspection marks to each carcass that the department finds, after post mortem inspection, to be unadulterated and fit for human food. The department shall mark each primal part of the carcass, each detached organ, and each detached part that the department finds to be unadulterated and fit for use as human food.

(b) Except as provided in par. (c), an official inspection mark under par. (a) shall consist of an outline map of Wisconsin enclosing the words "WIS. INSPECTED & PASSED," the department inspector number, and the meat establishment license number assigned under s. ATCP 55.03 (10). If space is limited, the phrase "WIS. INSPECTED AND PASSED" may be abbreviated by the phrase "WIS. INSP'D & P'S'D."

Note: The following is an illustration of the official inspection mark under par. (b):



(c) For farm-raised deer, captive game animals, and captive game birds, an official inspection mark under par. (a) shall consist of a triangle enclosing the words "WIS. INSPECTED & PASSED" and the meat establishment license number assigned under s. ATCP 55.03 (10). If space is limited, the phrase "WIS. INSPECTED AND PASSED" may be abbreviated by the phrase "WIS. INSP'D & P'S'D."

Note: The following is an illustration of the official inspection mark under par. (c):



(d) If the department finds upon post mortem inspection that any part of a carcass is fit for human food only after cooking, the department shall mark that part "PASSED FOR COOKING." The department shall use applicable standards in 9 CFR 315.2 to determine if any part of a carcass is fit for human consumption only after cooking. No person may process or sell any of the affected meat for human consumption without cooking, as required by the department.

(e) If the department finds upon post mortem inspection that any part of a carcass is adulterated or unfit for human food, the department shall mark that part "WIS. INSPECTED AND CONDEMNED." If space is limited, the phrase may be abbreviated "WIS. INSP'D AND CONDEMNED."

(f) If the department finds that further inspection is needed to determine whether any part of a carcass is unadulterated and fit for human food, the department may tag that part "WIS. RETAINED." The tagged part is deemed to be covered by a department holding order under s. ATCP 55.14 (2). The department may specify retention conditions, including refrigeration requirements. No person may discard a tagged part unless the part is released by the department, and no person may process or sell any of the affected meat for human consumption unless and until the department completes its inspection and passes the meat.

(g) The department may stamp carcass parts with the appropriate marks under pars. (a) to (e). If an organ or other carcass part is not suitable for stamping, the department may apply the mark by other means such as tagging.

(h) An authorized department inspector may apply inspection marks under this subsection on behalf of the department. No non-department personnel may apply inspection marks, except under the direct personal supervision of an authorized department inspector. When a department inspector is not using or personally supervising the use of a marking device at a licensed meat establishment, the inspector shall keep the device in a secure locked compartment or in the inspector's possession. A marking device kept in a locked compartment shall be accessible only by the inspector and other authorized department personnel.

(i) The department shall order all of the marking devices that the department uses to apply inspection marks under this subsection. A meat establishment operator shall pay for the marking devices that the department uses at the operator's meat establishment. A meat establishment operator may not order or create any marking device used to apply department inspection marks under this subsection.

(j) The official inspection mark at a licensed establishment selected for participation in the cooperative interstate shipment program shall comply with the requirements of 9 CFR 332 or 9 CFR 381, Subpart Z as applicable.

(k) The official inspection mark shall be applied to the label of packages containing rabbit carcasses or rabbit meat processed under required or voluntary inspection.

Note: Par. (k) is created eff. 9-1-19 by CR 17-072.

History: CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; correction in (4) made under s. 13.92 (4) (b) 1., Stats., Register July 2011 No. 667; EmR1213: emerg. cr. (5) (j), eff. 9-13-12; CR 12-040: cr. (5) (j) Register May 2013 No. 689, eff. 6-1-13; CR 17-072: am. (2), (4), (5) (a), (e) to (g), cr. (5) (k) Register July 2018 No. 751, eff. 8-1-18 except (4), (5) (k) eff. 9-1-19.

ATCP 55.07 Slaughter and other processing standards; general. (1) SLAUGHTER AND OTHER PROCESSING STANDARDS: LIVESTOCK.

(a) A meat establishment operator who does any of the following shall comply with applicable federal standards under 9 CFR Chapter III, Subchapters A and E:

1. Slaughters livestock for human consumption.
2. Processes the meat of livestock for human consumption.

(b) Paragraph (a) does not apply to mobile custom processing.
Note: See s. 97.42 (4m), Stats.

(c) A meat establishment operator who does any of the activities in par. (a) and whose establishment is selected for participation in the cooperative interstate shipment program shall comply with applicable federal standards under 9 CFR 321 and 332.

(2) SLAUGHTER AND OTHER PROCESSING STANDARDS: POULTRY AND CAPTIVE GAME BIRDS. (a) A meat establishment operator who does any of the following shall comply with applicable requirements under 9 CFR Chapter III, Subchapters A and E.

1. Slaughters poultry or captive game birds for human consumption.

2. Otherwise processes the meat of poultry or captive game birds for human consumption.

(b) Paragraph (a) does not apply to mobile custom processing.

(c) Paragraph (a) does not apply to a person slaughtering and otherwise processing not more than 1,000 poultry annually, provided that all the following apply:

1. The person produces all of those poultry on his or her premises.

2. The person slaughters, otherwise processes, and sells the poultry at the premises where they are produced or directly to consumers contracting with the person's community supported agriculture business.

3. The person clearly and conspicuously marks each package or container of poultry meat with the person's name and address, and the words "NOT INSPECTED."

Note: See ss. 97.42 (4m) and 97.42 (11), Stats.

(d) A meat establishment operator who does any of the activities in par. (a), and whose establishment is selected for participation in the cooperative interstate shipment program, shall comply with applicable federal standards under 9 CFR 381, Subparts S and Z.

