



State of Wisconsin  
Governor Scott Walker

---

**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

**DATE:** September 1, 2017

**TO:** Board of Agriculture, Trade and Consumer Protection

**FROM:** Jeff Lyon, Interim Secretary  
Steve Ingham, Division of Food and Recreational Safety Administrator

**SUBJECT: ATCP 55, Meat and Meat Food Products**

**PRESENTED BY:** Steve Ingham

**REQUESTED ACTION:**

At the September 21, 2017, Board meeting, the Department will ask the Board to authorize public hearings on a proposed rule, ch. ATCP 55 (copy attached), related to meat and poultry products. This rule modifies regulations for the slaughter and processing of animals and poultry for human consumption.

**SUMMARY:**

The Department of Agriculture, Trade, and Consumer Protection's state meat and poultry inspection program is governed by ch. 97, Stats., Food, Lodging and Recreation. Wisconsin operates the nation's largest state meat and poultry inspection program, with approximately 260 meat establishments.

Currently, a licensed meat establishment is required to pay a \$200 annual license fee or an annual license fee of \$80 if the owner is solely engaged in custom processing at that establishment. After consultation with industry, this rule will replace the \$200 annual fee with a new fee structure based on the activities done at the licensed meat establishment. The 260 official establishments each now pay \$200. Under the proposed rule, 76 establishments would still pay \$200, 88 establishments would pay \$150, 5 establishments would pay \$100, and 91 establishments would pay \$50. Based on the establishments listed in the 2016-2017 Meat Establishment Directory (subtracting two establishments which have gone out of business), licensing fees charged to official establishments, industry-wide, would decrease by \$18,550. This rule also:

- Eliminates slaughter inspection fees for alpaca, bison, and llama producers who previously had to pay for voluntary inspection of slaughter.
- Legalizes the on-premises slaughter of rabbits by creating a no-cost license category for the slaughter of 3,000 or fewer rabbits annually and instituting baseline sanitation and recordkeeping requirements to adequately safeguard public health while allowing low-volume rabbit producers to develop their businesses.
- Ensures that exemptions from the requirement in rule to hold a meat establishment license are consistent with those created by 2015 Wisconsin Act 243.
- Clarifies the retail meat and poultry products formula and package labeling exemptions

---

*Agriculture generates \$88 billion for Wisconsin*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

- Aligns the list of exemptions related to custom processing with statutes, including defining custom processing to include both slaughter and processing of meat or poultry products.
- Adds the Martin Luther King, Jr. Day holiday to the list of holidays for the purposes of scheduling inspection.
- Incorporates 9 CFR 412, which relates to labeling requirements.
- Replaces the term “meat and meat food products” with “meat and poultry products” throughout the rule.
- Makes other revisions to update terminology and adds definitions to improve clarity.

### ***Background***

The Department operates the nation’s largest state meat and poultry inspection program with approximately 300 meat establishments. State meat and poultry inspection programs operate under a cooperative agreement with United States Department of Agriculture (“USDA”) Food Safety and Inspection Service (“FSIS”). State meat and poultry inspection programs provide unique and scale-appropriate services to small meat and poultry establishments. This rule is necessary to match regulations with statutory provisions and federal regulations, and to respond to stakeholder concerns that the Department has gathered over the last several years.

### ***Rule Content***

#### **Revised Fee Structure**

Currently, a licensed meat establishment is required to pay a \$200 annual license fee or an annual license fee of \$80 if the owner is solely engaged in custom processing at that establishment. After consultation with industry, the Department is replacing the \$200 annual fee with a fee structure based on the activities done at the licensed meat establishment. The maximum fee for any single licensed meat establishment will not exceed \$200 in a year. Fees will not increase for any licensed meat establishment and may decrease for most establishments under the new fee structure.

- A person who is solely engaged in custom processing will continue to pay an \$80 annual license fee.
- A licensed meat establishment will pay annual fees, not to exceed \$200, of:
  - \$100 for processing cooked meat or poultry products or processing shelf-stable uncooked meat or poultry products,
  - \$100 for the slaughter of livestock other than poultry or rabbits,
  - \$50 for processing not shelf stable uncooked meat or poultry products,
  - \$50 for the slaughter of poultry unless exempt from the license fee, and/or
  - \$25 for the slaughter of more than 3,000 rabbits annually. All rabbit slaughter establishments must be licensed, but there shall be no charge for the slaughter of 3,000 or fewer rabbits annually.

#### **Definition of Livestock**

2015 Wisconsin Act 243 broadened the range of animals for which slaughter inspection is provided without fee by the department. Alpacas, bison, llamas, and rabbits are now considered “livestock” and the slaughter inspection fees are eliminated for alpaca, bison, and llama producers who previously had to pay for voluntary inspection of slaughter.

The Department recently learned that rabbit slaughter, done in uninspected facilities (often on-farm) rather than under voluntary for-fee inspection, has been fairly common practice in Wisconsin. This practice had uncertain legality before the passage of 2015 Wisconsin Act 243, and is now clearly prohibited by a statutory requirement that rabbits be slaughtered in a licensed establishment.

This rule legalizes the slaughter of rabbits for entry into commerce by creating a no-cost license category for the slaughter of 3,000 or fewer rabbits annually and instituting baseline sanitation and recordkeeping requirements to adequately safeguard public health while allowing low-volume rabbit producers to develop their businesses. The rule exempts low-volume rabbit slaughter from slaughter inspection requirements, provided the rabbits are slaughtered at the same premises where raised, and recordkeeping and licensing requirements are met.

### **Retail Food Exemptions**

This rule revision ensures that exemptions from the requirement in rule to hold a meat establishment license are consistent with those created by 2015 Wisconsin Act 243. The exemptions affect a greater number of retail food establishments than were previously considered exempt, making the statutory and rule language consistent with USDA regulations.

Many licensed meat establishments operate a retail food establishment on the same premises. These licensed meat establishments may manufacture some meat products solely for the retail food establishment part of their business. The packages containing these products are not required to bear the inspection legend that is required for meat products being sold wholesale. However, the existing rule has long been interpreted as requiring that the formula and label of each of these products must be pre-approved by the Department before retail sale. Some business operators have questioned the fairness of this interpretation, as there are no such requirements for other, non-meat, potentially hazardous foods made for retail sale (i.e., fish sausage). In addition, retail food establishments not linked to a meat establishment commonly make and sell meat items without formula (recipe) or label approval, e.g. rotisserie chicken. This rule clarifies the retail meat and poultry products formula and labeling packaging exemptions.

### **Other Revisions**

The rule makes other revisions to update terminology and add definitions to improve clarity. Some revisions are made to align the rule terminology with recent changes in state and federal law. Among these revisions are the following:

- The rule aligns the list of exemptions related to custom processing with statutes. The definition of custom processing is clarified to include both slaughter and processing of meat or poultry products. Currently, meat or poultry may be used for the owner's own consumption, consumption by members of the owner's immediate household, and nonpaying guests. The rule was revised to reflect statutory language that allows consumption by the owner, members of the owner's household, and the owner's nonpaying guests and employees.
- The rule adds the Martin Luther King, Jr. Day holiday to the list of holidays for the purposes of scheduling inspection.

- The rule incorporates 9 CFR 412, which relates to labeling requirements.
- The rule replaces the term “meat and meat food products” with “meat and poultry products” throughout to reflect modification of this definition.

#### ***Fiscal Impact***

This rule change is anticipated to decrease costs for producers of alpacas, bison, and llamas; reduce license fees for most meat establishments and several retail food establishments; and decrease procedural barriers for meat establishment operators running a retail food establishment on the same premises. While rabbit producers may face a slight increase in costs, the ability to slaughter rabbits in an on-farm licensed facility may increase their ability to sell rabbit to restaurants and other retail food establishments. By increasing the number of animal species that can be slaughtered in Wisconsin under no-fee inspection, as opposed to under voluntary for-fee inspection, the rule enhances the economic position of farmers producing alpacas, bison, and llamas.

The rule will not have an economic impact on local governmental units or public utility taxpayers. No new staff will be required for DATCP to enforce the proposed rule.

#### ***Business Impact***

The Department believes the changes being presented will have a beneficial impact on the license holder because of a potential reduction in fees based on product and process risk. The Department included provisions in order to make the rule more flexible and equitable for small rabbit processing establishments. In addition, several elements of the rule regarding retailing of meat and meat products may reduce the regulatory burden on some of the establishments that have these operations. As the Department concurrently revises ATCP 70 (Food Processing Plants) and ATCP 75 (Retail Food Establishments) to coordinate food business licensing requirements, some establishments may be required to obtain a retail food establishment license instead of or in addition to a meat establishment license. Retail food establishment license fees vary according to the scope and nature of processing done at the establishment. Finally, the rule is revised to ensure consistent inspection service to custom meat establishments.

A draft of the proposed ATCP 55 was posted for public comment on economic impact from June 23 to July 22, 2017. No comments were submitted.

#### ***Environmental Impact***

This rule will have no environmental impact.

