

01-042-pt01  
(25) 50

DATE: November 5, 2001  
TO: Beata Kalies  
Committee on Agriculture  
FROM: John Scocos, Assembly Chief Clerk  
RE: Clearinghouse Rules Referral

The following Clearinghouse Rule has been referred to your committee.

**CLEARINGHOUSE RULE 01-042**

AN ORDER to repeal chapter ATCP 56; and to repeal and recreate chapter ATCP 55, relating to meat and meat food products.

Submitted by **Department of Agriculture, Trade and Consumer Protection.**

Report received from Agency on **October 30, 2001.**

To committee on **Agriculture.**

Referred on **Monday, November 5, 2001.**

Last day for action - **Wednesday, December 5, 2001.**

Under section 227.19 (4) of the Wisconsin Statutes, your committee has 30 days to take action or get an extension. The day **after** the official referral date is day one of your review period. Therefore, the 30th day should fall four weeks and two days after the referral date. For example, for Clearinghouse Rules referred on a Monday, a Wednesday would be your 30th day. For Clearinghouse Rules referred on a Tuesday, a Thursday would be your 30th day. For Clearinghouse Rules referred on a Wednesday, a Friday would be your 30th day. For Clearinghouse Rules referred on a Thursday or Friday, your 30th day would fall on a weekend. Therefore, your time would expire on the next working day (Monday) as provided for in s. 990.001 of the Wisconsin Statutes. Also, if the 30th day falls on a legal holiday, time would expire on the next working day.

Section 227.19 **requires** you to notify each member of your committee that you have received this Clearinghouse Rule. Although some committee chairs do so, you are not required to send a copy of the text of the rule to each member at this time. Your notice could state that members should contact you if they wish to receive a hard copy of the rule. **(Please note that the text of Clearinghouse Rules beginning with the prefix "01" is now available online in the Clearinghouse Rules infobase in FOLIO.)** Please put a copy of your official notification memo in the rule jacket.

Three copies of the Clearinghouse Rule and its accompanying documents are contained in the jacket. If you wish to have your Legislative Council attorney review the Clearinghouse Rule, send him/her a copy. I only need one copy remaining in the jacket when you report it out of committee at the end of the review period.

The identical process is happening simultaneously in the Senate. Keep track of their action on the rule.

For assistance with the Clearinghouse Rule process, please consult Ken Stigler (6-2406) or your Legislative Council attorney. If you wish to learn more on this subject, read section 227.19 of the Wisconsin Statutes or part 2 of the *Administrative Rules Procedures Manual* written by the Revisor of Statutes Bureau and the Wisconsin Legislative Council staff.

1010 840-10  
Chairman:  
Agriculture Committee



Member:  
Conservation & Land Use  
Consumer Affairs  
Natural Resources  
Utilities

**Al Ott**

State Representative • 3rd Assembly District

**Assembly Agriculture Committee  
MEMO**

**TO: Members of the Assembly Agriculture Committee**  
**FROM: Representative Al Ott, Chair** *Al Ott*  
**DATE: November 5, 2001**

The following clearinghouse rule has been referred to the Assembly Agriculture Committee for a thirty-day review period:

**Clearinghouse Rule 01-042**

An ORDER to repeal chapter ATCP 56; and to repeal and recreate chapter ATCP 55, relating to meat and meat food products. Submitted by the Department of Agriculture, Trade and Consumer Protection.

The deadline for action on this rule is **Wednesday, December 5, 2001**. A brief summary of the rule is enclosed. Please contact Beata Kalies in my office (6-5831) if you would like a copy of the entire rule or have further questions.



State of Wisconsin  
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection  
James E. Harsdorf, Secretary

## PUBLIC NOTICE

### FINAL DRAFT RULE TO LEGISLATURE

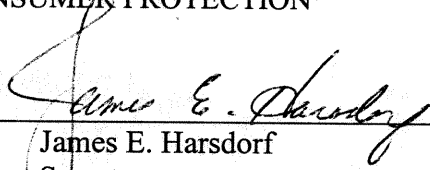
The Department of Agriculture, Trade and Consumer Protection announces that it is submitting the following rule for legislative committee review, pursuant to s. 227.19, Stats.:

CLEARINGHOUSE RULE #: 01-042  
SUBJECT: Meat and Meat Food Products  
ADM. CODE REFERENCE: ATCP 55-56  
DATCP DOCKET #: 97-R-1

Dated this 24<sup>th</sup> day of October, 2001.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND  
CONSUMER PROTECTION

By

  
James E. Harsdorf  
Secretary



State of Wisconsin  
Scott McCallum, Governor

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

James E. Harsdorf, Secretary

DATE: October 25, 2001

TO: The Honorable Fred Risser  
President, Wisconsin State Senate  
Room 220 South  
State Capitol  
P. O. Box 7882  
Madison, WI 53707-7882

The Honorable Scott R. Jensen  
Speaker, Wisconsin State Assembly  
Room 211 West  
State Capitol  
P. O. Box 8952  
Madison, WI 53708 - 8952

FROM: James E. Harsdorf, Secretary  
Department of Agriculture, Trade and Consumer Protection

SUBJECT: **Meat and Meat Food Products; Final Draft Rule  
(Clearinghouse Rule #01 - 042)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) is transmitting this rule for legislative committee review, as provided in s. 227.19(2) and (3), Stats. DATCP will publish a notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19(2), Stats.

**Background**

The United States Department of Agriculture (USDA) administers the federal meat inspection program. That program is designed to ensure that meat used for human food is safe, wholesome and properly labeled. DATCP administers a similar meat inspection program for Wisconsin. USDA provides 50% of the funding for Wisconsin's program. In order to receive the federal funding, Wisconsin's program must be "at least equal to" the federal program.

Federal and state meat inspection programs have traditionally regulated the production and sale of meat from domesticated food animals such as cattle, swine and poultry. In recent years, they have also begun to regulate the production and sale of meat from other animals such as farm-raised deer, ratites (ostriches and emus), captive game animals and captive game birds. The federal program regulates meat sold in interstate commerce. The state program focuses on meat produced and sold within Wisconsin, often by smaller meat establishments.



Animals must be slaughtered under state or federal inspection if their meat is *sold* for human consumption. Inspection is not required for *custom slaughter* services provided to an animal owner. A person providing *custom slaughter* or *custom processing* service does not *sell* the meat, but merely provides a service to the animal owner (who uses the meat solely for household consumption, not sale).

Slaughter inspection includes ante mortem inspection of live animals and post mortem inspection of carcasses. Slaughter and processing operations must comply with sanitation standards. Inspected meat must bear official inspection marks or legends, and must comply with other labeling requirements.

Federally inspected meat may be sold between states. State-inspected meat may be sold in Wisconsin. Federal law prohibits the sale of state-inspected meat to other states. This prohibition does not apply to state-inspected meat from captive game animals or game birds.

Recently, Congress and USDA completely overhauled the federal meat inspection program. They replaced the old system, based almost entirely on visual inspection, with a new "hazard analysis and critical control point" (HACCP) system that includes pathogen testing and scientific validation of critical process methods. Wisconsin's meat inspection program must conform to the new federal standards. In 1999 Wis. Act 9, the Wisconsin Legislature incorporated the new federal standards by reference into the state's meat inspection law (see s. 97.42(4m), Stats.)