(3) SLAUGHTER AND OTHER PROCESSING STANDARDS: RATITES.

(a) A meat establishment operator who does any of the following shall comply with applicable requirements under 9 CFR Chapter III, Subchapters A and E:

1. Slaughters ratites for human consumption.

2. Otherwise processes the meat of ratites for human consumption.

(b) Paragraph (a) does not apply to mobile custom processing.

Note: See s. 97.42 (4m), Stats.

(c) A meat establishment operator who does any of the activities in par. (a), and whose establishment is selected for participation in the cooperative interstate shipment program, shall comply with applicable federal standards under 9 CFR 381, Subparts S and Z.

(4) SLAUGHTER AND OTHER PROCESSING STANDARDS; RABBITS AND CAPTIVE GAME ANIMALS. A person slaughtering a rabbit or a captive game animal for human consumption shall do so in a humane and sanitary manner. If the department provides ante mortem and post mortem slaughter inspection, the person shall comply with procedures specified by the department. The procedures shall be consistent with applicable procedures specified by the United States department of agriculture.

Note: Sub. (4) is shown as affected eff. 9–1–19 by CR 17–072. Prior to 9–1–19 it reads:

(4) SLAUGHTER AND PROCESSING STANDARDS; CAPTIVE GAME ANIMALS. (a) A person slaughtering a captive game animal for human consumption shall do so in a humane and sanitary manner. If the department provides ante mortem and post mortem slaughter inspection, the person shall comply with procedures specified by the department. The procedures shall be consistent with procedures specified by the United States department of agriculture.

(5) CUSTOM PROCESSING; STANDARDS. Custom processing operations shall comply with applicable requirements under this section and ss. ATCP 55.08 and 55.09.

(6) ANIMALS THAT ARE DISEASED, INJURED, OR WILL YIELD AN ADULTERATED CARCASS; GENERAL. No person may slaughter a food animal for human consumption, or submit a food animal for slaughter for human consumption, if the person knows or has reason to know that the animal is diseased, injured, or will yield a carcass that is adulterated as defined in 9 CFR 301.2. This subsection does not prohibit any of the following:

(a) A slaughter that is subject to ante mortem and post mortem inspection by the department or the United States department of agriculture.

(b) The custom slaughter of an animal injured within 24 hours prior to slaughter, provided the animal is not diseased.

(c) The custom slaughter of an animal injured more than 24 hours prior to slaughter if all the following apply:

1. The animal is not diseased.

2. A licensed practicing veterinarian performs an ante mortem and post mortem inspection on the slaughtered animal.

(d) The slaughter of an animal presented by a producer listed in the U.S. department of agriculture Residue Repeat Violator List for Use by Livestock Markets and Establishments if the producer, in collaboration with a licensed veterinarian, provides to the department written evidence of enrollment and completion of a course on proper administration of animal medications, approved by the department. Certification of course enrollment and completion shall be provided on a form prescribed by the department. Enrollment in the course shall occur not more than 30 days after the producer is listed on the U.S. department of agriculture Residue Repeat Violator List for Use by Livestock Markets and Establishments, and completion of the course shall occur not more than 180 days after enrollment.

Note: The U.S. department of agriculture Residue Repeat Violator List for Use by Livestock Markets and Establishments may be accessed at the following website: <http://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/chemistry/residue-chemistry> and selecting the link to the USDA Residue Repeat Violator List for Use by Livestock Markets and Establishments.

(7) DISEASED OR INJURED ANIMALS; OWNER CERTIFICATION. If a person submitting a food animal for slaughter for human consumption knows or has reason to know the animal is diseased or injured; that person shall, prior to the animal's slaughter, sign and deliver a written statement to the person who will perform the slaughter. The statement shall certify all the following:

(a) The name and address of every person who has had custody of the animal within 30 days prior to the slaughter submission date.

(b) The nature of each known or suspected disease or injury.

(c) The date on which each injury occurred, if known.

(d) The cause of each injury, if known.

(e) The date on which the animal became incapable of standing or walking, if the animal is incapable of standing or walking.

(f) The dates of delivery, the delivery method, and the withdrawal time following delivery of all drugs as treatments or feed additives have complied with manufacturer's recommendations, or complied with a licensed veterinarian's prescription, including a prescription for an extra-label use of an over-the-counter drug.

Note: The certification requirement under sub. (7) applies to inspected slaughters as well as uninspected custom slaughters.

(8) ANIMALS THAT CANNOT STAND OR WALK. No person may slaughter a food animal for human consumption or submit a food animal for slaughter for human consumption if that animal cannot stand, rise from a recumbent position, or walk without assistance. This prohibition does not apply to any of the following:

(a) Food animals, other than cattle, slaughtered at a meat establishment licensed under s. ATCP 55.03 if all the following apply:

1. The meat establishment has adequate facilities to handle the food animal in a humane manner, including facilities required under sub. (11) (c).

2. A department veterinarian performs an ante mortem and post mortem inspection on the food animal.

(b) Food animals, other than cattle, slaughtered at a meat establishment inspected by the United States department of agriculture under 21 USC 451 to 695.

(c) The mobile custom slaughter of food animals, other than cattle, that are injured within 24 hours prior to slaughter, provided the animals are not diseased.

(d) The mobile custom slaughter of food animals, other than cattle, that are injured more than 24 hours prior to slaughter if all the following apply:

1. The food animals are not diseased.

2. A licensed practicing veterinarian performs ante mortem and post mortem inspections on the slaughtered food animals.

Note: See subs. (6) and (7). A mobile custom slaughter must comply with ss. ATCP 55.08 and 55.09.

(e) Cattle that qualify for exemption under 9 CFR 309.3 based on ante mortem and post mortem inspection by a veterinarian

employed by the department or by the United States department of agriculture under 21 USC 451 to 695.

