



## Division of Food and Recreational Safety

March 29, 2021

### Rule Changes May Require a Retail Food Establishment License at Meat Establishments

Recent changes to Wisconsin Administrative Code chapter ATCP 75 – Retail Food Establishments have removed the exemption that allowed licensed meat establishments to conduct retail food sales without holding a retail food establishment license. We are providing further guidance to help clarify questions from your industry and inspection staff regarding requirements for when a retail food establishment license is required.

#### Q What meat products can I place in my meat cases without the need for a retail food establishment license?

A meat establishment where the only retail Time/Temperature Controlled for Safety (TCS) food activity is selling a packaged meat or poultry product that bears that establishment's mark of inspection is not required to obtain a separate retail food establishment license from the DATCP or its agent.

#### Q How do I know I need a retail food establishment license in addition to my current meat establishment license?

The following examples detail situations when a retail food establishment license is required at a meat establishment:

- The meat establishment is processing or preparing any meat product for sale at retail or made under meat inspection, but presented for retail sale without the marks of inspection.
- Preparing, serving or selling any meal-type items such as, but not limited to, cooked hamburgers, brats and chicken, with or without accompanying side dishes.
- Performing other retail food activities, such as the preparation and sale of deli items or the packaging of spice blends or sauces.
- Selling a TCS (formerly called “potentially hazardous”) food that is produced on-site or acquired from another vendor, such as, but not limited to, prepacked cheeses, milk, deli salads, or frozen pizza, or other approved meat products.



## Q What sink configurations should I be concerned with now that I am required to have a retail food establishment license?

Your establishment may already have the proper sink configurations:

- **Utensil washing sinks:** The Wisconsin Food Code allows that 2-compartment sinks can be used for batch washing of utensils; these are commonly seen in meat processing type facilities. The use of the 2-compartment sink is acceptable as long as batch washing is occurring. The continuous flow of utensil washing will require the installation of a 3-compartment sink configuration. Approval by the regulatory authority is needed to use a 2-compartment sink, and it must include the use of an EPA approved detergent sanitizer.
- **Handwashing sinks:** Handwashing sinks are required to be conveniently located to all processing activities and must be non-hand operated in design. Your regulatory authority will assess your needs for handwashing sinks during the licensing process.
- **Service/mop sinks.** Retail food establishments are required to have a service sink for the disposal of wastewater and cleaning of mops. Alternatively, a floor drain may be used with an approved variance from DATCP.

## Q Will I be required to obtain a Certified Food Protection Manager for my facility?

If you are licensed as a Simple, Moderate or Complex Retail Food Establishment, you are required to obtain a Certified Food Protection Manager certificate. These courses are readily available in person or online. Retail food establishments have 90 days to comply with this requirement.

## Q Will I be required to develop additional variance and/or HACCP plans for approval under my retail food establishment license?

If your retail food establishment produces meat products not under inspection that require a special process (e.g., curing, smoking for preservation, drying, acidifying/fermenting) or does further processing to the inspected products (e.g., reduced oxygen packaging), you will be required to have a variance and/or HACCP plan in place for those products.

For those special processes, they will need to be submitted to DATCP for conditional approval. It is also likely that if an establishment is making a similar product under the meat inspection regulations, the same HACCP plan could be submitted with a variance request to the retail food establishment inspector for approval by the department for the product that does not bear the state or federal mark of inspection. If you have any questions about variances or HACCP plan submission, contact the retail mailbox at [datcpdfsretail@wisconsin.gov](mailto:datcpdfsretail@wisconsin.gov).

If you have questions regarding a retail food establishment license, please contact DATCP licensing at [datcpdfslicensing@wisconsin.gov](mailto:datcpdfslicensing@wisconsin.gov) or call (608) 224-4923. For information on ATCP 75 and its requirements, visit the website at [datcp.wi.gov](http://datcp.wi.gov) and search "Wisconsin food code."



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