### **Rule Contents**

This rule repeals and recreates DATCP's current meat inspection rules, based on the new federal requirements. It also reorganizes and clarifies current rules. This rule updates current rules related to meat establishment licensing, slaughter inspection, slaughter and processing standards, custom slaughter and processing, mobile custom slaughter and processing, meat formulation and labeling, and the production of meat from non-traditional sources such as captive game animals and captive game birds. A complete summary analysis accompanies the rule.

### **Hearing Testimony and Rule Modifications**

DATCP held 3 public hearings on June 19, 2001 in Green Bay, June 20, 2001 in Eau Claire and June 22, 2001 in Madison. DATCP also accepted written comments for the hearing record.

Four persons attended the hearings. Two registered in favor of the rule. Two others gave no testimony, and registered no position. A hearing summary is attached as *Appendix A*. The following persons filed written comments for the hearing record:

- Sharon K. Beals, Assistant Vice-President, Fresh Meats Quality Assurance and Food Safety, IBP, Inc., Dakota Dunes, SD, commented on s. ATCP 55.06(2)(c) of the hearing draft. This required meat transportation vehicles to be constructed and maintained so that meat would be delivered at a temperature of no more than from 40° F. IBP commented that this provision was unnecessary, since another provision requires vehicles to be constructed and maintained to keep meat in a safe and wholesome condition. The department modified, but did not eliminate, this provision in response to IBP's comment. Under the final draft rule, meat transportation vehicles must be constructed and maintained so that meat will be delivered at a temperature of no more than from 41° F. This is consistent with other DATCP food safety rules as well as the United States Food and Drug Administration's food code.
- Dr. William F. Leese, Senior Policy Manager of the Federal, State & Local Government Relations Staff of the USDA's Food Safety and Inspection Service, made two comments:
  - He suggested that a reference to "rabbinical slaughter procedures" under s. ATCP 55.07(11)(g) be changed to "religious dietary law procedures," in order to include more than just the Kosher method. The department made this change in the final draft rule.
  - He also questioned whether the enforcement provisions identified in the rule were applicable in a HACCP environment. The department did not make any rule change in response to this comment. The rule merely recites the department's current statutory authority. The department can exercise that authority to protect public health and food safety, as necessary. The authority is not inconsistent with HAACP procedures. Wisconsin meat establishments and the department have implemented HAACP, and Wisconsin's program is "at least equal to" the federal program.

DATCP also modified the final draft rule in response to technical comments by the Legislative Council Rules Clearinghouse (see below).

### **Response to Rules Clearinghouse Comments**

The Legislative Council Rules Clearinghouse made a number of technical comments on the hearing draft rule. DATCP modified the final draft rule to address the Rules Clearinghouse comments, as appropriate. In some cases, DATCP determined that no changes were necessary. *Appendix B* summarizes DATCP's responses to the Rules Clearinghouse comments.

### **Fiscal Estimate**

This rule has no fiscal impact on DATCP or local units of government. A fiscal estimate is attached as *Appendix C*.

### Small Business Analysis

This rule will not, by itself, have any significant impact on small business. This rule merely codifies current legal requirements, including current federal requirements. DATCP has already trained meat establishments on these new federal requirements, and meat establishments have already implemented them. A small business analysis ("final regulatory flexibility analysis") is attached as *Appendix D*.

**PROPOSED ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF  
AGRICULTURE, TRADE AND CONSUMER PROTECTION  
REPEALING AND RECREATING RULES**

- 1 The state of Wisconsin department of agriculture, trade and consumer protection proposes
- 2 the following order to repeal ch. ATCP 56, and to repeal and recreate ch. ATCP 55,
- 3 relating to meat and meat food products.

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

Statutory authority: ss. 93.07(1), 97.09(4) and 97.42(4), Stats.

Statutes interpreted: ss. 97.02, 97.03, 97.10, 97.12, 97.42, 97.43, 97.44 and  
97.45, Stats.

This rule repeals and recreates Wisconsin's current meat inspection rules. This rule incorporates major federal law changes affecting Wisconsin's meat inspection program, and repeals current rule provisions made obsolete by the new federal requirements. It also updates, reorganizes and clarifies current state rules.

**Background**

The United States department of agriculture ("USDA") administers the federal meat inspection program, which is designed to ensure that meat used for human food is safe, wholesome and properly labeled. The Wisconsin department of agriculture, trade and consumer protection ("DATCP") administers a similar meat inspection program for the state of Wisconsin. USDA provides 50% funding for Wisconsin's program. Under federal law, Wisconsin's program must be "at least equal to" the federal program.

Federal and state meat inspection programs have traditionally regulated the production and sale of meat from domesticated food animals such as cattle, swine and poultry. In recent years, they have also begun to regulate the production and sale of meat from other animals, such as farm-raised deer, ratites, captive game animals and captive game birds. The federal program regulates meat sold in interstate commerce. The state program focuses on meat produced and sold within Wisconsin, often by smaller meat establishments.

Animals must be slaughtered subject to state or federal inspection if their meat is *sold* for human consumption. Slaughter inspection includes *ante mortem* inspection of live animals and *post mortem* inspection of carcasses. Slaughter and processing operations must comply with sanitation standards. Meat must bear official inspection marks or legends, and must comply with other labeling requirements.

Federally inspected meat may be sold between states. State-inspected meat may be sold in Wisconsin, but federal law prohibits the sale of state-inspected meat to other states. This prohibition does not apply to state-inspected meat from captive game.

Congress and USDA recently overhauled the entire federal meat inspection program. They replaced the old system, based mainly on visual inspection, with a new "hazard analysis critical control point" (HACCP) system that includes pathogen testing. Wisconsin's meat inspection program must conform to the new federal standards. In the last biennial budget act (1999 Wis. Act 9), the Wisconsin legislature incorporated the new federal standards by reference under s. 97.42(4m), Stats.

This rule repeals and recreates DATCP's current meat inspection rules, based on the new federal requirements. It also reorganizes and clarifies current rules. This rule updates current rules related to meat establishment licensing, slaughter inspection, slaughter and processing standards, custom slaughter and processing, mobile custom slaughter and processing, meat labeling, and the production of meat from non-traditional sources such as captive game animals and captive game birds.

## Rule Contents

### Coverage

This rule applies to persons who slaughter animals for human consumption, or who process, store, transport, sell or distribute meat for human consumption. But this rule does not apply to any of the following:

- Restaurants, vending machine commissaries or catering establishments, regulated by the Wisconsin department of health and family services or its agents, that sell meat only in meals that they serve.
- Federally inspected slaughter or processing establishments.
- Persons slaughtering their own animals, or processing or transporting their own meat, for their own personal or household consumption.