#### ***Federal and Surrounding State Programs***

State meat inspection programs operate under a cooperative agreement with the USDA FSIS. Under this agreement, state meat inspection programs are required to adopt regulations that are “at least equal to” federal meat and poultry inspection regulations. In addition, Wisconsin is one of four states participating in the Cooperative Interstate Shipment (CIS) program allowing certain selected state-inspected meat establishments to ship their products in interstate commerce. States in the CIS program must adopt regulations that are the “same as” federal meat inspection regulations.

The proposed rule will ensure Wisconsin’s state meat inspection program is consistent with federal regulations and expectations for inspection and enforcement procedures, as well as exemptions from inspection, and suspension of inspection.

Michigan currently does not operate a state meat and poultry inspection program and is not eligible to participate in the CIS program. Minnesota, Iowa, and Illinois operate state meat inspection programs similar to Wisconsin’s program.

Illinois’ state meat inspection program includes USDA’s Federal-State Cooperative program (formerly known as the “Talmadge-Aiken” program). Under this program, state inspectors conduct federal inspections, and the inspected establishments are thereby allowed to sell their products in interstate commerce.

#### *Next Steps*

If the Board authorizes public hearings on this rule, the Department will refer a copy to the Legislative Council Rules Clearinghouse which will publish a hearing notice in the Wisconsin Administrative Register. DATCP will hold public hearings on the dates and at locations to-be-determined that will be specified in the hearing notice. Hearings are anticipated in multiple locations in late October 2017.

Following the public hearings, the Department will prepare the final draft rule and present it to the Board. If approved, it will then be transmitted to the Governor for written approval and afterward to the Legislature for review by the appropriate legislative committees. If the Legislature takes no action to stop the rule, the Secretary will sign the final rulemaking order and transmit it for publication.

**PROPOSED ORDER  
OF THE WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION  
ADOPTING RULES**

The Wisconsin department of agriculture, trade and consumer protection hereby proposes the following rule *to repeal* ATCP 55.02 (6) (Note), (21), and 55.03 (2) (e) 3. (Note); *to amend* ATCP 55 (Title), 55.01 (1), (2) (a) and (c), 55.02 (1), (1m), (2), (3), (5) and (5) (Note), (14), (16) to (20), (23) to (25), 55.03 (1), (2) (b), (c), (d) (intro.), (d) 1. to 3., (e) (intro.), (e) 1. to 3., (2) (e) 4., 5. and 6., (4) (intro.), (11) (a), (b) 2. and 4. to 7., (12) (title), (a), (b) 1. to 3., (c) (intro.) and (Note), and (d), 55.04 (Title), (1) (a), (1) (a) (Note) and (1) (c) 1. to 3., (1m), (2), (3) (a) 2., (4) (title) and (b), (5) (title), (6), and (8), 55.06 (2), (4) and (5) (a), (e), (f) and (g), 55.07 (Title), (1), (2) (Title) and (a) to (e), (3) (Title), (a), and (b), (4), (5), (6) (intro.), (d) and (Note), (9)(b), (e) 2., (Note), (10)(b), (d) and (e), 55.08 (Title), (1) (intro.), (d), (d) (Note) and (e), (1) (f) to (h), (2) (a) and (Note), (2) (c) and (3) (a) (intro.), 55.09 (Title), (1), (2) (a), (3) (a) and (b), (4) to (6), and (8) (b), 55.10 (1), (2), (3) (a), (b), and (d) 1., 3., and Note, (4), and (5) (a) and (b), (6), (7) (a) to (c) and (f), 55.11, 55.12 (6) (a), 55.13 (1), (3) and (4), 55.14 (2), (3), (5), and (6) (Title), and 55.15 (1) (b); *to repeal and recreate* ATCP 55.02 (6), (29), and (31); and *to create* ATCP 55.01 (2) (d), 55.02 (1g), (4g), (19m), (25m), 55.03 (4) (a) and (b), 55.04 (1) (d), (9), 55.06 (5) (k), 55.08 (1) (e) (Note), 55.10 (5) (d), and 55.13 (6) (f) *relating to* meat and poultry products, and affecting small business.

---

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

The Department of Agriculture, Trade and Consumer Protection (“Department”) operates the nation’s largest state meat and poultry inspection program, with approximately 260 meat establishments. State meat and poultry inspection programs operate under a cooperative agreement with United States Department of Agriculture (“USDA”) Food Safety and Inspection Service (“FSIS”). State meat and poultry inspection programs provide unique and scale-appropriate services to small meat and poultry establishments.

### *Statutes Interpreted*

Statute Interpreted: Wis. Stat. § 97.42

### *Statutory Authority*

Statutory Authority: Wis. Stat. §§ 97.42 (4), 97.09 (4), and 93.07 (1).

### *Explanation of Statutory Authority*

The Department has specific authority under Wis. Stat. § 97.42 (4), to establish rules to regulate the slaughter and processing of animals and poultry for human consumption. The Department also has general authority under Wis. Stat. § 97.09 (4), to adopt rules specifying standards to protect the public from the sale of adulterated or misbranded foods. Additionally, the Department has general authority, under Wis. Stat. § 93.07 (1), to adopt rules to implement programs under its jurisdiction.

### *Related Statutes and Rules*

Wisconsin's state meat and poultry inspection program is governed by Wis. Stat. ch. 97, Food, Lodging and Recreation, which includes Wis. Stat. § 97.42, compulsory inspection of livestock or poultry, and meat or poultry products. Wis. Admin. Code ch. ATCP 55 interprets and implements Wis. Stat. ch. 97, as it relates to Meat and Meat Food Products.

State meat and poultry inspection programs operate under a cooperative agreement with the USDA FSIS to provide inspection services to meat establishments not engaged in interstate commerce. These establishments are generally very small in size. State meat and poultry inspection programs were established by the Wholesome Meat Act of 1967 and the Wholesome Poultry Products Act of 1968, which amended the Federal Meat Inspection Act ("FMIA") to create 21 USC 661 and the Poultry Products Inspection Act ("PPIA") to create 21 USC 454. Section 11015 of Title XI of the Food, Conservation, and Energy Act of 2008 (the 2008 "Farm Bill"), enacted on June 18, 2008, amended FMIA and PPIA to establish a new voluntary program allowing certain selected state-inspected meat establishments to sell their products in interstate commerce.

Title 9, Animal and Animal Products, of the Code of Federal Regulations ("CFR") interprets and implements the federal FMIA and PPIA. Wis. Stat. § 97.42 (4m) and Wis. Admin. Code ATCP 55.06 (2), (3), (4), and (5)(d), and 55.07 (1), (2), and (3), currently adopt certain relevant sections of Title 9, relating specifically to inspection of meat and meat food products, meat and poultry and food products, the cooperative interstate shipment program, and poultry and poultry products inspection. Effective April 1, 2018, Wis. Stat. § 97.42(4m) will no longer cite the specific federal regulations. Instead, all specific federal regulations will be incorporated by reference in Wis. Admin. Code ch. ATCP 55.

### *Plain Language Analysis*

Wisconsin operates the nation's largest state meat and poultry inspection program, with approximately 260 meat establishments. Twenty-seven states currently operate state meat and poultry inspection programs. All state-inspected Wisconsin meat and poultry establishments are very small (as defined by USDA) and fill an important niche in the State's economy. According to USDA, state meat and poultry inspection programs provide unique services to these very small establishments by "providing more personalized guidance to establishments in developing their food safety oriented operations." USDA provides half of the funding for state meat and poultry inspection programs.

State meat and poultry inspection programs operate under a cooperative agreement with USDA FSIS. Under this agreement, states must provide inspection services "at least equal to" federal meat and poultry inspection. Each state program conducts a self-assessment annually and USDA FSIS conducts an on-site audit every three years to determine whether the program meets federal "at least equal to" requirements. Wisconsin's program currently meets these "at least equal to" standards and has met them since the program's inception.

#### **Revised Fee Structure**

Currently, a licensed meat establishment is required to pay a \$200 annual license fee or an annual license fee of \$80 if the owner is solely engaged in custom processing at that establishment. After consultation with industry, the Department is replacing the \$200 annual fee with a new fee structure based on the activities done at the licensed meat establishment. The 260 official establishments each now pay \$200. The maximum fee for any single licensed meat establishment will not exceed \$200 in a year. Fees will not increase for any licensed meat establishment and may decrease for most establishments under the new fee structure.

- A person who is solely engaged in custom processing will continue to pay an \$80 annual license fee.
- A licensed meat establishment will pay annual fees, not to exceed \$200, of:
  - \$100 for processing cooked meat or poultry products or processing shelf-stable uncooked meat or poultry products,
  - \$100 for the slaughter of livestock other than poultry or rabbits,
  - \$50 for processing not shelf stable uncooked meat or poultry products,
  - \$50 for the slaughter of poultry unless exempt from the license fee, and/or
  - \$25 for the slaughter of more than 3,000 rabbits annually. All rabbit slaughter establishments must be licensed, but there shall be no charge for the slaughter of 3,000 or fewer rabbits annually.

Under the proposed rule, 76 establishments would still pay \$200, 88 establishments would pay \$150, 5 establishments would pay \$100, and 91 establishments would pay \$50. Based on the establishments listed in the 2016-2017 Meat Establishment Directory (subtracting two establishments which are no longer in business), licensing fees charged to official establishments, industry-wide, would decrease by \$18,550.



