



State of Wisconsin  
Governor Tony Evers

---

**Department of Agriculture, Trade and Consumer Protection**  
Secretary-designee Randy Romanski

DATE: February 19, 2021

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy J. Romanski, Secretary-designee  
Steve Ingham, Administrator, Division of Food and Recreational Safety

SUBJECT: ATCP 57, Inedible Animal By-Products; Preliminary Public Hearing Notice for a Rulemaking Scope Statement

TO BE PRESENTED BY: Steve Ingham

REQUESTED ACTION:

At the March 4, 2021 Board meeting, the Department of Agriculture, Trade and Consumer Protection (Department) will ask the DATCP Board (Board) to approve a Preliminary Public Hearing Notice for a Statement of Scope to consider revision of ch. ATCP 57 (Inedible Animal By-Products).

SUMMARY:

The Department licenses renderers, animal food processors, grease processors, and dead animal collectors, and registers carcass dealers under authority of ch. 95 of the Wisconsin Statutes. This chapter of statute also authorizes DATCP to promulgate rules relating to these licensed or registered businesses, which the Department has done in ch. ATCP 57. This chapter of rule describes requirements for licensing or registration, facilities and practices at these businesses, transporting and denaturing carcasses and carcass materials, and labeling processed products. The rule also spells out several prohibitions related to uses of processed inedible animal by-products.

The activities regulated by ch. ATCP 57 serve an overlooked but essential part of the animal agriculture sector. It is essential that these activities are done in a way that does not create a public nuisance, degrade the environment, or inadvertently transmit animal diseases such as Bovine Spongiform Encephalopathy (BSE or “mad cow disease”).

Chapter ATCP 57 has not been significantly updated since November 2008. During the intervening time, the Code of Federal Regulations (CFR) has been updated to include federal regulations implementing the Food Safety Modernization Act (FSMA) and related to the production of animal food, and preventing the transmission of prions (causative agent of BSE) in animal feeds. Further, the rule has not kept pace with changing technology, innovations and operational models. For example, dead animal collectors are currently prohibited from transporting animals except to specific types of businesses. The addition of other types of licensed locations to which dead livestock may be transported may provide further business opportunities.

*Wisconsin - America's Dairyland*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • [Wisconsin.gov](http://Wisconsin.gov)

An equal opportunity employer

Contingent upon Board approval, the Department has planned a public hearing on the Statement of Scope to be held virtually on Monday, March 15, 2021 from 12:00 pm to 4:30 pm via Microsoft Teams. The Department also plans to accept written comments through Monday, March 29, 2021.

*Wisconsin - America's Dairyland*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • [Wisconsin.gov](http://Wisconsin.gov)

An equal opportunity employer

**State of Wisconsin**  
**Department of Agriculture, Trade and Consumer Protection**

**NOTICE OF PUBLIC HEARING AND COMMENT PERIOD**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) announces that, pursuant to Wis. Stat. § 227.16 (1), it will hold a preliminary public hearing and receive written comments on a scope statement relating to possible revision of Wisconsin Administrative Code ch. ATCP 57, regarding Inedible Animal By-Products. The hearing will be held virtually on Microsoft Teams.

**Hearing Date and Log-In Information:**

Monday, March 15, 2021

Microsoft Teams

12:00 p.m. – 4:30 p.m. (all commenters present before 4:30 p.m. will be allowed to speak)

## Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

+1 608-571-2209,,586869587# United States, Madison

Phone Conference ID: 586 869 587#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

---

Hearing testimony or comments will be taken on a first-come, first-served basis after the opening statements are read into the record.

Following the public hearings, the hearing record will remain open until March 29, 2021, for additional public comments. Comments may be sent to the Department at the address below, or to [Caitlin.Jeidy@wisconsin.gov](mailto:Caitlin.Jeidy@wisconsin.gov). A copy of the scope statement for the proposed rule is enclosed.

**Accommodations:**

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by contacting Caitlin Jeidy using the information below. The hearing facilities are handicap accessible.

**Department Contact:**

Caitlin Jeidy  
Division of Food and Recreational Safety  
Department of Agriculture, Trade, and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911  
(608) 977-0565  
[caitlin.jeidy@wisconsin.gov](mailto:caitlin.jeidy@wisconsin.gov)

Dated this \_\_\_\_ day of February, 2021

STATE OF WISCONSIN,  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_

Randy Romanski, Secretary-designee