## Definitions

This rule defines some important terms used in the rule, including the following:

- “*Food animals*” means all the following:
  - “*Domesticated food animals.*” This includes cattle, swine, poultry (domesticated chickens, turkeys, geese, ducks, guinea fowl and squab), sheep, goats, farm-raised deer (not captive white-tail deer) and horses.
  - “*Ratites.*” This includes ostriches and emus.
  - “*Captive game animals.*” This includes bison, white-tail deer and other animals of a normally wild type that are produced in captivity for slaughter and consumption. It *does not include* farm-raised deer, ratites, captive game birds, fish, or game animals kept solely for hunting purposes at a hunting preserve.
  - “*Captive game birds.*” This includes farm-raised game birds, such as pheasants, quail, wild turkeys, waterfowl and exotic birds, which are produced in captivity for slaughter and consumption. It *does not include* poultry or ratites. Nor does it include game birds kept solely for hunting purposes in a hunting preserve.
- “*Meat*” means the edible muscle and other edible parts of a *food animal*.
- “*Meat establishment*” means an establishment used to slaughter *food animals* for human consumption, or to process the *meat* of food animals for human consumption.
- “*Custom slaughter*” or “*custom processing*” means slaughter or processing services provided to an individual who already owns the affected food animal or meat, and who uses the resulting meat products solely for his or her personal or household consumption. The service provider does not *sell* meat to the service recipient, but merely provides a service for hire.
- “*Mobile custom slaughter*” or “*mobile custom processing*” means custom slaughter or processing services provided at the recipient’s premises (typically a farm), rather than at a meat establishment.

## Licensed Meat Establishments

This rule clarifies current meat establishment licensing requirements. Under this rule, no person may operate a meat establishment without a current annual license from DATCP. But no license is required for any of the following:

- Federally inspected slaughter or processing operations.

- *Mobile* custom slaughter or *mobile* custom processing operations. A person engaged in mobile custom slaughter or mobile custom processing operations must hold an annual registration certificate from DATCP (see below) if the person does not hold a meat establishment license.
- The *custom* slaughter or *custom* processing of *captive game animals* or *captive game birds*.
  - A farmer who slaughters and processes, for sale at his or her farm, not more than 1,000 poultry per year produced on that farm. The poultry must be labeled "NOT INSPECTED."
  - A retail establishment that processes meat primarily for sale to consumers at the retail establishment, provided that all the following apply:
    - The retail establishment is not engaged in slaughter operations.
    - The retail establishment sells its processed meat only to consumers at the retail establishment, or to restaurants or institutions for use in meals served at those restaurants or institutions.
    - The retail establishment's sales of its processed meat to restaurants or institutions do not exceed \$28,800 annually, or 25% by dollar volume of its total annual meat sales, whichever amount is less.
    - The retail establishment receives meat only from state licensed or federally inspected meat establishments.
    - The retail establishment does not combine meat from different species for sale to restaurants or institutions.
    - The retail establishment does not cure, smoke, season, can or cook any meat for sale to restaurants or institutions.

#### **Meat Establishment License Fees**

This rule clarifies current meat establishment licensing procedures, and incorporates current license fees without change. A meat establishment operator must pay an annual license fee of \$200, except that the annual fee is \$80 if the license holder is *solely* engaged in *custom slaughter* or *custom processing* operations.

#### **Meat Establishments Processing Wild Game**

Generally speaking, a meat establishment may not slaughter or process animals other than *food animals*. However, a meat establishment may *custom process* legally harvested wild

game (such as legally hunted white-tail deer) for the game owner if all the following apply:

- The meat establishment operator notifies DATCP. DATCP may restrict wild game processing that is incompatible with the slaughter or processing of food animals at the same establishment.
- The operator accepts only clean and apparently wholesome wild game carcasses for custom processing.
- The operator, when custom processing wild game, complies with processing, labeling and record keeping requirements applicable to the custom processing of food animals. Among other things, the operator must label all of the resulting wild game products "NOT FOR SALE."
- The operator processes wild game only at times when the operator is not slaughtering or processing food animals.
- The operator cleans and sanitizes equipment used to process wild game before using that equipment to slaughter or process food animals.
- The operator keeps wild game and wild game products separate from all other meat and meat food products in the meat establishment.
- The operator clearly labels wild game products, so they cannot be confused with other meat or meat food products. Wild game products must be clearly identified by species.
- The operator handles, processes and stores wild game and wild game products in a manner that prevents contamination of other meat and meat food products.

#### **Slaughter Inspection Required**

Under this rule, no person may *sell* any meat from any *food animal* unless the animal is slaughtered subject to state or federal inspection. This does not apply to any of the following:

- *Custom slaughtering* or *custom processing* (because there is no *sale* of meat).
- A poultry farmer selling meat from not more than 1,000 of his or her poultry each year, provided the poultry are labeled "NOT INSPECTED."
- *Captive game animals* or *captive game birds* for which no inspection standards exist. This exemption is very limited, because DATCP and USDA *have established* inspection standards for most captive game animals and captive game birds.



Federal law prohibits the sale of state-inspected meat to other states. But this prohibition does not apply to state-inspected meat from *captive game animals*, *captive game birds* or *farm-raised deer*.

### **Slaughter Inspection Services**

DATCP provides slaughter inspection services only to licensed meat establishments. A meat establishment operator requesting inspection services must specify a proposed slaughter schedule. In order to use its inspection staff most efficiently, DATCP may require a different schedule. The operator may not deviate from the established schedule without DATCP approval.

Ante mortem and post mortem slaughter inspections must be performed at a licensed meat establishment, except that DATCP may agree to perform a *field ante mortem* inspection on any of the following:

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

DATCP may *not* perform *field ante mortem inspections* of diseased animals, or animals that cannot stand or walk. Ante mortem inspections of those animals *must* be performed at properly equipped meat establishments (see below).

### **Slaughter Inspection Charges**

DATCP will provide slaughter inspection services without charge to a licensed meat establishment operator, except that DATCP will charge the operator for the inspection services if any of the following apply:

- The inspection pertains to a *captive game animal* or *captive game bird*.
- DATCP performs the inspection outside the operator's normal slaughter schedule, before 6 AM or after 6 PM, or on a Saturday, Sunday or holiday. DATCP will also charge for any inspection hours that exceed 40 hours per week.

If a meat establishment operator is required to pay for slaughter inspection services, DATCP will bill uniform hourly charges based on DATCP's statewide average cost to provide such services. DATCP may charge higher amounts for inspections that must be performed by veterinarians (see below). DATCP must give 30 days prior notice before increasing inspection charges.

A meat establishment operator must notify DATCP if a DATCP inspector fails to appear for a scheduled slaughter inspection. DATCP must provide another inspector as soon as possible, so that slaughter may proceed in a timely manner. DATCP may withdraw slaughter inspection for cause, including violations of this rule. An operator may not conduct slaughter operations without inspection, if inspection is required by this rule.

### **Ante Mortem Inspection**

This rule spells out procedures for ante mortem inspections. If a DATCP inspector performing an ante mortem inspection suspects that the animal has a disease or condition that may cause it to be condemned on post mortem, the inspector must withhold the suspect animal from slaughter pending further inspection by a DATCP veterinarian. If the veterinarian finds that the suspect animal is not fit for slaughter, the veterinarian must do one of the following:

- Condemn the animal.
- Withhold the animal from slaughter pending treatment, if the animal's condition can be corrected by treatment.