## **Definition of Livestock**

2015 Wisconsin Act 243 broadened the range of animals for which slaughter inspection is provided without fee by the department. Alpacas, bison, llamas, and rabbits are now considered “livestock” and the slaughter inspection fees are eliminated for alpaca, bison, and llama producers who previously had to pay for voluntary inspection of slaughter.

The Department recently learned that rabbit slaughter, done in uninspected facilities (often on-farm) rather than under voluntary for-fee inspection, has been fairly common practice in Wisconsin. This practice had uncertain legality before the passage of 2015 Wisconsin Act 243, and is now clearly prohibited by a statutory requirement that rabbits be slaughtered in a licensed establishment.

This rule legalizes the slaughter of rabbits for entry into commerce by creating a no-cost license category for the slaughter of 3,000 or fewer rabbits annually and instituting baseline sanitation and recordkeeping requirements to adequately safeguard public health while allowing low-volume rabbit producers to develop their businesses. The rule exempts low-volume rabbit slaughter from slaughter inspection requirements, provided the rabbits are slaughtered at the same premises where raised, and recordkeeping and licensing requirements are met.

## **Retail Food Exemptions**

This rule revision ensures that exemptions from the requirement in rule to hold a meat establishment license are consistent with those created by 2015 Wisconsin Act 243. The exemptions affect a greater number of retail food establishments than were previously considered exempt, making the statutory and rule language consistent with USDA regulations.

Many licensed meat establishments operate a retail food establishment on the same premises. These licensed meat establishments may manufacture some meat products solely for the retail food establishment part of their business. The packages containing these products are not required to bear the inspection legend that is required for meat products being sold wholesale. However, the existing rule has long been interpreted as requiring that the formula and label of each of these products must be pre-approved by the Department before retail sale. Some business operators have questioned the fairness of this interpretation, as there are no such requirements for other, non-meat, potentially hazardous foods made for retail sale (i.e., fish sausage). In addition, retail food establishments not linked to a meat establishment commonly make and sell meat items without formula (recipe) or label approval, e.g. rotisserie chicken. This rule clarifies the retail meat and poultry products formula and labeling packaging exemptions.

## **Other Revisions**

The rule makes other revisions to update terminology and add definitions to improve clarity. Some revisions are made to align the rule terminology with recent changes in state and federal law. Among these revisions are the following:

- The rule aligns the list of exemptions related to custom processing with statutes. The definition of custom processing is clarified to include both slaughter and processing of meat or poultry products. Currently, meat or poultry may be used for the owner’s own consumption, consumption by members of the owner’s immediate household, and nonpaying guests. The rule was revised to reflect statutory language that allows consumption by the owner, members of the owner’s household, and the owner’s nonpaying guests and employees.
- The rule adds the Martin Luther King, Jr. Day holiday to the list of holidays for the purposes of scheduling inspection.
- The rule incorporates 9 CFR 412, which relates to labeling requirements.
- The rule replaces the term “meat and meat food products” with “meat and poultry products” throughout to reflect modification of this definition.

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

The FMIA and the PPIA gave USDA FSIS the responsibility for ensuring the safety and wholesomeness of meat and poultry distributed in commerce for use as human food. FSIS conducts ante mortem and post mortem slaughter inspection and inspection of meat and poultry food products and inspection of basic sanitation practices. FSIS also ensures that meat and poultry businesses follow labeling and humane handling procedures during slaughter, as required by federal law. The agency also reviews Hazard Analysis and Critical Control Point (“HACCP”) systems. HACCP is a system employed by each establishment to ensure the safety of meat and poultry products.

Wisconsin’s state meat and poultry inspection program operates under a cooperative agreement with FSIS. The Wholesome Meat Act of 1967 and the Wholesome Poultry Products Act of 1968 created state meat inspection programs under the authority of FSIS. FSIS ensures that state programs meet inspection standards that are “at least equal to” federal meat inspection standards. FSIS provides 50 percent of Wisconsin’s program funding.

Until 2008, only meat and poultry establishments inspected by FSIS were allowed to sell products in interstate commerce. The 2008 Farm Bill authorized FSIS to create the Cooperative Interstate Shipment (“CIS”) Program, allowing selected state-inspected meat and poultry establishments to sell their products in interstate commerce. FSIS published final rules for the voluntary program in May 2011 and Wisconsin participates in the program. FSIS provides states with 60 percent of the cost for inspecting those establishments that participate in the program.

*Comparison with Rules in Adjacent States*

Michigan currently does not operate a state meat and poultry inspection program and is not eligible to participate in the CIS program. Minnesota, Iowa, and Illinois operate state meat inspection programs similar to Wisconsin’s program.

Illinois' state meat inspection program includes USDA's Federal-State Cooperative program (formerly known as the "Talmadge-Aiken" program). Under this program, state inspectors conduct federal inspections, and the inspected establishments are thereby allowed to sell their products in interstate commerce.

### ***Summary of Factual Data and Analytical Methodologies***

Input and analysis was provided by Department experts, but no other data collection was conducted. The Department reviewed statutory provisions and federal regulations and has gathered information over the last several years from stakeholders. This information was used in developing this rule. The Department solicited information from industry about the potential economic impact of the rule, but no comments were submitted.

### ***Analysis and Supporting Documents used to Determine Effect on Small Business***

The Department held a series of industry meetings in the recent past and collected information on the services provided by the Department. Many comments came from small, licensed establishments and the Department used those comments in developing this rule.

### ***Effect on Small Business***

The Department believes the changes being presented will have a beneficial impact on the license holder because of a potential reduction in fees based on product and process risk. The Department included provisions in order to make the rule more flexible and equitable for small rabbit processing establishments. In addition, several elements of the rule regarding retailing of meat and meat products may reduce the regulatory burden on some of the meat establishments that have these retail operations. As the Department concurrently revises ATCP 70 (Food Processing Plants) and ATCP 75 (Retail Food Establishments) to coordinate food business licensing requirements, some establishments may be required to obtain a retail food establishment license instead of, or in addition to, a meat establishment license. Retail food establishment license fees vary according to the scope and nature of processing done at the establishment. Finally, the rule is revised to ensure consistent inspection service to custom meat establishments.

The Department solicited information about the potential economic impact of the rule from June 23 to July 22, 2017, and did not receive any comments.

### ***DATCP Contact***

Cindy Klug, Director  
Bureau of Meat and Poultry Businesses  
Department of Agriculture, Trade and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911  
Telephone: (608) 220-3054  
Email: [Cindy.Klug@Wisconsin.gov](mailto:Cindy.Klug@Wisconsin.gov)

*Where and When Comments May Be Submitted*

Questions and comments related to this this rule may be directed to:

Cindy Klug, Director  
Bureau of Meat and Poultry Businesses  
Department of Agriculture, Trade and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911  
Telephone: (608) 220-3054  
Email: Cindy.Klug@Wisconsin.gov

Comments will be accepted up to two weeks after the last public hearing is held on this rule. Hearing dates will be scheduled after this hearing draft rule is approved by the Board of Agriculture, Trade and Consumer Protection.

---

1        **SECTION 1.** ATCP 55 (Title) is amended to read:

2        **ATCP 55** (Title) ~~MEAT AND MEAT-FOOD~~ POULTRY PRODUCTS

3        **SECTION 2.** ATCP 55.01 (1), (2) (a) and (c) are amended to read:

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

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

3 1. The establishment processes no meat or poultry products other than ~~state or federally~~  
4 inspected meat or poultry products previously subjected to state or federal inspection.

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

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

10 (c) An individual slaughtering or transporting his or her own animals, or processing or  
11 transporting his or her own meat, for ~~his or her own~~ the owner's consumption or consumption by  
12 members of the owner's household and the owner's nonpaying guests and employees. ~~An~~  
13 ~~individual's own consumption may include consumption by the individual's immediate family,~~  
14 ~~immediate household, and nonpaying guests and employees.~~

15 SECTION 3. ATCP 55.01 (2) (d) is created to read:

16 ATCP 55.01 (2) (d) An individual processing poultry products who is exempted under 21  
17 USC 464 (c)(1)(A) to (D) and 21 USC 464 (c)(4), which exempts certain personal and custom  
18 poultry slaughter and processing from federal regulations.

19 SECTION 4. ATCP 55.02 (1) is amended to read:

20 ATCP 55.02 (1) "Adulterated" has the meaning given in ~~9 CFR 301.2 (2)(i)~~ 9 CFR 301.2.

21 SECTION 5. ATCP 55.02 (1g) is created to read:

22 ATCP 55.02 (1g) "Amenable to inspection" means subject to mandatory inspection under 21  
23 USC 451 to 695 or this chapter.

1 SECTION 6. ATCP 55.02 (1m), (2), and (3) are amended to read:

2 ATCP 55.02 (1m) "Ante mortem inspection" means a pre-slaughter inspection of a live food  
3 animal animals and birds.

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

8 (3) "Captive game ~~birds~~ bird" means ~~birds~~ a bird of a normally wild type, ~~such as pheasants~~  
9 including pheasant, quail, wild turkeys turkey, or migratory wildfowl, and exotic birds, that are is  
10 produced in captivity for slaughter and consumption. "Captive game birds" ~~does~~ do not include  
11 poultry, ratites, or birds kept solely for hunting purposes in a hunting preserve.