Note: With very limited exemptions, 9 CFR 309.3 prohibits the slaughter of non-ambulatory cattle for human consumption (the prohibition applies to custom-slaughtered animals, as well as animals slaughtered for sale). An animal does not qualify for exemption unless a state or federal veterinarian makes that determination, based on an ante mortem and post mortem examination of the animal.

(9) CARCASSES AND MEAT RECEIVED FOR PROCESSING. (a) A meat establishment operator shall examine all carcasses and meat received for processing at that meat establishment. The operator shall examine the carcasses and meat before receiving them into any processing or storage area.

(b) A meat establishment operator may not receive, into any processing or storage area, any unclean or apparently adulterated carcass or meat. The operator shall handle, store, and prepare carcasses and meat to prevent contamination of other carcasses, meat and food.

(c) Except as provided in par. (d) or (e), a meat establishment operator may not process any carcass or meat produced by the custom slaughter of a diseased or injured animal.

(d) A meat establishment operator may custom process the carcass or meat produced by the slaughter of a food animal injured within 24 hours prior to slaughter, provided the animal was not diseased.

(e) A meat establishment operator may custom process the carcass or meat produced by the slaughter of a food animal injured more than 24 hours prior to slaughter if all the following apply:

1. The animal was not diseased.
2. A licensed practicing veterinarian performed an ante mortem and post mortem inspection on the slaughtered animal, and certified in writing that the carcass was unadulterated and free of disease.

Note: The department may retain or condemn adulterated or misbranded meat or meat food products, including those produced by custom slaughter or processing (see s. ATCP 55.14). If the department inspects a custom slaughter, the department will follow applicable inspection procedures under this chapter.

(10) CONDEMNED ANIMALS AND MEAT. (a) If the department condemns a food animal on ante mortem inspection, the meat establishment operator shall kill the animal, inject it with a denaturant, and dispose of it as directed by the department. The denaturant shall consist of a 10% solution of carbolic or cresylic acid. A meat establishment operator may use another denaturant if the department pre-approves that denaturant. The meat establishment operator, acting under direct department supervision, shall inject at least 40 ml. of the denaturant into the heavy musculature of each carcass quarter and into each of the abdominal and thoracic cavities.

(b) No person may slaughter, for human consumption, any food animal that the department has condemned as being adulterated or unfit for human consumption. The animal owner or meat establishment operator shall dispose of the condemned animal in a manner directed by the department.

(c) An animal condemned on ante mortem inspection may not be skinned or eviscerated at a meat establishment. This does not prohibit the recovery, under department supervision, of animal parts needed for diagnostic testing required by the department.

(d) No person may process for human consumption, or sell or distribute for human consumption, any meat that the department has condemned as being adulterated. The meat establishment operator shall denature or de-characterize the condemned meat so that the meat is no longer naturally edible by humans. Containers used for condemned meat shall be conspicuously marked "INEDIBLE."

(e) If the department orders a meat establishment operator to trim any carcass to remove adulterated meat, the operator shall complete the trimming before placing the carcass in a cooler.

(f) A meat establishment operator shall clean and sanitize facilities, equipment, and utensils that have come in contact with

any condemned animal or meat before using the facilities, equipment, or utensils in any other slaughter or processing operations.

(11) HUMANE SLAUGHTER AND TREATMENT. (a) Persons slaughtering food animals shall use humane methods. Humane methods include any of the following:

1. Captive bolt devices.
2. Electrical stunning.
3. CO₂ gas chamber.
4. Gun shot.
5. Established religious dietary law procedures, such as rabbinical (kosher) procedures.

(b) Persons receiving, transporting, or holding food animals for slaughter shall do so in a humane manner.

(c) If a meat establishment receives food animals that cannot stand or walk, the meat establishment operator shall do all the following:

1. Maintain separate holding pens for those animals, and protect them from physical contact with other animals.

2. Maintain skids, mats, or other department-approved conveyances for moving those animals humanely. A meat establishment operator may not drag an animal that cannot stand or walk, but shall move the animal by means of an approved conveyance.

(d) Meat establishment operators shall construct and maintain livestock pens, driveways, and ramps to prevent injury to animals.

(e) Persons moving food animals to slaughter shall do so in a manner that minimizes animal excitement and discomfort. Persons driving food animals to slaughter shall avoid excessive use of driving implements that may cause unnecessary excitement, pain, or injury to the animals. Persons driving food animals to slaughter may not stab or prod the animals with sharp driving implements.

(f) Food animals held at meat establishments pending slaughter shall have access to drinking water. If they are held for more than 24 hours, they shall also have access to feed.

(g) No livestock, ratites, or captive game animals may be shackled, hoisted, stuck, or cut for slaughter, except according to rabbinical (kosher) or other established religious dietary practices, until the livestock, ratites, or captive game animals are rendered insensible to pain.

Note: See s. 95.80, Stats.

(h) If a bullet, bolt, or other slaughter projectile penetrates the brain of a slaughtered food animal, that brain may not be used for human food.

(i) No head, head meat, or cheek meet from a food animal slaughtered by gunshot may be used for human food. This paragraph does not prohibit the use of the animal's tongue for human food.

(12) HORSES AND HORSE MEAT. No person may slaughter or process equines at a meat establishment where other domesticated food animals are slaughtered or processed. Equine carcasses, equine meat, and equine meat food products shall be conspicuously labeled "HORSE MEAT" or "HORSE MEAT PRODUCT" in a manner approved by the department.