If DATCP agrees to perform a *field ante mortem* inspection at a place other than a licensed meat establishment (see above), the inspector must observe the live animal in the field, in motion and at rest. If an animal passes a field ante mortem inspection, the meat establishment operator may stun and bleed the animal in the field. The operator must bleed the animal immediately after stunning, and must transport the carcass to a licensed meat establishment for post mortem inspection and processing.

### **Post Mortem Inspection**

This rule spells out post mortem inspection procedures:

- Post mortem inspections of *domesticated food animals*, other than poultry, must comply with federal procedures under 9 CFR 310. Procedures for farm-raised deer are the same as for sheep.
- Post mortem inspections of *poultry* and *captive game birds* must comply with 9 CFR 381.
- Post mortem inspections of *captive game animals* must comply with 9 CFR 310. Post mortem inspection procedures for bison are the same as for cattle. DATCP may specify inspection procedures for other captive game animals, as appropriate.

## Slaughter Inspection Marks

A DATCP inspector must apply or supervise the application of an official inspection mark to each part of a carcass that the inspector finds, upon slaughter inspection, to be wholesome and fit for human food.

- For *domesticated food animals* (other than farm-raised deer) and for *ratites* (ostriches and emus), the mark consists of an *outline map of Wisconsin* enclosing the words "WIS. INSPECTED AND PASSED," the inspector number and the meat establishment license number.
- For *farm-raised deer, captive game animals* and *captive game birds*, the mark consists of a *triangle* containing the meat establishment license number.

If a DATCP inspector finds that any part of a carcass is unwholesome or unfit for human food, the inspector must mark that part "WIS. INSPECTED AND CONDEMNED." An inspector may also mark a suspect carcass "RETAINED" pending further inspection.

## Slaughter and Processing Standards; General

This rule incorporates federal slaughter and processing standards by reference, and repeals state standards that are obsolete or duplicative. This rule keeps Wisconsin's program consistent with the federal program, as required by federal law and s. 97.42(4m), Wis. Stats. Federal standards include HACCP and pathogen testing requirements.

Under this rule, slaughtering and processing operations (other than *mobile custom slaughter* or *mobile custom processing operations*) must comply with the following standards:

- Persons slaughtering or processing *domesticated food animals*, other than poultry, must comply with applicable federal standards under 9 CFR 307 to 311, 313 to 315, 317, 319, 416 and 417.
- Persons slaughtering or processing *poultry* or *captive game birds* must comply with applicable federal standards under 9 CFR 381 subparts G, H, I, J, K, L, O and P, and 9 CFR 416 and 417. There is an exception for farmers who slaughter and process not more than 1,000 of their own poultry annually, if the processed poultry are labeled "NOT INSPECTED."
- Persons slaughtering or processing *ratites* (ostriches or emus) must comply with applicable federal standards under 9 CFR 307 to 311, 313 to 315, 317, 319, 416 and 417.

- Persons slaughtering or processing *captive game animals* must do so in a humane and sanitary manner. If a captive game animal is slaughtered for sale subject to DATCP inspection, the slaughter must comply with procedures specified by DATCP.

### **Diseased or Injured Animals; General**

A person may not slaughter a food animal for human consumption, or submit a food animal for slaughter for human consumption, if the person knows or has reason to know that the animal is diseased or injured. But this prohibition does not apply to any of the following:

- A slaughter inspected by DATCP or USDA.
- The *custom* slaughter of an animal injured within 24 hours prior to slaughter, if the animal is otherwise healthy. The animal owner must certify (see below) that the animal was injured within 24 hours prior to slaughter, and is not diseased.
- The *custom* slaughter of an animal injured more than 24 hours prior to slaughter, if the animal is otherwise healthy and all the following apply:
  - The animal owner certifies that the animal is injured, not diseased (see below).
  - A practicing veterinarian performs an ante mortem and post mortem inspection on the slaughtered animal.

### **Diseased or Injured Animals; Owner Certification**

If a person submitting a food animal for slaughter for human consumption knows or has reason to know that the animal is diseased or injured, that person must sign and submit with that animal a written statement certifying all the following:

- The name and address of every person who has had custody of the animal in the last 30 days.
- The nature of each known or suspected disease or injury.
- The date and cause of each injury, if known.
- The date on which the animal became incapable of standing or walking, if the animal cannot stand or walk.
- All drugs given to the animal in the last 30 days, and the last date on which each drug was given.

### **Animals that Cannot Stand or Walk**

A person may not slaughter for human consumption, or submit for slaughter for human consumption, a food animal that cannot stand or walk without assistance. But this prohibition does not apply to any of the following:

- An animal slaughtered at a licensed meat establishment, subject to DATCP inspection. The meat establishment must be properly equipped to handle animals that cannot stand or walk, and a DATCP veterinarian must perform the ante mortem and post mortem inspection.
- A slaughter performed at a meat establishment inspected by USDA.
- The *mobile* custom slaughter of an injured (not diseased) animal, if the slaughter complies with this rule. The animal owner must certify (see above) that the animal is merely injured, not diseased. If the animal was injured more than 24 hours prior to slaughter, a licensed practicing veterinarian must perform an ante mortem and post mortem inspection.

An animal that cannot stand or walk must be treated humanely. A meat establishment operator must have proper equipment for moving the animal humanely. A DATCP veterinarian inspecting the slaughter may order the animal held for up to 24 hours for further observation. If the animal has been treated with drugs for which the prescribed withdrawal time has not elapsed, the DATCP veterinarian must condemn the animal or hold it until the withdrawal time elapses.

### **Carcasses and Meat Received for Processing**

A meat establishment operator must examine all carcasses and meat received for processing at a meat establishment. An operator may not receive, into any processing or storage area, any unclean or apparently unwholesome carcass or meat.

A meat establishment operator may not process any meat produced by the custom slaughter of a diseased animal. An operator may custom process meat produced by the custom slaughter of an injured (not diseased) food animal if one of the following applies:

- The animal was injured within 24 hours prior to slaughter.
- A licensed practicing veterinarian performs an ante mortem and post mortem inspection of the slaughtered animal, and certifies that the meat is wholesome.

### **Condemned Animals and Meat**

No person may slaughter, for human consumption, a food animal condemned by DATCP. If DATCP condemns a food animal on ante mortem inspection, the meat establishment operator must kill the animal and inject it with denaturant to make it inedible.

No person may process or sell, for human consumption, any meat condemned by DATCP. A meat establishment operator must denature or de-characterize the condemned meat so it is no longer edible. Containers used for condemned meat must be conspicuously marked "INEDIBLE."

### **Humane Slaughter**

Persons slaughtering food animals must use humane methods. This rule specifies some humane slaughter methods, and requires meat establishment operators to handle animals humanely pending slaughter.

### **Slaughter and Processing Records**

A person who slaughters any food animal for human consumption, or who processes the meat of any food animal for human consumption, must keep records including:

- The date and time of slaughter or processing.
- The number and type of animals slaughtered, and the disposition of the carcasses.
- The type and amount of meat processed, and the disposition of that meat.
- Certificates signed by persons submitting diseased or injured animals for slaughter (see above).