12 SECTION 7. ATCP 55.02 (4g) is created to read:

13 ATCP 55.02 (4g) "Community supported agriculture business" means a farm with which  
14 individuals contract to regularly receive two or more different agricultural products, which may  
15 include uncooked poultry products, originating from the farm.

16 SECTION 8. ATCP 55.02 (5) and (5) (Note) are amended to read:

17 ATCP 55.02 (5) "Custom processing" means slaughtering a food animal or processing meat  
18 products as a custom service for an individual who owns ~~that~~ the animal or those meat products,  
19 and who uses all the resulting meat ~~or meat food~~ products for his or her own consumption. An  
20 individual's own consumption may include consumption by the ~~individual's immediate family~~  
21 owner, immediate household members of the owner's household, and the owner's nonpaying  
22 guests and employees. "Custom processing" includes mobile custom processing.

1       **Note:** A provider of custom slaughtering services does not “sell” the slaughtered food animal or the  
2 resulting meat, but merely provides a service to the meat owner. An owner’s nonpaying guests may  
3 include nonpaying immediate family members.  
4

5       **SECTION 9.** ATCP 55.02 (6) is repealed and recreated to read:

6       **ATCP 55.02 (6)** “Denature” means to intentionally make an item unfit for human  
7 consumption by adding a substance to it to alter the item’s appearance or other natural  
8 characteristics.

9       **SECTION 10.** ATCP 55.02 (6) (Note) is repealed.

10       **SECTION 11.** ATCP 55.02 (14) and (16) to (19) are amended to read:

11       **ATCP 55.02 (14)** “Livestock” means domesticated food animals other than poultry.  
12 Livestock includes bison, alpacas, llamas, and rabbits.

13       **(16)** “Meat broker” means a person who, without taking title to meat or ~~meat food~~ poultry  
14 products, purchases, sells, or arranges the purchase or sale of meat or ~~meat food~~ poultry  
15 products.

16       **(17)** “Meat distributor” means a person who distributes meat or ~~meat food~~ poultry products  
17 at wholesale.

18       **(18)** “Meat establishment” means a permanent or mobile plant or fixed premises used to  
19 slaughter food animals for human consumption, or to process where meat or meat food poultry  
20 products for human consumption are processed for entering commerce or where meat or poultry  
21 processing services are provided.

22       **(19)** “Meat ~~food~~ or poultry product” means any ~~edible product derived in whole or in~~  
23 substantial and definite part from meat parts, including the viscera, of slaughtered livestock or  
24 poultry that are capable of use for human food.

25       **SECTION 12.** ATCP 55.02 (19m) is created to read:

1       **ATCP 55.02 (19m)** “Misbranded” has the meaning given in 9 CFR 301.2.

2       **SECTION 13.** ATCP 55.02 (20) is amended to read:

3       **ATCP 55.02 (20)** “Mobile custom processing” means conducting slaughter or otherwise  
4 custom processing meat or poultry products for another person at that person’s premises.

5       **SECTION 14.** ATCP 55.02 (21) is repealed.

6       **SECTION 15.** ATCP 55.02 (23) to (25) are amended to read:

7       **ATCP 55.02 (23)** “Post mortem inspection” means the ~~post-slaughter~~ inspection of a  
8 slaughtered food animal’s carcass and parts thereof.

9       **(24)** “Poultry” means domesticated ~~fowl commonly used for human food~~, birds including  
10 domesticated chickens, turkeys, geese, ducks, ~~guinea fowl~~, and guineas squab. “Poultry” does  
11 not include captive game birds or ratites.

12       **(25)** “Process” means to slaughter a food animal, cut, grind, manufacture, compound,  
13 intermix, or otherwise prepare meat or meat food poultry products.

14       **SECTION 16.** ATCP 55.02 (26m) is created to read:

15       **(26m)** “Retail” means selling meat or poultry products directly to any consumer only for  
16 consumption by the consumer or the consumer’s immediate family or non-paying guests.

17       **SECTION 17.** ATCP 55.02 (29) is repealed and recreated to read:

18       **ATCP 55.02 (29)** “Specified risk materials” means tonsils and the distal ileum of the small  
19 intestine from cattle of any age. For cattle 30 months of age or older, specified risk materials also  
20 means the skull, brain, trigeminal ganglia (nerves attached to the brain), eyes, spinal cord,  
21 vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and  
22 lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia (nerves attached to the  
23 spinal cord).



1       **SECTION 18.** ATCP 55.02 (31) is repealed and recreated to read:

2       **ATCP 55.02 (31)** “Wholesale” means the sale of any meat or poultry product to a person or  
3 commercial entity who will either re-sell it or use it as an ingredient in a product that will be then  
4 offered for sale. Wholesale includes meat or poultry products transported from the point of  
5 production to another location for sale, even if the other location is located adjacent to the point  
6 of production, if the processor relinquishes control of the product.

7       **SECTION 19.** ATCP 55.03 (1), (2) (b), (c), (d) (intro.), (d) 1. to 3., (e) (intro.) and (e) 1. to 3.  
8 are amended to read:

9       **ATCP 55.03 (1) ANNUAL LICENSE REQUIRED.** Except as provided in sub. (2), no person may  
10 operate a meat establishment without a current annual license from the department. A license  
11 expires on June 30 of each year. A person who operates more than one meat establishment shall  
12 hold a current annual license for each meat establishment. ~~Each slaughter~~ The license, for each  
13 licensed meat establishment license conducting slaughter, shall bear a livestock premises code  
14 issued under s. ATCP 17.02 (7). A license may not be transferred between persons or meat  
15 establishments.

16       **ATCP 55.03 (2) (b)** Mobile custom ~~slaughter or mobile custom~~ processing operations.

17       (c) The custom ~~slaughter or custom~~ processing of captive game animals or captive game  
18 birds.

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

21       1. The person slaughters and otherwise processes no more than 1,000 poultry per year  
22 annually.

1        2. The person slaughters, otherwise processes, and sells the poultry at the farm premises  
2 where they are produced.

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

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

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

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

13       3. The retail food establishment's gross annual value of sales of its ~~processed~~ meat and ~~meat~~  
14 ~~foed~~ poultry products to hotels, restaurants, or institutions ~~de~~ does not exceed \$28,800 annually,  
15 the adjusted dollar limits published by the United States department of agriculture in 9 CFR  
16 303.1 (d) (2) (iii) (b) and 9 CFR 381.10 (d)(2)(iii)(b) or 25% by dollar volume of all meat sales  
17 from the retail establishment, whichever is less. No person exempt from licensure under this  
18 paragraph may sell any cured, smoked, canned, or cooked meat or poultry products produced by  
19 the person to hotels, restaurants, or institutions.

20       **SECTION 20.** ATCP 55.03 (2) (e) 3. (Note) is repealed.

21       **SECTION 21.** ATCP 55.03 (2) (e) 4., 5. and 6., and (4) (intro.) are amended to read:

1       **ATCP 55.03 (2) (e) 4.** The retail food establishment receives meat only from meat  
2 establishments licensed under this section or inspected by the United States department of  
3 agriculture under 21 USC 451 to 695.

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

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

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

14       **SECTION 22.** ATCP 55.03 (4) (a) and (b) are created to read:

15       **ATCP 55.03 (4) (a)** A person shall pay an annual license fee of \$80 if the person is solely  
16 engaged in custom processing operations.

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

19       1. \$100 for processing cooked meat or poultry products or processing shelf-stable uncooked  
20 meat or poultry products.

21       2. \$100 for the slaughter of livestock other than poultry or rabbits.

22       3. \$50 for processing not shelf stable uncooked meat or poultry products.

23       4. \$50 for the slaughter of poultry unless exempt under ATCP 55.03 (2)(d).

1        5. \$25 for the slaughter of more than 3,000 rabbits annually. A rabbit slaughter  
2 establishment shall be licensed except there shall be no license fee for the slaughter of 3,000 or  
3 fewer rabbits annually.

4        **SECTION 23.** ATCP 55.03 (11) (a), (b) 2. and 4. to 7., (12) (title), (a), (b) 1. to 3., (c) (intro.)  
5 and (Note), and (d) are amended to read:

6  
7        **ATCP 55.03 (11)** (a) Except as provided in par. (b), no person may slaughter or otherwise  
8 process any animals other than food animals at a meat establishment.

9        (b) 2. The operator accepts only clean and apparently wholesome unadulterated wild game  
10 carcasses for custom processing.

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

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

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

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

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

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

- 4 1. Slaughter food animals to produce meat or ~~meat food~~ poultry products for sale.
- 5 2. Process, by means other than slaughtering, meat or ~~meat food~~ poultry products for sale.
- 6 3. Custom slaughter food animals, or otherwise custom process meat or ~~meat food~~ poultry  
7 products.

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

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

16  
17 (d) A meat establishment operator may not deviate from a schedule established under this  
18 subsection, without prior written department approval.