(13) RECORDS. (a) Except as provided in par. (b), a person who slaughters a food animal for human consumption, or who processes the meat of a food animal for human consumption, shall make a record of that slaughter or processing. The record shall include all the following:

1. The date and time of slaughter or processing.
2. The number and type of animals slaughtered, and the disposition of the carcasses.
3. The type and amount of meat processed, and the disposition of that meat.
4. Any certificates required under sub. (7).
5. Other relevant information required by the department.

(b) Paragraph (a) does not require a meat establishment operator to duplicate slaughter records kept by the department's inspector.

(c) Records required under this subsection shall be made at the time the specific event occurs and include the date and time recorded, and shall be signed or initialed by the meat establishment employee making the entry.

(d) A person required to make a record under par. (a) shall keep that record for at least 3 years, and shall make the record available to the department for inspection and copying upon request.

History: CR 01–042: cr. Register March 2002 No. 555, eff. 4–1–02; CR 07–116: am. (1) (a) (intro.), (2) (a) (intro.), (3) (a) (intro.) and (8), cr. (8) (e) Register November 2008 No. 635, eff. 12–1–08; CR 08–075: am. (3) (a) (intro.) Register April 2009 No. 640, eff. 5–1–09; CR 10–122: am. (1) (a) Register July 2011 No. 667, eff. 8–1–11; EmR1213: emerg. am. (1) (a) (intro.), cr. (1) (c), am. (2) (a) (intro.), cr. (2) (d), am. (3) (a) (intro.), cr. (3) (c), eff. 9–13–12; CR 12–040: am. (1) (a) (intro.), cr. (1) (c), am. (2) (a) (intro.), cr. (2) (d), am. (3) (a) (intro.), cr. (3) (c) Register May 2013 No. 689, eff. 6–1–13; CR 14–024: am. (6) (intro.), cr. (6) (d), am. (7) (f) Register May 2015 No. 713, eff. 6–1–15; CR 17–072: am. (title), (1), (2) (title), (a) (intro.), 2., (b), (c) (intro.), 1., 2., (3) (title), (a) (intro.), 2., (b), renum. (4) (a) to (4) and am., am. (5), (6) (intro.), (d), (9) (b), (e) 2., (10) (b), (d), (e), (11) (g), renum. (13) (c) to (13) (d), cr. (13) (c) Register July 2018 No. 751, eff. 8–1–18 except (4), eff. 9–1–19.

ATCP 55.08 Custom processing. (1) GENERAL. A person providing a custom processing service shall do all the following:

(a) Hold a current annual license if required under s. ATCP 55.03.

(b) Hold a current annual registration certificate if required under s. ATCP 55.09 (2).

(c) Comply with applicable requirements under s. ATCP 55.07.

(d) Mark or label all the resulting meat products “NOT FOR SALE” and all the resulting poultry products “NOT INSPECTED” as provided in sub. (2). A person providing a custom processing service shall keep the service recipient's meat and poultry products separate from all other food that the service provider holds for others or offers for sale. The person may not sell any of the service recipient's meat products, or commingle them with any food that the person holds for others or sells.

Note: For example, a person providing custom processing services may not combine saved carcass parts, such as head meat, tongues, hearts, fat, or trimmings, with meat or poultry products processed for other service recipients or purchasers. The licensing exemption under s. ATCP 55.03 (2) (d) allows for the direct sale from a service recipient to customers of up to 1,000 birds.

(e) Return all of the resulting meat and poultry products to the service recipient. The service recipient may use them only for the service recipient's personal consumption, which may include consumption by members of the service recipient's household, and the service recipient's nonpaying guests and employees.

Note: An owner's nonpaying guests may include nonpaying immediate family members.

(f) Comply with s. ATCP 55.09 if the person engages in mobile custom processing.

(g) Conduct custom processing operations in a sanitary manner.

(h) Create and keep complete and accurate records of all custom processing transactions that are completed upon slaughter of a food animal or receipt of meat for processing. The service provider shall keep the records for at least 3 years, and shall make the records available to the department for inspection and copying upon request. Each record shall include all of the following:

1. The name and address for each individual for whom the person provides mobile custom slaughter or processing service.

2. The number and type of animals slaughtered for each service recipient.

3. The date of each slaughter.

4. The disposition of each carcass. The report shall indicate whether a carcass was transported to another location for processing and, if so, the location to which it was transported.

5. Any certificates required under s. ATCP 55.07 (7).

6. Other relevant information required by the department.

(2) MARKING OR LABELING MEAT. (a) A person providing a custom processing service shall mark or label the resulting meat and poultry products with all the following information:

1. The words “NOT FOR SALE” for meat products or “NOT INSPECTED” for poultry products in block letters at least $\frac{3}{8}$ ” high.

2. The name or commonly recognized trade name of the person providing the custom processing service. If the person performs the service at a meat establishment licensed under s. ATCP 55.03, the person may use the meat establishment number assigned under s. ATCP 55.03 (10) instead of the person's name. If the person provides the service as a mobile custom processing service, the person may use the registration number assigned under s. ATCP 55.09 (2) (g) instead of the person's name.

Note: The following examples illustrate possible label formats under par. (a):

NOT FOR SALE	NOT FOR SALE	NOT INSPECTED
XYZ Market	WIS 000	ABC FARMS

(b) A person providing a custom slaughter service shall mark the carcass of each custom slaughtered animal with the information required under par. (a). The person shall mark each side, quarter, detached organ, and other part of the carcass. The person shall mark the carcass immediately after slaughter, before the carcass leaves the slaughter site.

(c) A person providing a custom processing service shall apply the label under par. (a) to all packages and containers of custom processed meat and poultry products when those meat or poultry products are packaged or placed in those containers. The person shall individually label sausages that have a diameter of more than $1\frac{1}{2}$ ” if those sausages are individually packaged, or if they are shipped or stored in unsealed containers.