The person must keep the records for at least 3 years, and make the records available for inspection and copying by DATCP upon request. This rule does not require a meat establishment operator to duplicate slaughter records kept by a DATCP inspector at that meat establishment.

### **Custom Slaughter and Processing**

A person providing a *custom slaughter* or *custom processing* service must do all the following:

- Hold an annual meat establishment license *if required* (see above).
- Hold an annual registration certificate if engaged in *mobile* custom slaughter or *mobile* custom processing (see below). A licensed meat establishment operator is *not* required to hold a mobile registration certificate.
- Comply with applicable slaughter and processing standards (see above).

- Label all the resulting meat products “NOT FOR SALE,” and return them to the service recipient. Products must also be labeled with the service provider’s name, license number or registration number.
- Comply with applicable requirements related to *mobile* custom slaughter or *mobile* custom processing (see below) if the person provides *mobile* custom services.
- Conduct custom slaughter and processing operations in a humane and sanitary manner.
- Keep records required under this rule.

### **Mobile Custom Slaughter and Processing**

A person providing *mobile* custom slaughter or *mobile* custom processing services must do all the following:

- Comply with applicable requirements related to custom slaughtering and processing (see above).
- Hold an annual registration certificate from DATCP unless the person holds an annual meat establishment license (see above). A person must apply for an annual certificate in writing, on a form provided by DATCP. There is no charge for the registration certificate.

Mobile custom slaughter and processing operations must be clean and sanitary. Equipment must be of sanitary design, and must be kept in clean and sanitary condition. Meat contact surfaces of equipment and utensils must be cleaned and sanitized after each use, and more often as necessary. Personnel must follow proper sanitation practices. There must be an adequate supply of water to clean carcasses and equipment.

A person performing a mobile custom slaughter must return the resulting meat to the service recipient at the slaughter site, except that the service provider may transport a carcass to a licensed meat establishment for custom processing. Carcasses must be transported in a sanitary manner.

A person providing mobile custom slaughter or processing services must file a monthly report with DATCP. The report must include all the following:

- The name and address of each service recipient.
- The number and type of animals slaughtered for each service recipient.
- The date of each slaughter.
- The disposition of each carcass. If a carcass is transported to another location for further processing, the report must identify that location.

### **Labeling Inspected Meat**

A meat establishment operator who processes DATCP-inspected meat must label the resulting meat products with a state inspection legend. The inspection legend normally consists of an outline map of Wisconsin enclosing the words "WIS. INSPECTED" and the meat establishment number. However, a triangle is used instead of a Wisconsin outline map if the meat comes from *farm-raised deer, captive game animals or captive game birds*.

Federal law prohibits the sale of state-inspected meat (meat required to bear a Wisconsin outline inspection legend) to other states. But this prohibition does *not* apply to state-inspected meat from *farm-raised deer, captive game animals or captive game birds* (meat required to bear a triangular inspection legend).

### **Meat Labeling; General**

Meat must be labeled according to this rule and ch. ATCP 90 (fair packaging and labeling). Meat and meat food products offered for sale must be labeled with all the following:

- The name of the meat or meat food product.
- The net weight of the meat or meat food product.
- The name and address of the processor or distributor.
- A state or federal inspection legend, if required (see above).
- An ingredient statement if the product contains 2 or more ingredients.
- Safe handling instructions if required under 9 CFR 317.2(l).
- Appropriate statements identifying perishable products.

No person may sell any misbranded meat or make any false, deceptive or misleading representation in connection with the sale of meat. No person may misrepresent the identity of any meat product. Product identification must comply with standards of identity contained in 9 CFR 319.

This rule prohibits a person from doing any of the following:

- Applying any false mark, legend or label to meat.
- Misrepresenting that meat has been inspected, or misrepresenting inspection findings.
- Misrepresenting that meat has been processed at a licensed meat establishment, or is derived from carcasses inspected and passed by DATCP.
- Counterfeiting or misusing any meat inspection mark, label or marking device.
- Wrongfully removing a required mark or label from meat.
- Selling, transporting or storing improperly marked or labeled meat.



## **Meat Labels; Pre-approval**

This rule eliminates the current requirement for DATCP pre-approval of meat labels, unless one of the following applies:

- The meat label makes health, quality or nutritional claims.
- The meat is derived from *captive game animals* or *captive game birds*.
- The meat label makes claims related to organizational membership or standards.

## **Meat Formulas**

Under this rule, as under current law, DATCP must pre-approve meat product formulas for compliance with applicable requirements related to food safety and standards of identity.

## **Transporting Meat**

Under this rule, a person must transport meat in a manner that keeps the meat wholesome and unadulterated. The internal temperatures of refrigerated products may not exceed 41° F. at the time of delivery. Transportation vehicles and facilities must be adequate to ensure proper sanitation and food safety, and must be kept in clean and sanitary condition.

## **Meat Brokers and Distributors**

A “meat broker” is a person who, without taking title to meat, arranges the purchase or sale of meat. A “meat distributor” is a person who distributes meat at wholesale. Under this rule, as under current law, meat brokers and meat distributors must hold an annual registration certificate from DATCP. Meat brokers and distributors must apply in writing, on a form provided by DATCP. There is no fee.

## **Prohibited Practices**

This rule prohibits a person from doing any of the following:

- Processing or selling, for human consumption, any unwholesome, adulterated or misbranded meat.
- Slaughtering any food animal, for human consumption, under unsanitary conditions.
- Processing, storing, handling, transporting or selling meat or meat food products, for human consumption, under unsanitary conditions.
- Making any false, deceptive or misleading statement, when submitting a food animal for slaughter, related to any of the following:

- The ownership, identity, origin or health status of the animal.
  - The administration of any drug to the animal.
  - The intended use of meat from the animal.
- Obstruct a DATCP employee performing his or her duties. Obstruction may include physical interference, verbal or physical abuse, threatening behavior or communications, or refusal to carry out legitimate directives.

### **Holding Orders, Condemnation Orders and Correction Orders**

Under this rule, as under current law, an authorized DATCP employee may issue a holding order to prevent the sale or movement of suspect meat pending further examination to determine whether the meat is unwholesome, adulterated or misbranded. A holding order remains in effect for 14 days unless lifted. A holding order may be extended for up to 14 days.

Under this rule, as under current law, an authorized DATCP employee may issue an order condemning unwholesome, adulterated or misbranded meat if the owner or custodian cannot correct the problem or fails to do so.

Under this rule, as under current law, an authorized DATCP employee may issue an order requiring a person to correct unsanitary conditions and other law violations related to meat. DATCP may also prohibit the use of unsanitary equipment and utensils. An authorized DATCP employee may "tag" unsanitary equipment or utensils to prohibit their use.

### **Investigation and Enforcement**

This rule refers to, but does not change, DATCP's current enforcement authority. DATCP may conduct inspections and other investigations to determine compliance with this rule. DATCP may exercise its authority under chs. 93 and 97, Stats., in support of its inspections and investigations. DATCP may deny, suspend or revoke a license or registration certificate for cause. DATCP may also prosecute violators in court (penalties are provided by statute).

