



State of Wisconsin  
Governor Tony Evers

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

**DATE:** November 14, 2024

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

**FROM:** Randy Romanski, Secretary  
Adam Brock, Administrator, Division of Food and Recreational Safety

**SUBJECT: ATCP 82, (Bulk Milk Collection, Sampling, and Transportation)**

**PRESENTED BY:** Max Huebner, Program & Policy Analyst, Division of Food and Recreational Safety

**REQUESTED ACTION:**

At the November 14, 2024, Board meeting, the Department of Agriculture, Trade, and Consumer Protection (DATCP) will ask the DATCP Board to authorize public hearings on a proposed rule Wis. Admin. Code ch. ATCP 82 (copy attached) relating to Bulk Milk Collection, Sampling, and Transportation. This rule implements Wis. Stat. § 93.07 (1) which allows the department, "To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department...".

**SUMMARY:**

DATCP conducted a comprehensive review of Wis. Admin. Code ch. ATCP 82 with input from industry stakeholders, professional associations, as well as DATCP representatives. The proposed rule provides a significant overhaul of the definitions sections, modernization of data management and sampling options, updating of the licensing and fee structure, and enhancement of provisions ensuring food safety and security by adding needed clarifications to sampling and sanitation requirements.

DATCP formally published the draft scope statement in the January 30, 2023 *Wisconsin Administrative Register* and filed a copy with the Department of Administration (DOA). The Board approved the scope statement on March 2, 2023, and staff prepared a hearing draft rule for public hearing that it presents for approval.

If the Board authorizes public hearings on this rule, DATCP will refer a copy of the rule to the Legislative Council Rules Clearinghouse and publish a hearing notice in the *Wisconsin Administrative Register*. DATCP will then hold public hearings. The exact hearing dates and locations have not yet been determined.

Following the public hearings, DATCP will prepare the final draft rule that will be presented for the Board's consideration. If the Board approves, DATCP will transmit the rule to the Governor for his written approval. After the Governor approves the final draft rule, DATCP will send the final draft rule 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.

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