(3) CUSTOM SLAUGHTER AND PROCESSING SCHEDULE. (a) Except as provided in par. (b), a meat establishment operator may not engage in custom slaughter or other processing operations at a meat establishment while the operator is simultaneously doing any of the following at that establishment:

1. Slaughtering food animals for sale.

2. Processing the meat of food animals for sale.

(b) Paragraph (a) does not apply to any of the following:

1. A department-inspected custom slaughter, or the custom processing of meat from a department-inspected custom slaughter.

2. Simultaneous operations conducted in separate rooms or areas, if approved by the department. The department may approve simultaneous operations that are adequately separated and controlled to prevent cross-contamination or commingling of meat from the separated operations.

History: CR 01–042: cr. Register March 2002 No. 555, eff. 4–1–02; CR 17–072: am. (title), (1) (intro.), (d), (e) to (g), renum. (1) (h) to (1) (h) (intro.) and am., cr. (1) (h) 1. to 6., am (2) (a), (c), (3) (a) (intro.) Register July 2018 No. 751, eff. 8–1–18.

ATCP 55.09 Mobile custom processing. (1) GENERAL. A person engaged in mobile custom processing shall comply with ss. ATCP 55.07 and 55.08 and this section.

(2) ANNUAL REGISTRATION CERTIFICATE. (a) No person may receive any compensation, other than bartered services, for providing mobile custom processing services unless that person holds a current annual registration certificate from the department. No registration certificate is required if the person holds a meat establishment license under s. ATCP 55.03.

(b) A registration certificate under par. (a) expires on June 30 annually.

(c) A person shall apply for a registration certificate under par. (a) on a form provided by the department. No fee is required. The application shall include all the following:

1. The applicant's correct legal name, and any trade name under which the applicant does business.

2. The applicant's business address.

3. The applicant's social security number if the applicant is an individual.

Note: See s. 93.135 (1) (nm), Stats.

4. Other relevant information required by the department.

(d) The department shall grant or deny an application under par. (c) within 30 days after the department receives a complete application.

(e) The department may deny, suspend, or revoke a registration certificate under par. (a) for cause, as provided in s. 93.06 (7), Stats. Cause may include a violation of this chapter.

Note: The procedure for suspending or revoking a registration certificate, or for contesting the denial of a registration certificate, is set forth in ch. ATCP 1.

(f) The department may issue a registration certificate under par. (a) subject to conditions, or may impose conditions on an existing registration certificate, as provided in s. 93.06 (8), Stats.

Note: The procedure for imposing conditions on an existing registration certificate, or for contesting conditions imposed by the department, is set forth in ch. ATCP 1.

(g) The department shall assign, to each person holding a registration certificate under par. (a), a registration number that uniquely identifies that person.

(3) FACILITIES AND SANITATION. (a) Mobile custom processing operations shall be conducted under clean and sanitary conditions.

(b) Vehicles and facilities used in mobile custom processing operations shall be designed and constructed so that clean and sanitary conditions are maintained.

(c) Facilities shall be available, at every mobile custom slaughter and mobile custom processing site, to clean and sanitize equipment and utensils.

(4) EQUIPMENT AND UTENSILS. Equipment and utensils used in mobile custom processing operations shall be of sanitary design and construction, and shall be kept clean and sanitary. Meat or poultry product contact surfaces of equipment and utensils shall be cleaned and sanitized after each use, and more frequently as necessary, to keep them clean and sanitary.

(5) PERSONNEL. Personnel engaged in mobile custom processing operations shall wear clean and washable outer clothing, and shall wash and rinse their hands sufficiently during the operations to prevent contamination of carcasses and meat or poultry products.

(6) WATER SUPPLY. Potable water shall be available for all mobile custom processing operations. There shall be enough water for thorough cleaning of all carcasses, equipment, and utensils. Water shall be available during all slaughtering, other processing, and cleanup operations.

(7) CARCASS TRANSPORTED TO MEAT ESTABLISHMENT FOR CUSTOM PROCESSING. (a) A person performing a mobile custom slaughter service shall return the resulting meat to the service recipient at the slaughter site, except that the service provider may transport a carcass to a meat establishment licensed under s. ATCP 55.03 for custom processing. The custom processor shall return the resulting meat to the service recipient.

Note: See s. ATCP 55.07 (9).

(b) Carcasses transported under par. (a) shall be transported according to s. ATCP 55.11. Inedible slaughter products, if transported on the same vehicle with meat, shall be transported in tightly covered waterproof containers or in separate waterproof compartments to prevent spillage of inedible products and contamination of meat.

(8) MOBILE CUSTOM SLAUGHTER; MONTHLY REPORT. A person holding a registration certificate under sub. (2) or a license under s. ATCP 55.03 shall file a report with the department for each month in which that person performs any mobile custom slaughter. The person shall file the report by the 10th day of the following month on a form provided by the department. The report shall include all the following information:

(a) The name and address of each individual for whom the person provided mobile custom slaughter services.

(b) The number and type of animals slaughtered for each service recipient, including indication of whether cattle are less than 30 months of age or 30 months of age or greater, and if the specified risk materials were removed.

(c) The date of each slaughter.

(d) The disposition of each carcass. The report shall indicate whether a carcass was transported to another location for processing and, if so, the location to which it was transported.

(9) RECORDS. A person providing mobile custom processing shall keep complete and accurate records of all processing transactions as under s. ATCP 55.08 (1) (h). The service provider shall keep the records for at least 3 years, and shall make the records available to the department for inspection and copying upon request.

History: CR 01–042: cr. Register March 2002 No. 555, eff. 4–1–02; CR 07–116: am. (1) Register November 2008 No. 635, eff. 12–1–08; CR 17–072: am. (title), (1), (2) (a), (3) (a), (b), (4) to (6), (8) (b), cr. (9) Register July 2018 No. 751, eff. 8–1–18; correction in (5) made under s. 35.17, Stats., Register July 2018 No. 751.