### **Administrative Appeals**

A person may ask DATCP to reconsider any of the following actions:

- The denial of any application for a license or registration certificate.
- Ante mortem or post mortem inspection findings.
- A holding order, condemnation order or correction order.
- A decision to deny, limit or withdraw slaughter inspection services.
- Slaughter inspection billings.

Whenever DATCP receives a request for reconsideration, DATCP must hold a prompt informal conference with the requester. Alternatively, if the matter concerns a slaughter inspection finding by an inspector who is not a veterinarian, DATCP may have a veterinarian review the inspector's finding. If the requester's dispute is not resolved, the requester may seek a "contested case" hearing under ch. 227, Stats., and ch. ATCP 1.

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1                    **SECTION 1.** Chapter ATCP 55 is repealed and recreated to read:

2    **CHAPTER ATCP 55**

3    **MEAT AND MEAT FOOD PRODUCTS**

4

5                    **ATCP 55.01 Scope. (1) GENERAL.** Except as provided in sub. (2), this chapter

6 applies to persons who slaughter food animals for human consumption, who submit food

7 animals for slaughter for human consumption, or who process, store, transport, sell or

8 distribute meat or meat food products for human consumption. This chapter applies to

9 slaughter and processing establishments, mobile custom slaughterers and processors, food

10 warehouses and locker plants, meat distributors and transporters, meat brokers, food

11 retailers and central restaurant commissaries that engage in activities covered by this

12 chapter.

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

14                    **(a)** A restaurant, vending machine commissary or catering establishment licensed

15 and inspected by the department of health and family services or its agent, provided that

16 the following apply:

17                    1. The establishment processes no meat other than state or federally inspected

18 meat.

19                    2. The establishment sells meat only as part of a meal.

1           3. Meat processing is confined to the premises where the meat is served as part of  
2 a meal or, in the case of a vending machine commissary or catering establishment, to the  
3 premises where meals are prepared for catered service or vending machine service to  
4 individual consumers.

5           (b) Establishments inspected by the United States department of agriculture under  
6 21 USC 451 to 695.

7           (c) An individual slaughtering or transporting his or her own animals, or  
8 processing or transporting his or her own meat, for his or her own consumption. An  
9 individual's own consumption may include consumption by the individual's immediate  
10 family, immediate household and nonpaying guests.

11           **ATCP 55.02 Definitions.** In this chapter:

12           (1) "Ante mortem inspection" means a pre-slaughter inspection of a live food  
13 animal.

14           (2) "Captive game animals" means bison, white-tail deer and other animals of a  
15 normally wild type that are produced in captivity for slaughter and consumption.

16 "Captive game animals" does not include farm-raised deer, ratites, captive game birds,  
17 fish, or animals kept solely for hunting purposes at a hunting preserve.

18           (3) "Captive game birds" means birds of a normally wild type, such as pheasants,  
19 quail, wild turkeys, migratory wildfowl and exotic birds, that are produced in captivity for  
20 slaughter and consumption. "Captive game birds" does not include poultry, ratites, or  
21 birds kept solely for hunting purposes in a hunting preserve.

22           (4) "Carcass" means all edible parts of a slaughtered animal, including edible

1 viscera.

2 (5) "Custom processing" means processing meat as a custom service for an  
3 individual who owns that meat, and who uses all the resulting meat or meat food products  
4 for his or her own consumption. An individual's own consumption may include  
5 consumption by the individual's immediate family, immediate household and nonpaying  
6 guests. "Custom processing" includes mobile custom processing.

7 **NOTE:** A provider of custom processing services does not "sell" meat, but  
8 merely provides a service to the meat owner.

9  
10 (6) "Custom slaughter" means slaughtering a food animal as a custom service for  
11 an individual who owns that animal, and who uses all the resulting meat or meat food  
12 products for his or her own consumption. An individual's own consumption may include  
13 consumption by the individual's immediate family, immediate household and nonpaying  
14 guests. "Custom slaughter" includes mobile custom slaughter.

15 **NOTE:** A provider of custom slaughtering services does not "sell" the  
16 slaughtered food animal or the resulting meat, but merely provides a  
17 service to the animal owner.

18  
19 (7) "Department" means the state of Wisconsin department of agriculture, trade  
20 and consumer protection.

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

25 (9) "Domesticated food animal" means any of the following:

26 (a) Cattle.

- 1 (b) Swine.
- 2 (c) Poultry.
- 3 (d) Sheep.
- 4 (e) Goats.
- 5 (f) Farm-raised deer.
- 6 (g) Horses, mules and other equines.
- 7 (10) "Edible" means edible by humans.
- 8 (11) "Farm-raised deer" has the meaning given in s. 95.001(1)(a), Stats. "Farm-
- 9 raised deer" does not include captive white-tail deer.
- 10 (12) "Food animals" means domesticated food animals, ratites, captive game
- 11 animals and captive game birds.
- 12 (13) "Individual" means a natural person.
- 13 (14) "Livestock" means domesticated food animals other than poultry.
- 14 (15) "Meat" means the edible muscle and other edible parts of a food animal,
- 15 including edible skeletal muscle, edible organs, and edible muscle found in the tongue,
- 16 diaphragm, heart or esophagus. "Meat" includes edible fat, bone, skin, sinew, nerve or
- 17 blood vessel that normally accompanies meat and is not ordinarily removed in processing.
- 18 (16) "Meat broker" means a person who, without taking title to meat or meat food
- 19 products, arranges the purchase or sale of meat or meat food products.
- 20 (17) "Meat distributor" means a person who distributes meat or meat food
- 21 products at wholesale.
- 22 (18) "Meat establishment" means a plant or fixed premises used to slaughter food

1 animals for human consumption, or to process meat or meat food products for human  
2 consumption.

3 (19) "Meat food product" means any edible product derived in whole or in  
4 substantial and definite part from meat.

5 (20) "Mobile custom processing" means custom processing meat for another  
6 person at that person's premises.

7 (21) "Mobile custom slaughter" means custom slaughtering a food animal for  
8 another person at that person's premises.

9 (22) "Person" means an individual, corporation, partnership, cooperative  
10 association, limited liability company, trust, or other organization or entity.

11 (23) "Post mortem inspection" means the post-slaughter inspection of a  
12 slaughtered food animal's carcass.

13 (24) "Poultry" means domesticated fowl commonly used for human food,  
14 including domesticated chickens, turkeys, geese, ducks, guinea fowl and squab.

15 "Poultry" does not include ratites or captive game birds.

16 (25) "Process" means to cut, grind, manufacture, compound, intermix or prepare  
17 meat or meat food products.

18 (26) "Ratite" means a member of the group of flightless birds that includes the  
19 ostrich, emu, cassowary, kiwi and rhea.

20 (27) "Sanitize" means to destroy pathogens and other microorganisms, to the  
21 maximum practicable extent, by applying an approved sanitizer or sanitizing method to  
22 food contact surfaces of equipment, utensils or food packages that are otherwise clean.

1           (28) "Sell" means to transfer ownership for a price, or to advertise, offer, hold or  
2 distribute for sale.