19 **SECTION 24.** ATCP 55.04 (Title), (1) (a), (1) (a) (Note) and (1) (c) 1. to 3. are amended to  
20 read:

21 **ATCP 55.04 (Title) Slaughter and other processing inspection; general.**

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

27 **Note:** Slaughter inspection is not required for custom slaughtered animals, because there is no sale of  
28 meat. ~~Federal~~ Except as allowed under the cooperative interstate shipment program, federal law prohibits

1 the interstate sale of meat from animals slaughtered under state (rather than federal) inspection. But this  
2 federal prohibition does not apply to meat from farm-raised deer, captive game animals, ~~or~~ captive game  
3 birds, bison, alpacas, llamas, or rabbits.  
4

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

7 1. The person produces all ~~of these~~ poultry on his or her ~~farm~~ premises.

8 2. The person slaughters, otherwise processes, and sells the poultry at the ~~farm~~ premises  
9 where they are produced or directly to consumers contracting with the person's community  
10 supported agriculture business, or has them slaughtered and otherwise processed at a licensed  
11 meat establishment.

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

14 **SECTION 25.** ATCP 55.04 (1) (d) is created to read:

15 **ATCP 55.04 (1) (d)** Par. (a) does not apply to a person selling meat from rabbits, provided  
16 that all the following apply:

17 1. The person only slaughters and otherwise processes rabbits produced on that person's  
18 premises.

19 2. The person slaughters and otherwise processes not more than 3,000 rabbits annually.

20 3. The person keeps a record of the number of rabbits slaughtered, retains that record for at  
21 least 3 years, and makes the record available for inspection and copying by the department upon  
22 request.

23 4. The person slaughtering and otherwise processing rabbits complies with the requirements  
24 of s. ATCP 55.07 (4).

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

1       **SECTION 26.** ATCP 55.04 (1m), (2), (3) (a) 2., (4) (title) and (b), (5) (title), (6), and (8) are  
2 amended to read:

3       **ATCP 55.04 (1m)** Processing inspection required. (a) No person operating a licensed meat  
4 establishment may sell any meat ~~food~~ or poultry product unless that meat ~~food~~ or poultry product  
5 is labeled as provided in s. ATCP 55.10 (3).

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

9       **(2) SLAUGHTER AND OTHER PROCESSING INSPECTION PROVIDED TO LICENSED MEAT**  
10 **ESTABLISHMENTS.**

11       (a) The department shall provide required ante mortem and post mortem slaughter inspection  
12 services and processing inspection services to operators of meat establishments licensed under s.  
13 ATCP 55.03. The department shall specify the minimum frequency at which custom slaughter  
14 and other custom processing activities in a licensed meat establishment are to be inspected. This  
15 inspection frequency shall be at least once every three months during which custom processing  
16 activities or transactions occur. The department may not provide slaughter or other processing  
17 inspection services to other persons.

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

1 (3) (a) 2. Apparently healthy ~~domesticated food animals~~ livestock, if special circumstances  
2 prevent the transportation of those animals to a licensed meat establishment for ante mortem  
3 inspection.

4 (4) ~~SLAUGHTER-INSPECTION CHARGES; WHEN REQUIRED.~~

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

7 1. Days or times not included in the normal schedule of slaughter or other processing  
8 ~~schedule~~-under sub. (2).

9 2. Before 6:00 a.m. or after 6:00 p.m.

10 3. Any inspection time in excess of 40 hours in any calendar week.

11 4. Saturday or Sunday.

12 5. The holidays of New Year's Eve, New Year's Day, Martin Luther King, Jr. Day,  
13 Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, or Christmas  
14 Day. If any of these holidays falls on Sunday, the following Monday is considered the holiday.

15 6. Any day that is an official holiday for state employees.

16 (5) ~~SLAUGHTER-INSPECTION CHARGES; AMOUNT.~~

17 (6) ~~SLAUGHTER AND OTHER PROCESSING INSPECTION PROCEDURES.~~ Slaughter and other  
18 processing inspection procedures shall comply with this chapter, including ss. ATCP 55.05 to  
19 55.07 and applicable federal requirements as specified in 9 CFR 305, 309, 310, 316, 318, 321,  
20 329, 332, 416, 417, and 500, and 9 CFR 381, Subparts E, J, K, M, O, R, U, Y, and Z Chapter III,  
21 Subchapters A and E.

22 (8) ~~WITHDRAWING SLAUGHTER-INSPECTION.~~ The department may, upon written notice,  
23 withdraw inspection of slaughter or other processing inspection-for cause, including violations of



1 this chapter. No person may conduct slaughter operations for which department inspection is  
2 required under this chapter while those services are withdrawn.

3 **SECTION 27.** ATCP 55.04 (9) is created to read:

4 **ATCP 55.04 (9) INSPECTION EFFICIENCY.** All animal slaughter or other processing shall be  
5 conducted with sufficient staffing to attain a reasonable rate of operation, considering the meat  
6 establishment's size and scope of operations. Ante mortem and post mortem inspection shall be  
7 conducted continuously throughout slaughter with one lunch period of between 30 and 45  
8 minutes beginning between four and five hours after slaughter operations begin.

9 **SECTION 28.** ATCP 55.06 (2), (4) and (5) (a), (e), (f) and (g) are amended to read:

10 **ATCP 55.06 (2) DOMESTICATED FOOD ANIMALS.** Post mortem inspections of domesticated  
11 food animals, other than poultry, shall comply with 9 CFR 310. Post mortem inspection  
12 procedures for farm-raised deer shall be the same as for sheep.

13 **ATCP 55.06 (4) CAPTIVE GAME ANIMALS, RABBITS, ALPACAS, AND LLAMAS.** The department  
14 may specify post mortem inspection procedures for captive game animals, rabbits, alpacas, and  
15 llamas. Post mortem inspections of captive game animals, rabbits, alpacas, and llamas shall  
16 comply with 9 CFR 310, as applicable. Post mortem inspection procedures for bison shall be the  
17 same as for cattle.

18 **(5) (a) ~~The~~ Except as produced under par. (k), the department shall apply official inspection**  
19 **marks to each carcass that the department finds, after post mortem inspection, to be ~~wholesome~~**  
20 **unadulterated and fit for human food. The department shall mark each primal part of the carcass,**  
21 **each detached organ and each detached part that the department finds to be ~~wholesome~~**  
22 **unadulterated and fit for use as human food.**

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

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

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

14 **SECTION 29.** ATCP 55.06 (5) (k) is created to read:

15 **ATCP 55.06 (5) (k)** The official inspection mark shall be applied to the label of packages  
16 containing rabbit carcasses or rabbit meat processed under required or voluntary inspection.

17 **SECTION 30.** ATCP 55.07 (Title), (1), (2) (Title) and (a) to (e), (3) (Title), (a), and (b), (4),  
18 (5), (6) (intro.), (d) and (Note), (9) (b), (e) 2., (Note), (10) (b), (d) and (e) are amended to read:

19 **ATCP 55.07 Slaughter and other processing standards; general. (1) SLAUGHTER AND**  
20 **OTHER PROCESSING STANDARDS; DOMESTICATED FOOD ANIMALS LIVESTOCK.** (a) A meat  
21 establishment operator who does any of the following shall comply with applicable federal  
22 standards under 9 CFR ~~307, 309, 310, 311, 313 to 315, 317, 318, 319, to 320, 325, 412, 416 to,~~  
23 ~~417, 418, 424, 430, 441, 442, and 500~~ Chapter III, Subchapters A and E:  
24

- 1 1. Slaughters ~~domesticated food animals~~ livestock, other than poultry, for human  
2 consumption.
- 3 2. Processes the meat of ~~domesticated food animals~~ livestock, other than poultry, for human  
4 consumption.

5 (b) Paragraph (a) does not apply to mobile custom ~~slaughter or mobile custom~~ processing.

6 (2) SLAUGHTER AND OTHER PROCESSING STANDARDS; POULTRY AND CAPTIVE GAME BIRDS.

7 (a) A meat establishment operator who does any of the following shall comply with applicable  
8 requirements under 9 CFR 416, 417, 418, 424, 430, 441, 442, and 500, and 9 CFR 381, Subparts  
9 ~~G, I, J, K, L, N, O, P, Q, R, S, X, Y, and Z~~ Chapter III, Subchapters A and E.

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

11 2. ~~Processes~~ Otherwise processes the meat of poultry or captive game birds for human  
12 consumption.

13 (b) Paragraph (a) does not apply to mobile custom ~~slaughter or mobile custom~~ processing.

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

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

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

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

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

1 (3) SLAUGHTER AND OTHER PROCESSING STANDARDS: RATITES. (a) A meat establishment  
2 operator who does any of the following shall comply with applicable requirements under 9 CFR  
3 416, 417, 418, 424, 430, 441, 442, and 500, and ~~9 CFR 381, Subparts G, I, J, K, L, N, O, P, Q,~~  
4 ~~R, S, X, Y, and Z~~ Chapter III, Subchapters A and E:

- 5 1. Slaughters ratites for human consumption.
- 6 2. Processes Otherwise processes the meat of ratites for human consumption.

7 (b) Paragraph (a) does not apply to mobile custom ~~slaughter or mobile custom~~ processing.