ATCP 55.10 Meat labels and formulas. (1) GENERAL. Meat or poultry products sold in this state shall be labeled according to this chapter and ch. ATCP 90. No person may sell any misbranded meat or poultry products, or make any false, deceptive, or misleading representation in connection with the sale of meat or poultry products.

Note: See ss. 97.03, 100.18 and 100.183, Stats. Chapter ATCP 90 (fair packaging and labeling) contains general requirements for the packaging and labeling of food and other consumer commodities.

(2) MEAT LABELS; GENERAL. No person may sell any meat or poultry product unless that meat or poultry product is clearly labeled with all the following:

(a) The name of the meat or poultry product.

(b) The net weight of the meat or poultry product.

(c) The name and address of the person who last processed the meat or poultry product, or the name and address of the legally responsible distributor for whom the meat or poultry product was last processed.

(d) An inspection legend if required under sub. (3) or 9 CFR 317.2 or 9 CFR 381.96.

(e) An ingredient statement if the product contains 2 or more ingredients. The ingredient statement shall contain the word "INGREDIENTS:" followed by a listing of ingredients in order of decreasing predominance by weight.

(f) Safe handling instructions if required under 9 CFR 317.2 (l) or 9 CFR 381.125.

(g) One of the following statements if the meat or poultry product is being sold at retail and is perishable:

1. "Perishable."

2. "Keep refrigerated."

3. "Keep under refrigeration."

4. "Keep frozen."

(3) INSPECTION LEGEND. (a) Except as provided in par. (b), a license holder under s. ATCP 55.03 who processes meat or poultry products from meat inspected and passed by the department shall label those meat or poultry product with a state inspection legend. The legend shall be clearly visible to prospective purchasers on all packages and containers of products.

(b) Paragraph (a) does not apply to meat or poultry products processed at a retail establishment and sold only to individual consumers at that establishment.

(c) Except as provided in par. (d), the state inspection legend under par. (a) shall consist of an outline map of Wisconsin enclosing the words "WIS. DEPT. AGR. INSPECTED" and the meat establishment number assigned under s. ATCP 55.03 (10).

Note: Federal law prohibits the sale, in other states, of state-inspected meat that is required to bear the Wisconsin inspection under par. (c). The following is an illustration of the Wisconsin inspection legend described in par. (c):



(d) The inspection legend under par. (a) shall consist of an equilateral or isosceles triangle enclosing the words “WIS. DEPT. AGR. INSPECTED” and the meat establishment number assigned under s. ATCP 55.03 (10) if all the following apply:

1. The meat or poultry product contains meat from farm-raised deer, captive game animals, or captive game birds.
2. Meat from domesticated food animals and ratites constitutes less than 3% of the product by weight.
3. Fat from domesticated food animals and ratites constitutes less than 30% of the product by weight.

Note: Federal law does *not* prohibit the sale, in other states, of state-inspected meat from *farm-raised deer, captive game animals, captive game birds, alpacas, bison, llamas, or rabbits* (meat required to bear a triangular inspection legend under par. (d)). The following is an illustration of the state inspection legend described in par. (d):



(e) If space is limited, the word “INSPECTED” in the state inspection legend under par. (c) or (d) may be abbreviated as “INSP’D.”

(4) STANDARDS OF IDENTITY. Labeling of meat and poultry products shall comply with applicable standards of identity in 9 CFR 319 and 9 CFR 381 Subpart P. No person may misrepresent the identity of any meat or poultry product.

(5) FORMULA APPROVAL. (a) No person may manufacture any meat or poultry product bearing the mark of inspection in a meat establishment licensed under s. ATCP 55.03 unless the department first approves the product formula for compliance with applicable labeling and food safety requirements, including applicable standards of identity under sub. (4).

(b) To obtain the department’s approval under par. (a), a person shall submit the product formula on a form provided by the department. The form shall identify all meat and non-meat ingredients in the product, and shall include any other information required by the department.

(c) The department shall approve or disapprove a product formula within 30 days after the department receives a complete application under par. (b). The department shall give the applicant written notice of its action. If the department does not approve the formula, the notice shall state the department’s reasons.

(d) No department formula approval under this chapter is required for meat and poultry products that are made in a licensed meat establishment only for sale to individual consumers if all the following apply:

1. The products are produced under a retail food establishment license in accordance with s. 97.30, Stats.

2. Operation of the retail food establishment meets the requirements of ch. ATCP 75 and 75 Appendix.

(6) LABEL APPROVAL. No person may sell any of the following meat or poultry products intended for sale at wholesale unless the department first approves the labeling of that meat or those meat food products:

(a) Meat or poultry products bearing labels that make claims related to health, quality, or nutritional characteristics or food animal production methods.

(b) Meat from farm-raised deer, captive game animals, or captive game birds, or meat products made from that meat.

(c) Meat or poultry products bearing labels that make claims related to organizational membership or organizational standards.

(7) PROHIBITED LABELING PRACTICES. (a) No person may apply, to any meat or poultry product, any mark, legend, or label that is false, deceptive, or misleading.

(b) No person may misrepresent that the department has inspected meat or poultry products, or misrepresent the department’s inspection findings related to meat or poultry products.

(c) No person may misrepresent that any meat or poultry product has been processed at a licensed meat establishment, or is derived from meat inspected and passed by the department.

(d) No person may counterfeit or use without proper authority any inspection mark, label, or marking device under this subsection.

(e) No person may wrongfully alter or remove any mark or label applied under this section.

(f) No person may sell, transport, or store any meat or poultry product that is not marked, labeled, or identified according to this chapter.