3           (29) "Unwholesome" has the meaning given in s. 97.42(1)(m), Stats.

4           (30) "Veterinarian" has the meaning given in s. 97.42(1)(n), Stats.

5           (31) "Wholesome" has the meaning given in s. 97.42(1)(o), Stats.

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

8           (a) Captive game animals or captive game birds.

9           (b) Farm-raised deer.

10           **ATCP 55.03 Meat establishment license. (1) ANNUAL LICENSE REQUIRED.**

11 Except as provided in sub. (2), no person may operate a meat establishment without a  
12 current annual license from the department. A license expires on June 30 of each year. A  
13 person who operates more than one meat establishment shall hold a current annual license  
14 for each meat establishment. A license may not be transferred between persons or meat  
15 establishments.

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

18           (a) Slaughter or processing operations inspected by the United States department  
19 of agriculture under 21 USC 451 to 695.

20           (b) Mobile custom slaughter or mobile custom processing operations.

21           (c) The custom slaughter or custom processing of captive game animals or  
22 captive game birds.



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

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

1. The person slaughters and processes no more than 1,000 poultry per year.
2. The person slaughters, processes and sells the poultry at the farm where they are produced.
3. The person clearly and conspicuously labels each package or container of poultry meat with the person's name and address and the words "NOT INSPECTED."

**NOTE:** See s. 97.42(11), Stats.

(e) A retail establishment that processes meat or meat food products primarily for sale to individual consumers at the retail establishment, provided that all the following apply:

1. The retail establishment is not engaged in slaughter operations.
2. The retail establishment sells the processed meat and meat food products only to individual consumers at the retail establishment, or to restaurants or institutions for use in meals served at those restaurants or institutions.
3. The retail establishment's sales of its processed meat and meat food products to restaurants or institutions do not exceed \$28,800 annually, or 25% by dollar volume of

1 all meat sales from the retail establishment, whichever is less.

2 **NOTE:** The scope of the federal exemption under 7 CFR 303.1 does not affect  
3 the scope of the state licensing exemption under this paragraph.

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

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

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

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

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

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

19 **NOTE:** See s. 93.135(1)(nm), Stats.

20 (c) The address of each meat establishment.

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

23 (e) Other relevant information required by the department.

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

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

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

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

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

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

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

19           (7) DENYING, SUSPENDING OR REVOKING A LICENSE. The department may deny,  
20 suspend or revoke a meat establishment license for cause, as provided in s. 93.06(7),  
21 97.42(10) and 97.42(12), Stats. Cause may include a violation of this chapter.

22           **NOTE:** The procedure for suspending or revoking a license, or for contesting a  
23 license denial, is set forth in ch. ATCP 1.  
24  
25



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

6 5. The operator keeps wild game and wild game products separate from all other  
7 meat and meat food products in the meat establishment.

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

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

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

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

- 21 1. Slaughter food animals to produce meat or meat food products for sale.  
22 2. Process meat or meat food products for sale.

- 11 3. Custom slaughter food animals, or custom process meat or meat food products.  
12 4. Custom process wild game, as provided in sub. (11).

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

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

19 **NOTE:** Sub. (11)(b)4. prohibits simultaneous processing of wild game and food  
20 animals.

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

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

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

**ATCP 55.04 Slaughter inspection; general. (1) SLAUGHTER INSPECTION**

**REQUIRED.** (a) Except as provided in par. (b) or (c), no person may sell any meat from  
any food animal for human consumption unless the department or the United States

1 department of agriculture has conducted a slaughter inspection of that food animal. The  
2 slaughter inspection shall include an ante mortem inspection of the live food animal, and  
3 a post mortem inspection of the food animal carcass.

4 **NOTE:** Slaughter inspection is not required for custom slaughtered animals,  
5 because there is no *sale* of meat. Federal law prohibits the *interstate* sale  
6 of meat from animals slaughtered under state (rather than federal)  
7 inspection. But this federal prohibition does not apply to meat from farm-  
8 raised deer, captive game animals or captive game birds.

9  
10 (b) Paragraph (a) does not apply to a person selling meat from a captive game  
11 animal or captive game bird if neither the department nor the United States department of  
12 agriculture has established ante mortem or post mortem inspection procedures for that  
13 type of captive game animal or captive game bird.

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

17  
18 (c) Paragraph (a) does not apply to a person selling meat from not more than  
19 1,000 poultry per year, provided that all the following apply:

- 20 1. The person produces all of those poultry on his or her farm.
- 21 2. The person slaughters, processes and sells the poultry at the farm where they  
22 are produced, or has them slaughtered and processed at a licensed meat establishment.
- 23 3. The person clearly and conspicuously labels each package or container of  
24 poultry meat with the person's name and address and the words "**NOT INSPECTED.**"

25 **NOTE:** See s. 97.42(11), Stats.

26  
27 **(2) SLAUGHTER INSPECTION PROVIDED TO LICENSED MEAT ESTABLISHMENTS. (a)**

28 The department shall provide ante mortem and post mortem slaughter inspection services

1 to operators of meat establishments licensed under s. ATCP 55.03. The department may  
2 not provide slaughter inspection services to other persons.

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

9 (3) SLAUGHTER INSPECTION SITE. (a) The department may not perform a  
10 slaughter inspection at any place other than a meat establishment licensed under s. ATCP  
11 55.03, except that the department may agree to perform field ante mortem inspections on  
12 any of the following:

13 1. Apparently healthy farm-raised deer or captive game animals that cannot be  
14 safely or humanely transported to a licensed meat establishment for ante mortem  
15 inspection.

16 2. Apparently healthy domesticated food animals, if special circumstances  
17 prevent the transportation of those animals to a licensed meat establishment for ante  
18 mortem inspection.

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

21 (c) If an animal passes a field ante mortem inspection under par. (a), the operator  
22 of a meat establishment licensed under s. ATCP 55.03 may stun and bleed the animal in



1 the field. The operator shall bleed the animal immediately after stunning, and shall  
2 immediately transport the carcass to the meat establishment for skinning, post mortem  
3 inspection and processing. The operator shall transport the carcass in compliance with s.  
4 ATCP 55.11. The inspector shall identify the carcass and monitor the carcass shipment,  
5 as necessary, to ensure compliance with this paragraph.

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

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

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

13 1. Days or times not included in the normal slaughter schedule under sub. (2).

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

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

16 4. Saturday or Sunday.

17 5. The holidays of New Year's Eve, New Year's Day, Memorial Day,

18 Independence Day, Labor Day, Thanksgiving Day, Christmas Eve or Christmas Day. If

19 any of these holidays falls on Sunday, the following Monday is considered the holiday.

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

21 **(5) SLAUGHTER INSPECTION CHARGES; AMOUNT.** (a) If sub. (4) requires a meat

22 establishment operator to pay for slaughter inspection services, the department shall bill

1 and the operator shall pay uniform hourly charges for those services. The department  
2 shall establish uniform hourly charges based on the department's statewide average cost  
3 to provide inspection services. The department may establish higher hourly charges for  
4 inspections that must be provided by veterinarians.