8 (4) SLAUGHTER AND OTHER PROCESSING STANDARDS; RABBITS AND CAPTIVE GAME ANIMALS.

9 (a) A person slaughtering rabbit or a captive game animal for human consumption shall do so in  
10 a humane and sanitary manner. If the department provides ante mortem and post mortem  
11 slaughter inspection, the person shall comply with procedures specified by the department. The  
12 procedures shall be consistent with applicable procedures specified by the United States  
13 department of agriculture.

14 (5) CUSTOM ~~SLAUGHTER AND PROCESSING; STANDARDS.~~ Custom ~~slaughter and custom~~  
15 processing operations shall comply with applicable requirements under this section and ss.  
16 ATCP 55.08 and 55.09.

17 (6) ANIMALS THAT ARE DISEASED, INJURED, OR WILL YIELD AN ADULTERATED CARCASS;  
18 GENERAL. No person may slaughter a food animal for human consumption, or submit a food  
19 animal for slaughter for human consumption, if the person knows or has reason to know that the  
20 animal is diseased, injured, or will yield ~~an adulterated~~ a carcass that is adulterated as defined in 9  
21 CFR 301.2 (2) (i). This subsection does not prohibit any of the following:

22 (d) The slaughter of an animal presented by a producer listed in the U.S. department of  
23 ~~Agriculture~~ agriculture Residue Repeat Violator List for Use by Livestock Markets and

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

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

13  
14 (9) (b) A meat establishment operator may not receive, into any processing or storage area,  
15 any unclean or apparently ~~unwholesome~~ adulterated carcass or meat. The operator shall handle,  
16 store, and prepare carcasses and meat to prevent contamination of other carcasses, meat and  
17 food.

18 (e) 2. A licensed practicing veterinarian performed an ante mortem and post mortem  
19 inspection on the slaughtered animal, and certified in writing that the carcass was ~~wholesome~~  
20 unadulterated and free of disease.

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

25  
26 (10) (b) No person may slaughter, for human consumption, any food animal that the  
27 department has condemned as being ~~unwholesome~~ adulterated or unfit for human consumption.  
28 The animal owner or meat establishment operator shall dispose of the condemned animal in a  
29 manner directed by the department.

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

6 (e) If the department orders a meat establishment operator to trim any carcass to remove  
7 ~~unfit or unwholesome~~ adulterated meat, the operator shall complete the trimming before placing  
8 the carcass in a cooler.

9 **SECTION 31.** ATCP 55.08 (Title), (1) (intro.), (d), (d) (Note) and (e) are amended to read:

10 **ATCP 55.08 Custom slaughter and processing. (1) GENERAL.** A person providing a  
11 custom ~~slaughter or custom~~ processing service shall do all the following:

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

18 **Note:** For example, a person providing custom ~~slaughter or custom~~ processing services may not  
19 combine saved carcass parts, such as head meat, tongues, hearts, fat, or trimmings, with meat or ~~meat~~  
20 ~~food~~ poultry products processed for other service recipients or purchasers.

21  
22 (e) Return all of the resulting meat and ~~meat food~~ poultry products to the service recipient.  
23 The service recipient may use them only for the service recipient's personal consumption, which  
24 may include consumption by members of the service recipient's immediate family, immediate  
25 household, and the service recipient's nonpaying guests and employees.

26 **SECTION 32.** ATCP 55.08 (1) (e) (Note) is created to read:

1       **Note:** An owner’s nonpaying guests may include nonpaying immediate family members.

2       **SECTION 33.** ATCP 55.08 (1) (f) to (h), (2) (a) and (Note), (2) (c) and (3) (a) (intro.) are  
3 amended to read:

4       **ATCP 55.08 (1) (f)** Comply with s. ATCP 55.09 if the person engages in mobile custom  
5 ~~slaughter or mobile custom~~ processing.

6       (g) Conduct custom ~~slaughter and~~ processing operations in a sanitary manner.

7       (h) Keep complete and accurate records of all custom ~~slaughter and~~ processing transactions.

8       The service provider shall keep the records for at least 3 years, and shall make the records  
9 available to the department for inspection and copying upon request.

10       **(2)(a)** A person providing a custom ~~slaughter or custom~~ processing service shall mark or  
11 label the resulting meat and ~~meat food~~ poultry products with all the following information:

12       1. The words “NOT FOR SALE” for meat products or “NOT INSPECTED” for poultry  
13 products in block letters at least <sup>3</sup>/<sub>8</sub>” high.

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

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

21               **NOT FOR SALE**               **NOT FOR SALE**               **NOT INSPECTED**  
22               **XYZ Market**               **WIS 000**               **ABC FARMS**  
23

24       (c) A person providing a custom processing service shall apply the label under par. (a) to all  
25 packages and containers of custom processed meat and ~~meat food~~ poultry products when that

1 ~~meat or~~ those meat ~~food~~ or poultry products are packaged or placed in those containers. The  
2 person shall individually label sausages that have a diameter of more than 1 1/2" if those sausages  
3 are individually packaged, or if they are shipped or stored in unsealed containers.

4 (3)(a) Except as provided in par. (b), a meat establishment operator may not engage in  
5 custom slaughter or ~~custom~~ other processing operations at a meat establishment while the  
6 operator is simultaneously doing any of the following at that establishment:

7 **SECTION 34.** ATCP 55.09 (Title), (1), (2) (a), (3) (a) and (b), (4) to (6), and (8) (b) are  
8 amended to read:

9 **ATCP 55.09 Mobile custom slaughter and processing. (1) GENERAL.** A person engaged  
10 in mobile custom slaughter or ~~mobile custom~~ processing shall comply with ss. ATCP 55.07 and  
11 55.08 and this section.

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

16 (3) (a) Mobile custom slaughter and ~~mobile custom~~ processing operations shall be conducted  
17 under clean and sanitary conditions.

18 (b) Vehicles and facilities used in mobile custom slaughter and ~~mobile custom~~ processing  
19 operations shall be designed and constructed so ~~they can be kept~~ that clean and sanitary  
20 conditions are maintained.

21 (4) EQUIPMENT AND UTENSILS. Equipment and utensils used in mobile custom slaughter and  
22 ~~mobile custom~~ processing operations shall be of sanitary design and construction, and shall be  
23 kept clean and sanitary. Meat or poultry product contact surfaces of equipment and utensils shall



1 be cleaned and sanitized after each use, and more frequently as necessary, to keep them clean  
2 and sanitary.

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

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

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

14 SECTION 35. ATCP 55.10 (1), (2), (3) (a), (b) and (d) 1., 3., and Note, (4), and (5) (a) and (b)  
15 are amended to read:

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

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

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

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

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

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

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

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

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

11 1. "Perishable."

12 2. "Keep refrigerated."

13 3. "Keep under refrigeration."

14 4. "Keep frozen."

15 **(3) INSPECTION LEGEND.** (a) Except as provided in par. (b), a license holder under s. ATCP  
16 55.03 who processes meat or ~~meat-food~~ poultry products from meat inspected and passed by the  
17 department shall label ~~that processed meat and those processed~~ those meat food or poultry  
18 products with a state inspection legend. The legend shall ~~appear~~ be clearly visible to prospective  
19 purchasers on all packages and containers of ~~processed meat and meat-food~~ or poultry products;  
20 ~~so that it is clearly visible to prospective purchasers.~~

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

1 (d) 1. The meat or poultry meat ~~food~~ product contains meat from farm-raised deer, captive  
2 game animals, or captive game birds.

3 3. ~~Meat-fat~~ Fat from domesticated food animals and ratites constitutes less than 30% of the  
4 product by weight.

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

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

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

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

19 **SECTION 36.** ATCP 55.10 (5) (d) is created to read:

20 **ATCP 55.10 (5) (d)** No department formula approval under this chapter is required for meat  
21 and poultry products that are made in a licensed meat establishment for sale to individual  
22 consumers if all the following apply:

23 1. The products are produced under a retail food establishment license in accordance with s.  
24 97.30, Wis. Stats.

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

3        **SECTION 37.** ATCP 55.10 (6), (7) (a) to (c) and (f) are amended to read:

4        **ATCP 55.10 (6) LABEL APPROVAL.** No person may sell any of the following meat or ~~meat~~  
5 ~~food~~ poultry products intended for sale at wholesale unless the department first approves the  
6 labeling of that meat or those meat food products:

7        (a) Meat or ~~meat food~~ poultry products bearing labels that make health, quality, or  
8 nutritional claims.

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

11        (c) Meat or ~~meat food~~ poultry products bearing labels that make claims related to  
12 organizational membership or organizational standards.

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

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

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

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

22        **SECTION 38.** ATCP 55.11 is amended to read:

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

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

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

14       **SECTION 39.** ATCP 55.12 (6) (a) is amended to read:

15       **ATCP 55.12 (6) RECORDS.** (a) A meat broker or meat distributor shall keep all of the  
16 following records related to transactions in which the meat broker or meat distributor is involved  
17 as a buyer, seller, or broker of meat or ~~meat food~~ poultry products:

- 18       1. The name and address of the seller.
- 19       2. The name and address of the buyer.
- 20       3. The date and location of sale.
- 21       4. The types and amounts of meat or ~~meat food~~ poultry products sold.