History: CR 01–042: cr. Register March 2002 No. 555, eff. 4–1–02; CR 17–072: am. (1), (2) (intro.), (a) to (f), (g) (intro.), (3) (a), (b), (d) 1., 3., (4), (5) (a), (b), cr. (5) (d), am. (6), (7) (a) to (c), (f) Register July 2018 No. 751, eff. 8–1–18; correction in (2) (d) made under s. 35.17, Stats., Register July 2018 No. 751.

ATCP 55.11 Transporting meat. **(1) GENERAL.** A person transporting meat or poultry products for human consumption shall do so in a manner that keeps the meat or poultry products unadulterated. Meat or poultry products for human consumption shall be maintained at 41° F (5° C) or cooler during transport if they are perishable, or if they are labeled “Keep Refrigerated” or “Keep Frozen.” The internal temperature of the refrigerated products may not exceed 41° F (5° C) at the time of delivery.

(2) VEHICLES AND FACILITIES. Vehicles and facilities used to transport meat or poultry products shall be constructed and maintained to ensure that the meat or poultry products arrive at their destination in an unadulterated condition. Vehicles and facilities shall be adequately equipped to ensure compliance with sub. (1).

(3) UNWRAPPED MEAT OR POULTRY PRODUCTS. Unwrapped meat or poultry products shall be transported in enclosed vehicles equipped with tight fitting doors, and shall be protected from contamination from the vehicle.

History: CR 01–042: cr. Register March 2002 No. 555, eff. 4–1–02; CR 17–072: am. Register July 2018 No. 751, eff. 8–1–18.

ATCP 55.12 Meat brokers and meat distributors; registration. **(1) ANNUAL REGISTRATION CERTIFICATE.** No person may operate as a meat broker or meat distributor without an annual registration certificate from the department, except that no registration certificate is required for a meat broker or meat distributor who holds a current annual meat establishment license under s. ATCP 55.03. A registration certificate expires on June 30 annually. No fee is required.

(2) APPLYING FOR A REGISTRATION CERTIFICATE. To obtain a registration certificate under sub. (1), a person shall apply on a form provided by the department. The application shall include all the following:

(a) The applicant's correct legal name, and any trade name under which the applicant does business.

(b) The applicant's business address.

(c) The applicant's social security number if the applicant is an individual.

Note: See s. 93.135 (1) (nm), Stats.

(d) Other relevant information required by the department.

(3) ACTION ON APPLICATION. The department shall grant or deny an application under sub. (2) within 30 days after the department receives a complete application.

(4) DENYING, SUSPENDING, OR REVOKING A REGISTRATION CERTIFICATE. The department may deny, suspend, or revoke a registration certificate under sub. (1) for cause, as provided in s. 93.06 (7), Stats. Cause may include a violation of this chapter.

Note: The procedure for suspending or revoking a registration certificate, or for contesting the denial of a registration certificate, is set forth in ch. ATCP 1.

(5) CONDITIONAL REGISTRATION CERTIFICATE. The department may issue a registration certificate under sub. (1) subject to conditions, or may impose conditions on an existing registration certificate, as provided in s. 93.06 (8), Stats.

(6) RECORDS. (a) A meat broker or meat distributor shall keep all of the following records related to transactions in which the meat broker or meat distributor is involved as a buyer, seller, or broker of meat or poultry products:

1. The name and address of the seller.
2. The name and address of the buyer.
3. The date and location of sale.
4. The types and amounts of meat or poultry products sold.
5. If the meat broker or meat distributor takes physical custody of the meat or poultry products, complete records related to the receipt, storage, and disposition of those meat or poultry products.

(b) A meat broker or meat distributor shall retain each record under par. (a) for at least 3 years after the record is made, and shall make records available to the department for inspection and copying upon request.

Note: The procedure for imposing conditions on an existing registration certificate, or for contesting conditions imposed by the department, is set forth in ch. ATCP 1.

History: CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 07-116: cr. (6) Register November 2008 No. 635, eff. 12-1-08; CR 17-072: am. (6) (a) (intro.), 4., 5. Register July 2018 No. 751, eff. 8-1-18.

ATCP 55.13 Prohibited practices. No person may do any of the following:

(1) Process or sell, for human consumption, any adulterated or misbranded meat or poultry product.

(2) Slaughter any food animal, for human consumption, under unsanitary conditions.

(3) Process, store, handle, transport, or sell meat or poultry products for human consumption under conditions that may render the meat or poultry products adulterated.

(4) Slaughter any food animal for human consumption, or otherwise process any meat or poultry products for human consumption, at a place other than a meat establishment licensed under s. ATCP 55.03. This prohibition does not apply to processing operations that are exempted from licensing under s. ATCP 55.03 (2).

(5) Make any false, deceptive, or misleading statement, when submitting a food animal for slaughter, related to any of the following:

(a) The ownership, identity, origin, or health status of the animal.

(b) The administration of any drug to the animal.

(c) The intended use of meat from the animal.

(6) Obstruct a department employee performing his or her duties. Obstruction includes any of the following:

(a) Physical interference.

(b) Verbal or physical assault or abuse.

(c) Threatening behavior or communications.

(d) Refusal to carry out legitimate directives.

(e) Intentional acts that impede the full, effective, and efficient performance of the employee's duties.

(f) Concealing records, ingredients, meat or poultry products, labels, packaging materials, or any other item that may be observed pursuant to s. 97.12 (1), Stats.

Note: See s. 97.42 (8), Stats.

(7) Wrongfully alter, deface, or remove any department tag or mark applied under this chapter.

(8) Wrongfully alter, deface, or remove any label or inspection legend required under s. ATCP 55.10.