5 **NOTE:** A veterinarian must inspect animals that cannot stand or walk, and  
6 animals found to be suspect on ante mortem examination. See ss. ATCP  
7 55.07(8) and 55.05(2).  
8

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

13 **(6) SLAUGHTER INSPECTION PROCEDURES.** Slaughter inspection procedures shall  
14 comply with this chapter, including ss. ATCP 55.05 to 55.07.

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

19 **(8) WITHDRAWING SLAUGHTER INSPECTION.** The department may withdraw  
20 slaughter inspection for cause, including violations of this chapter. No person may  
21 conduct slaughter operations for which department inspection is required under this  
22 chapter while those services are withdrawn.

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

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

8           (3) ANIMALS THAT CANNOT STAND OR WALK. If the department performs an ante  
9 mortem inspection on an animal that cannot stand or walk, a department veterinarian shall  
10 perform the inspection. The department veterinarian may order the animal held for up to  
11 24 hours for further observation. If the animal has been treated with drugs for which the  
12 prescribed withdrawal time has not elapsed, the department veterinarian shall condemn  
13 the animal or order the animal held until the withdrawal time elapses.

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

20           (5) TREATABLE ANIMALS. If a department veterinarian performing an ante  
21 mortem inspection finds that a food animal is affected by a treatable disease or condition,  
22 the veterinarian may order the animal withheld from slaughter pending specified

1 treatment. A food animal held for treatment may not be slaughtered for human  
2 consumption until a department veterinarian performs another ante mortem inspection  
3 after the animal is treated. A diseased animal may not be held for treatment in a manner  
4 that threatens the health of other animals.

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

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

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

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

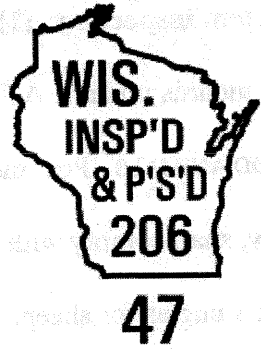
16 **(4) CAPTIVE GAME ANIMALS. (a)** The department may specify post mortem  
17 inspection procedures for captive game animals. Post mortem inspections of captive  
18 game animals shall comply with 9 CFR 310, as applicable. Post mortem inspection  
19 procedures for bison shall be the same as for cattle.

20 **(5) SLAUGHTER INSPECTION MARKS. (a)** The department shall apply official  
21 inspection marks to each carcass that the department finds, after post mortem inspection,  
22 to be wholesome and fit for human food. The department shall mark each primal part of

1 the carcass, each detached organ and each detached part that the department finds to be  
2 wholesome and fit for use as human food.

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

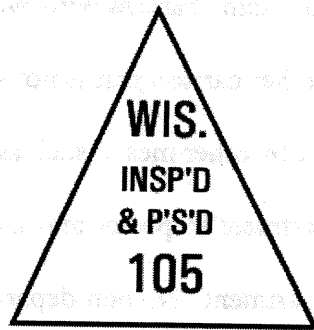
8 **NOTE:** The following is an illustration of the official inspection mark under  
9 par. (b):



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

15 **NOTE:** The following is an illustration of the official inspection mark under  
16 par. (c):

17  
18  
19



1

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

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

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

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

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

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

17 **ATCP 55.07 Slaughter and processing standards; general. (1) SLAUGHTER**  
18 **AND PROCESSING STANDARDS; DOMESTICATED FOOD ANIMALS. (a) A meat establishment**  
19 **operator who does any of the following shall comply with applicable federal standards**  
20 **under 9 CFR parts 307 to 311, 313 to 315, 317, 319, 416 and 417:**

21 1. Slaughters domesticated food animals, other than poultry, for human  
22 consumption.

1 2. Processes the meat of domesticated food animals, other than poultry, for  
2 human consumption.

3 (b) Paragraph (a) does not apply to mobile custom slaughter or mobile custom  
4 processing.

5 **NOTE:** See s. 97.42(4m), Stats.

6 (2) SLAUGHTER AND PROCESSING STANDARDS; POULTRY AND CAPTIVE GAME  
7 BIRDS. (a) A meat establishment operator who does any of the following shall comply  
8 with applicable requirements under 9 CFR 416 and 417, and subparts G, H, I, J, K, L, O  
9 and P of 9 CFR 381:

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

11 2. Processes the meat of poultry or captive game birds for human consumption.

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

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

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

17 2. The person slaughters, processes and sells the poultry at the farm where they  
18 are produced.

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

21 **NOTE:** See ss. 97.42(4m) and 97.42(11), Stats.

22 (3) SLAUGHTER AND PROCESSING STANDARDS; RATITES. (a) A meat



1 establishment operator who does any of the following shall comply with applicable  
2 requirements under 9 CFR parts 307 to 311, 313 to 315, 317, 319, 416 and 417:

3 1. Slaughters ratites for human consumption.

4 2. Processes the meat of ratites for human consumption.

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

7 **NOTE:** See s. 97.42(4m), Stats.

8 **(4) SLAUGHTER AND PROCESSING STANDARDS; CAPTIVE GAME ANIMALS.** (a) A  
9 person slaughtering a captive game animal for human consumption shall do so in a  
10 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  
12 department. The procedures shall be consistent with procedures specified by the United  
13 States department of agriculture.

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

17 **(6) DISEASED OR INJURED ANIMALS; GENERAL.** No person may slaughter a food  
18 animal for human consumption, or submit a food animal for slaughter for human  
19 consumption, if the person knows or has reason to know that the animal is diseased or  
20 injured. This does not prohibit any of the following:

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

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

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

5 1. The animal is not diseased.

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

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

13 1. The name and address of every person who has had custody of the animal  
14 within 30 days prior to the slaughter submission date.

15 2. The nature of each known or suspected disease or injury.

16 3. The date on which each injury occurred, if known.

17 4. The cause of each injury, if known.

18 5. The date on which the animal became incapable of standing or walking, if the  
19 animal is incapable of standing or walking.

20 6. All drugs administered to the animal as treatments or feed additives within 30  
21 days prior to the slaughter submission date, and the last date each drug was administered.

22 **NOTE:** The certification requirement under sub. (7) applies to inspected  
23 slaughters as well as uninspected custom slaughters.  
24

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

5           (a) An animal slaughtered at a meat establishment licensed under s. ATCP 55.03  
6 if all the following apply:

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

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

11           (b) An animal slaughtered at a meat establishment inspected by the United States  
12 department of agriculture under 21 USC 451 to 695.

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

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

17           1. The animal is not diseased.

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

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

22           **(9) CARCASSES AND MEAT RECEIVED FOR PROCESSING.** (a) A meat establishment  
23 operator shall examine all carcasses and meat received for processing at that meat  
24

1 establishment. The operator shall examine the carcasses and meat before receiving them  
2 into any processing or storage area.

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

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

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

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

16 1. The animal was not diseased.

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

20 **NOTE:** The department may retain or condemn unwholesome, adulterated or  
21 misbranded meat or meat food products, including those produced by  
22 custom slaughter or processing (see ATCP 55.14). If the department  
23 inspects a custom slaughter, the department will follow applicable  
24 inspection procedures under this chapter.  
25

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

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

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

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