1 5. If the meat broker or meat distributor takes physical custody of the meat or ~~meat food~~  
2 poultry products, complete records related to the receipt, storage, and disposition of ~~that meat or~~  
3 ~~those meat food or poultry products~~.

4 **SECTION 40.** ATCP 55.13 (1), (3) and (4) are amended to read:

5 **ATP 55.13 (1)** Process or sell, for human consumption, any ~~unwholesome~~, adulterated or  
6 misbranded meat or poultry product.

7 **(3)** Process, store, handle, transport, or sell, ~~under unsanitary conditions~~, meat or ~~meat food~~  
8 poultry products for human consumption under conditions that may render the meat or poultry  
9 products adulterated.

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

14 **SECTION 41.** ATCP 55.13 (6) (f) is created to read:

15 **ATCP 55.13 (6) (f)** Concealing records, ingredients, meat or poultry products, labels,  
16 packaging materials, or any other item that may be observed pursuant to 97.12 (1), Stats.

17 **SECTION 42.** ATCP 55.14 (2), (3), (5), and (6) (Title) are amended to read:

18 **ATCP 55.14 (2) MEATHOLDING HOLDING ORDER.** (a) The department may issue a holding  
19 order to prohibit the sale or movement of any meat or ~~meat food~~ poultry product if the  
20 department has reasonable grounds to suspect that the meat or ~~meat food~~ poultry product is  
21 ~~unwholesome~~, adulterated, or misbranded, or otherwise fails to meet the standards or  
22 requirements of this chapter or ch. 97, Stats. The department may issue a holding order pending  
23 further examination or analysis to determine whether the meat or ~~meat food~~ poultry product is

1 ~~unwholesome~~, adulterated, or misbranded, or otherwise fails to meet the standards or  
2 requirements of this chapter or ch. 97, Stats.

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

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

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

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

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

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

22 2. Dispose of the meat or ~~meat-foed~~ poultry product, in a manner specified by the  
23 department. The department may order disposal of a meat or ~~a~~ ~~meat-foed~~ poultry product if a

1 violation cannot be corrected, or if the owner or custodian fails to correct the violation within the  
2 time specified under subd. 1. ~~Returning meat to the recipient of a custom slaughter or custom~~  
3 ~~processing service does not correct a violation.~~

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

9 (c) No person may sell, move, or alter any meat or ~~meat-foed~~ poultry product covered by the  
10 department's order except as directed by this chapter or by the department.

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

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

18 SECTION 43. ATCP 55.15 (1) (b) is amended to read:

19 ATCP 55.15 (1) (b) Ante mortem or post mortem inspection findings affecting the  
20 disposition of animals, carcasses, or meat or poultry products.

21 EFFECTIVE DATE. This rule takes effect on the first day of the month following publication  
22 in the Wisconsin administrative register, as provided under s. 227.22(2) (intro.).



Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
Jeff Lyon, Interim Secretary

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

**Initial Regulatory Flexibility Analysis**

**Rule Subject:** Meat and Poultry Products  
**Adm. Code Reference:** ATCP 55  
**Rules Clearinghouse #:** Not yet assigned  
**DATCP Docket #:** 16-R-04

*Rule Summary*

**Revised Fee Structure**

Currently, a licensed meat establishment is required to pay a \$200 annual license fee or an annual license fee of \$80 if the owner is solely engaged in custom processing at that establishment. After consultation with industry, the Department is replacing the \$200 annual fee with a fee structure based on the activities done at the licensed meat establishment. The maximum fee for any single licensed meat establishment will not exceed \$200 in a year. Fees will not increase for any licensed meat establishment and may decrease for most establishments under the new fee structure.

- A person who is solely engaged in custom processing will continue to pay an \$80 annual license fee.
- A licensed meat establishment will pay annual fees, not to exceed \$200, of:
  - \$100 for processing cooked meat or poultry products or processing shelf-stable uncooked meat or poultry products,
  - \$100 for the slaughter of livestock other than poultry or rabbits,
  - \$50 for processing not shelf stable uncooked meat or poultry products,
  - \$50 for the slaughter of poultry unless exempt from the license fee, and/or
  - \$25 for the slaughter of more than 3,000 rabbits annually. All rabbit slaughter establishments must be licensed, but there shall be no charge for the slaughter of 3,000 or fewer rabbits annually.

**Definition of Livestock**

2015 Wisconsin Act 243 broadened the range of animals for which slaughter inspection is provided without fee by the department. Alpacas, bison, llamas, and rabbits are now considered “livestock” and the slaughter inspection fees are eliminated for alpaca, bison, and llama producers who previously had to pay for voluntary inspection of slaughter.

The Department recently learned that rabbit slaughter, done in uninspected facilities (often on-farm) rather than under voluntary for-fee inspection, has been fairly common practice in Wisconsin. This practice had uncertain legality before the passage of 2015 Wisconsin Act 243, and is now clearly prohibited by a statutory requirement that rabbits be slaughtered in a licensed establishment.

This rule legalizes the slaughter of rabbits for entry into commerce by creating a no-cost license category for the slaughter of 3,000 or fewer rabbits annually and instituting baseline sanitation and recordkeeping requirements to adequately safeguard public health while allowing low-volume rabbit producers to develop their businesses. The rule exempts low-volume rabbit slaughter from slaughter inspection requirements, provided the rabbits are slaughtered at the same premises where raised, and recordkeeping and licensing requirements are met.

### **Retail Food Exemptions**

This rule revision ensures that exemptions from the requirement in rule to hold a meat establishment license are consistent with those created by 2015 Wisconsin Act 243. The exemptions affect a greater number of retail food establishments than were previously considered exempt, making the statutory and rule language consistent with USDA regulations.

Many licensed meat establishments operate a retail food establishment on the same premises. These licensed meat establishments manufacture some meat products solely for the retail food establishment part of their business. The packages containing these products are not required to bear the inspection legend that is required for meat products being sold wholesale. However, the existing rule has long been interpreted as requiring that the formula and label of each of these products must be pre-approved by the Department before retail sale. Some business operators have questioned the fairness of this interpretation, as there are no such requirements for other, non-meat, potentially hazardous foods made for retail sale (i.e., fish sausage). In addition, retail food establishments not linked to a meat establishment commonly make and sell meat items without formula (recipe) or label approval, e.g. rotisserie chicken. This rule clarifies the retail meat and poultry products formula and labeling packaging exemptions.

### **Other Revisions**

The rule makes other revisions to update terminology and add definitions to improve clarity. Some revisions are made to align the rule terminology with recent changes in state and federal law. Among these revisions are the following:

- The rule aligns the list of exemptions related to custom processing with statutes. The definition of custom processing is clarified to include both slaughter and processing of meat or poultry products. Currently, meat or poultry may be used for the owner's own consumption, consumption by members of the owner's immediate household, and nonpaying guests. The rule was revised to reflect statutory language that allows consumption by the owner, members of the owner's household, and the owner's nonpaying guests and employees.
- The rule adds the Martin Luther King, Jr. Day holiday to the list of holidays for the purposes of scheduling inspection.

- The rule incorporates 9 CFR 412, which relates to labeling requirements.
- The rule replaces the term “meat and meat food products” with “meat and poultry products” throughout to reflect modification of this definition.

### ***Small Business Affected***

This rule will have a generally positive impact on meat and poultry related businesses. The modifications are anticipated to decrease costs for producers of alpacas, bison, and llamas; reduce license fees for most meat establishments and several retail food establishments; and decrease procedural barriers for meat establishment operators running a retail food establishment on the same premises. While rabbit producers may face a slight increase in costs, the ability to slaughter rabbits in an on-farm licensed facility may increase their ability to sell rabbit to restaurants and other retail food establishments. By increasing the number of animal species that can be slaughtered in Wisconsin under no-fee inspection, as opposed to under voluntary for-fee inspection, the rule enhances the economic position of farmers producing alpacas, bison, and llamas.

A draft of the proposed ATCP 55 was posted for public comment on economic impact from June 23 to July 22, 2017. No comments were submitted.

### ***Reporting, Bookkeeping, and other Procedures***

This rule legalizes the slaughter of rabbits for entry into commerce by creating a no-cost license category for the slaughter of 3,000 or fewer rabbits annually and instituting baseline sanitation and recordkeeping requirements to adequately safeguard public health while allowing low-volume rabbit producers to develop their businesses. This record keeping requirement is consistent with existing requirements for other animal slaughter and processing. There are no other reporting, bookkeeping, or other procedures in the proposed rule for small businesses.

### ***Professional Skills Required***

The proposed rule does not specifically regulate professional skills required for any small businesses.

### ***Accommodation for Small Business***

Many of the businesses affected by this rule are “small businesses.” This rule does not make special exceptions for small businesses because it applies to meat establishment businesses of all sizes.

This rule includes provisions that will benefit large and small businesses alike. For example:

- This rule is anticipated to decrease costs for producers of alpacas, bison, and llamas. By increasing the number of animal species that can be slaughtered in Wisconsin under no-fee inspection, as opposed to under voluntary for-fee inspection, the rule enhances the economic position of farmers producing alpacas, bison, and llamas.
- The rule also reduces license fees for most meat establishments and several retail food establishments, and decreases procedural barriers for meat establishment operators running a retail food establishment on the same premises.
- While rabbit producers may face a slight increase in costs, the ability to slaughter rabbits in an on-farm licensed facility may increase their ability to sell rabbits to restaurants and other retail food establishments.