(9) Custom slaughter a food animal, or custom process the meat of a slaughtered food animal, if the person knows or has reason to know all the following:

(a) That the slaughter was not inspected by the department or the United States department of agriculture.

(b) That the recipient of the custom slaughter or processing service will sell the meat of that animal for human consumption, in violation of s. ATCP 55.04 (1).

History: CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 17-072: am. (1), (3), (4), cr. (6) (f) Register July 2018 No. 751, eff. 8-1-18; correction in (6) (f) made under s. 35.17, Stats., Register July 2018 No. 751.

ATCP 55.14 Enforcement. **(1) INVESTIGATIONS.** The department may conduct inspections and other investigations to determine compliance with this chapter and ch. 97, Stats. The department may exercise its authority under chs. 93 and 97, Stats., in support of its inspections and investigations.

Note: Under chs. 93 and 97, Stats., the department may inspect meat slaughtering, processing, selling, and distributing facilities and practices, regardless of whether those practices occur at meat establishments licensed under s. ATCP 55.03. The department will provide ante mortem and post mortem slaughter inspection only for persons licensed under s. ATCP 55.03.

(2) HOLDING ORDER. (a) The department may issue a holding order to prohibit the sale or movement of any meat or poultry product if the department has reasonable grounds to suspect that the meat or poultry product is adulterated or misbranded, or otherwise fails to meet the standards or requirements of this chapter or ch. 97, Stats. The department may issue a holding order pending further examination or analysis to determine whether the meat or poultry product is adulterated or misbranded, or otherwise fails to meet the standards or requirements of this chapter or ch. 97, Stats.

(b) The department shall serve a holding order by delivering a copy to the owner or custodian of the meat or poultry products, or by placing a copy in a conspicuous place on or near the meat or poultry products. A "WIS. RETAINED" tag applied under s. ATCP 55.06 (5) (f) has the effect of a holding order served under this subsection.

(c) A holding order remains in effect for 14 days unless the department withdraws it earlier. The department may extend a holding order for one additional 14-day period by re-serving the order or by leaving the "WIS. RETAINED" tag on the meat or poultry product.

(d) No person may sell, move, or alter any meat or poultry product under holding order, except with the department's written permission. The department may authorize the owner or custodian to take appropriate corrective action.

(e) The department may release a holding order if the department finds that the suspect meat or poultry product is not adulterated or misbranded, or that the violation has been corrected.

(3) CONDEMNATION ORDER. (a) If the department finds that a meat or poultry product is adulterated, misbranded, not inspected and approved according to this chapter or s. 97.42, Stats., or not processed according to this chapter or s. 97.42, Stats., the department may order the owner or custodian to do any of the following:

1. Correct the violation within a reasonable time period in a manner specified by the department in writing.

2. Dispose of the meat or poultry product, in a manner specified by the department in writing. The department may order disposal of a meat or poultry product if a violation cannot be corrected, or if the owner or custodian fails to correct the violation within the time specified under subd. 1.

(b) The department shall serve an order under par. (a) by delivering a copy to the owner or custodian of the meat or poultry products, or placing a copy in a conspicuous place on or near the meat or poultry products. An order takes effect when served. A “WIS. INSP’D and CONDEMNED” mark applied under s. ATCP 55.06 (5) (e) has the effect of a condemnation order served under this subsection.

(c) No person may sell, move, or alter any meat or poultry product covered by the department’s order except as directed by this chapter or by the department.

(4) ORDER TO CORRECT VIOLATION. The department may order a person to correct a violation of this chapter or ch. 97, Stats. The department may specify a deadline for correcting the violation.

(5) REJECTED FACILITIES, EQUIPMENT OR UTENSILS. The department may issue an order prohibiting the use of unsanitary facilities, equipment, or utensils that may contaminate meat or poultry products. The department may issue an order under this subsection by applying a “REJECTED” tag to the facilities, equipment, or utensils. A person may not use the equipment or utensils until the violation is corrected and the department withdraws its order.

(6) INSPECTION STAFF AUTHORIZED TO ISSUE ORDERS. An authorized department employee may issue orders under this section.

Note: Under ss. 93.06 and 97.42, Stats., the department may deny, suspend or revoke a license or permit for violations of this chapter. The department may also

pursue court enforcement under ss. 93.21, 97.72, and 97.73, Stats., and other applicable laws.

History: CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 06-028: am. (2) (a) and (3) (a) (intro.) Register November 2006 No. 611, eff. 12-1-06; CR 17-072: am. (2), (3), (5), (6) (title) Register July 2018 No. 751, eff. 8-1-18.

ATCP 55.15 Appeals. (1) A person directly affected by any of the following department actions under this chapter may ask the department to reconsider that action:

(a) The denial of any application for a license or registration certificate.

(b) Ante mortem or post mortem inspection findings affecting the disposition of animals, carcasses, or meat or poultry products.

(c) Any order issued under s. ATCP 55.14.

(d) Decisions denying, limiting, or withdrawing slaughter inspection services.

(e) Slaughter inspection billings.

(2) Whenever the department receives a request for reconsideration under sub. (1), the department shall schedule a prompt informal conference with the requester. If the matter concerns an ante mortem or post mortem inspection finding by an inspector who is not a veterinarian, the department may have a veterinarian review the inspector’s findings.

(3) If a requester’s dispute is not resolved by informal action under sub. (2), a requester may request a contested case hearing under ch. 227, Stats., and ch. ATCP 1.

(4) A request for reconsideration or hearing does not stay a department action under this chapter.

(5) This section does not limit a person’s rights under ch. 227, Stats., or other applicable law.

History: CR 01-042: cr. Register March 2002 No. 555, eff. 4-1-02; CR 17-072: am. (1) (b) Register July 2018 No. 751, eff. 8-1-18.