***Conclusion***

This rule will generally benefit affected businesses, including “small businesses.” Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on “small business,” and is not subject to the delayed “small business” effective date provided in s. 227.22(2)(e), Stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
Steve Ingham, Administrator  
Division of Food and Recreational Safety

## EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

---

1. Type of Estimate and Analysis

Repeal  Modification

---

2. Administrative Rule Chapter, Title and Number

Ch. ATCP 55, Meat and Meat Food Products

---

3. Date Rule promulgated and/or revised; Date of most recent Evaluation

Last revised May 2015, Register No. 713

---

4. Plain Language Analysis of the Rule, its Impact on the Policy Problem that Justified its Creation and Changes in Technology, Economic Conditions or Other Factors Since Promulgation that alter the need for or effectiveness of the Rule.

The Department of Agriculture, Trade, and Consumer Protection's state meat and poultry inspection program is governed by ch. 97, Stats., Food, Lodging and Recreation. Wisconsin operates the nation's largest state meat and poultry inspection program, with approximately 260 meat establishments.

Currently, a licensed meat establishment is required to pay a \$200 annual license fee or an annual license fee of \$80 if the owner is solely engaged in custom processing at that establishment. After consultation with industry, this rule will replace the \$200 annual fee with a new fee structure based on the activities done at the licensed meat establishment. The 260 official establishments each now pay \$200. Under the proposed rule, 76 establishments would still pay \$200, 88 establishments would pay \$150, 5 establishments would pay \$100, and 91 establishments would pay \$50. Based on the establishments listed in the 2016-2017 Meat Establishment Directory (subtracting two establishments which have gone out of business), licensing fees charged to official establishments, industry-wide, would decrease by \$18,550. This rule also:

- Eliminates slaughter inspection fees for alpaca, bison, and llama producers who previously had to pay for voluntary inspection of slaughter.
- Legalizes the slaughter of rabbits for entry into commerce by creating a no-cost license category for the slaughter of 3,000 or fewer rabbits annually and instituting baseline sanitation and recordkeeping requirements to adequately safeguard public health while allowing low-volume rabbit producers to develop their businesses.
- Exempts low-volume rabbit slaughter from slaughter inspection requirements, provided the rabbits are slaughtered at the same premises where raised, and recordkeeping and licensing requirements are met.
- Ensures that exemptions from the requirement in rule to hold a meat establishment license are consistent with those created by 2015 Wisconsin Act 243.
- Clarifies the retail meat and poultry products formula and package labeling exemptions.
- Aligns the list of exemptions related to custom processing with statutes, including defining custom processing to include both slaughter and processing of meat or poultry products.
- Adds the Martin Luther King, Jr. Day holiday to the list of holidays for the purposes of scheduling meat inspection.
- Incorporates 9 CFR 412, which relates to labeling requirements.
- Replaces the term "meat and meat food products" with "meat and poultry products" throughout the rule.
- Makes other revisions to update terminology and add definitions to improve clarity.

---

5. Describe the Rule's Enforcement Provisions and Mechanisms

The Department has specific authority under s. 97.42 (4), Stats., to establish rules to regulate the slaughter and processing of animals and poultry for human consumption, and ch. 97, Stats., includes authority for compulsory inspection of animals, poultry, and carcasses. Wis. Admin. Code ch. ATCP 55 interprets and implements Wis. Stat. ch. 97, as it relates to Meat and Meat Food Products. Wisconsin's meat and poultry inspection program operates under a cooperative agreement with the US Department of Agriculture (USDA) to provide inspection services to meat establishments not engaged in interstate commerce and those enrolled in the Cooperative Interstate Shipment program. The USDA ensures that state programs meet inspection standards that are "at least equal to" federal meat inspection

---

## EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

standards.

6. Repealing or Modifying the Rule Will Impact the Following  
(Check All That Apply)

- State's Economy  
 Local Government Units

- Specific Businesses/Sectors  
 Public Utility Rate Payers  
 Small Businesses

7. Summary of the Impacts, including Compliance Costs, identifying any Unnecessary Burdens the Rule places on the ability of Small Business to conduct their Affairs.

This rule change is anticipated to decrease costs for producers of alpacas, bison, and llamas; reduce license fees for most meat establishments and several retail food establishments; and decrease procedural barriers for meat establishment operators running a retail food establishment on the same premises. While rabbit producers may face a slight increase in costs, the ability to slaughter rabbits in an on-farm licensed facility may increase their ability to sell rabbit to restaurants and other retail food establishments. By increasing the number of animal species that can be slaughtered in Wisconsin under no-fee inspection, as opposed to under voluntary for-fee inspection, the rule enhances the economic position of farmers producing alpacas, bison, and llamas.

The rule will not have an economic impact on local governmental units or public utility taxpayers. The Department is unaware of any burdens the rule would place on the ability for small businesses to conduct their affairs.

8. List of Small Businesses, Organizations and Members of the Public that commented on the Rule and its Enforcement and a Summary of their Comments.

A draft of the proposed ATCP 55 was posted for public comment on economic impact from June 23 to July 22, 2017. No comments were submitted.

9. Did the Agency consider any of the following Rule Modifications to reduce the Impact of the Rule on Small Businesses in lieu of repeal?

- Less Stringent Compliance or Reporting Requirements  
 Less Stringent Schedules or Deadlines for Compliance or Reporting  
 Consolidation or Simplification of Reporting Requirements  
 Establishment of performance standards in lieu of Design or Operational Standards  
 Exemption of Small Businesses from some or all requirements  
 Other, describe: New licence fee structure based on product and process risk

10. Fund Sources Affected

- GPR  FED  PRO  PRS  SEG  SEG-S

11. Chapter 20, Stats. Appropriations Affected

12. Fiscal Effect of Repealing or Modifying the Rule

- No Fiscal Effect  Increase Existing Revenues  Increase Costs  
 Indeterminate  Decrease Existing Revenues  Could Absorb Within Agency's Budget  
 Decrease Cost

13. Summary of Costs and Benefits of Repealing or Modifying the Rule

This rule change is anticipated to decrease costs for producers of alpacas, bison, and llamas; reduce license fees for most meat establishments and several retail food establishments; and decrease procedural barriers for meat establishment operators running a retail food establishment on the same premises. While rabbit producers may face a slight increase in costs, the ability to slaughter rabbits in an on-farm licensed facility may increase their ability to sell rabbit to restaurants and other retail food establishments.

The Department believes the changes being presented will have a beneficial impact on the license holder because of a potential reduction in fees based on product and process risk. The Department included provisions in order to make the rule more flexible and equitable for small rabbit processing establishments. In addition, several elements of the rule

## EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

regarding retailing of meat and meat products may reduce the regulatory burden on some of the establishments that have these operations. As the Department concurrently revises ATCP 70 (Food Processing Plants) and ATCP 75 (Retail Food Establishments) to coordinate food business licensing requirements, some establishments may be required to obtain a retail food establishment license instead of, or in addition to, a meat establishment license. Retail food establishment license fees vary according to the scope and nature of processing done at the establishment. Finally, the rule is revised to ensure consistent inspection service to custom meat establishments.

---

14. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes     No

---

15. Long Range Implications of Repealing or Modifying the Rule

This rule modification implements provisions of 2015 Wisconsin Act 243. The long range benefits of modifying ATCP 55 include clarification of requirements for affected businesses as well as services provided by the Department. The revised fee structure for meat establishment licenses will support a range of business types, and clarification of terminology, formula and labeling requirements, and exemptions will benefit meat establishments for long-term planning and business development.

---

16. Compare With Approaches Being Used by Federal Government

State meat inspection programs operate under a cooperative agreement with the USDA Food Safety and Inspection Service (FSIS). Under this agreement, state meat inspection programs are required to adopt regulations that are "at least equal to" federal meat and poultry inspection regulations. In addition, Wisconsin is one of four states participating in the Cooperative Interstate Shipment (CIS) program allowing certain selected state-inspected meat establishments to ship their products in interstate commerce. States in the CIS program must adopt regulations that are the "same as" federal meat inspection regulations.

The proposed rule will ensure Wisconsin's state meat inspection program is consistent with federal regulations and expectations for inspection and enforcement procedures, as well as exemptions from inspection, and suspension of inspection.

---

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Michigan currently does not operate a state meat and poultry inspection program and is not eligible to participate in the CIS program. Minnesota, Iowa, and Illinois operate state meat inspection programs similar to Wisconsin's program.

Illinois' state meat inspection program includes USDA's Federal-State Cooperative program (formerly known as the "Talmadge-Aiken" program). Under this program, state inspectors conduct federal inspections, and the inspected establishments are thereby allowed to sell their products in interstate commerce.

---

18. Contact Name

Cindy Klug, Director - Bureau of Meat and Poultry Businesses

19. Contact Phone Number

608-220-3054

---

This document can be made available in alternate formats to individuals with disabilities upon request.