

55.07

B

1 (13) RECORDS. (a) Except as provided in par. (b), a person who slaughters a
2 food animal for human consumption, or who processes the meat of a food animal for
3 human consumption, shall make a record of that slaughter or processing. The record shall
4 include all the following:

- 5 1. The date and time of slaughter or processing. *on that day? (5)*
- 6 2. The number and type of animals slaughtered, and the disposition of the
7 carcasses. *?*
- 8 3. The type and amount of meat processed, and the disposition of that meat.
- 9 4. Any certificates required under sub. (7). *also notified (4)*
- 10 5. Other relevant information required by the department. *not*

11 (b) Paragraph (a) does not require a meat establishment operator to duplicate
12 slaughter records kept by the department's inspector.

13 (c) A person required to make a record under par. (a) shall keep that record for at
14 least 3 years, and shall make the record available to the department for inspection and
15 copying upon request.

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

- 18 (a) Hold a current annual license if required under s. ATCP 55.03.
- 19 (b) Hold a current annual registration certificate if required under s. ATCP
20 55.09(2).
- 21 (c) Comply with applicable requirements under s. ATCP 55.07.
- 22 (d) Mark or label all the resulting meat and meat food products "NOT FOR

1 **SALE,”** as provided in sub. (2). A person providing a custom slaughter or custom
2 processing service shall keep the service recipient’s meat and meat food products separate
3 from all other food that the service provider holds for others or offers for sale. The
4 person may not sell any of the service recipient’s meat or meat food products, or
5 commingle them with any food that the person holds for others or sells.

6 **NOTE:** For example, a person providing custom slaughter or custom processing
7 services may not combine saved carcass parts, such as head meat, tongues,
8 hearts, fat or trimmings, with meat or meat food products processed for
9 other service recipients or purchasers.

10
11 (e) Return all of the resulting meat and meat food products to the service
12 recipient. The service recipient may use them only for the service recipient’s personal
13 consumption, which may include consumption by the service recipient’s immediate
14 family, immediate household and nonpaying guests.

15 (f) Comply with s. ATCP 55.09 if the person engages in mobile custom slaughter
16 or mobile custom processing.

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

18 (h) Keep complete and accurate records of all custom slaughter and processing
19 transactions. The service provider shall keep the records for at least 3 years, and shall
20 make the records available to the department for inspection and copying upon request.

21 **(2) MARKING OR LABELING MEAT.** (a) A person providing a custom slaughter or
22 custom processing service shall mark or label the resulting meat and meat food products
23 with all the following information:

24 1. The words “**NOT FOR SALE**” in block letters at least 3/8 inch high.

25 2. The name or commonly recognized trade name of the person providing the

1 (3) CUSTOM SLAUGHTER AND PROCESSING SCHEDULE. (a) Except as provided in
2 par. (b), a meat establishment operator may not engage in custom slaughter or custom
3 processing operations at a meat establishment while the operator is simultaneously doing
4 any of the following at that establishment:

- 5 1. Slaughtering food animals for sale.
- 6 2. Processing the meat of food animals for sale.

7 (b) Paragraph (a) does not apply to any of the following:

- 8 1. A department-inspected custom slaughter, or the custom processing of meat
9 from a department-inspected custom slaughter.
- 10 2. Simultaneous operations conducted in separate rooms or areas, if approved by
11 the department. The department may approve simultaneous operations that are adequately
12 separated and controlled to prevent cross-contamination or commingling of meat from the
13 separated operations.

14 **ATCP 55.09 Mobile custom slaughter and processing. (1) GENERAL.** A
15 person engaged in mobile custom slaughter or mobile custom processing shall comply
16 with s. ATCP 55.08 and this section.

17 (2) ANNUAL REGISTRATION CERTIFICATE. (a) No person may receive any
18 compensation, other than bartered services, for providing mobile custom slaughter or
19 mobile custom processing services unless that person holds a current annual registration
20 certificate from the department. No registration certificate is required if the person holds
21 a meat establishment license under s. ATCP 55.03.

22 (b) A registration certificate under par. (a) expires on June 30 annually.

55.08(2)

1 custom slaughter or custom processing service. If the person performs the service at a
2 meat establishment licensed under s. ATCP 55.03, the person may use the meat
3 establishment number assigned under s. ATCP 55.03(10) instead of the person's name. If
4 the person provides the service as a mobile custom slaughter or mobile custom processing
5 service, the person may use the registration number assigned under s. ATCP 55.09(2)(g)
6 instead of the person's name.

7 **NOTE:** The following examples illustrate possible label formats under par. (a):

8	NOT FOR SALE	NOT FOR SALE
9	XYZ Market	WIS 000
10		

11 (b) A person holding a license under s. ATCP 55.03 or a registration certificate

12 under s. ATCP 55.09(2) shall submit, for department approval, a prototype of every mark
13 or label ^{to be} used under par. (a). *meat estab.*
Don't use until approved?

14 (c) A person providing a custom slaughter service shall mark the carcass of each
15 custom slaughtered animal with the information required under par. (a). The person shall
16 mark each side, quarter, detached organ and other part of the carcass. The person shall
17 mark the carcass immediately after slaughter, before the carcass leaves the slaughter site.

18 (d) A person providing a custom processing service shall apply the label under
19 par. (a) to all packages and containers of custom processed meat and meat food products
20 when that meat or those meat food products are packaged or placed in those containers.
21 The person shall individually label sausages that have a diameter of more than
22 1-1/2 inches if those sausages are individually packaged, or if they are shipped or stored
23 in unsealed containers.

X (5)

1 (c) A person shall apply for a registration certificate under par. (a) on a form
2 provided by the department. No fee is required. The application shall include all the
3 following:

4 1. The applicant's correct legal name, and any trade name under which the
5 applicant does business.

6 2. The applicant's business address.

7 3. The applicant's social security number if the applicant is an individual.

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

9 4. Other relevant information required by the department.

10 (d) The department shall grant or deny an application under par. (c) within 30
11 days after the department receives a complete application.

12 (e) The department may deny, suspend or revoke a registration certificate under
13 par. (a) for cause, as provided in s. 93.06(7), Stats. Cause may include a violation of this
14 chapter.

15 *NOTE:* The procedure for suspending or revoking a registration certificate, or for
16 contesting the denial of a registration certificate, is set forth in
17 ch. ATCP 1.

18 (f) The department may issue a registration certificate under par. (a) subject to
19 conditions, or may impose conditions on an existing registration certificate, as provided
20 in s. 93.06(8), Stats.

21 *NOTE:* The procedure for imposing conditions on an existing registration
22 certificate, or for contesting conditions imposed by the department, is set
23 forth in ch. ATCP 1.

24 (g) The department shall assign, to each person holding a registration certificate
25
26

1 under par. (a), a registration number that uniquely identifies that person.

2 (3) FACILITIES AND SANITATION. (a) Mobile custom slaughter and mobile
3 custom processing operations shall be conducted under clean and sanitary conditions.

4 (b) Vehicles and facilities used in mobile custom slaughter and mobile custom
5 processing operations shall be designed and constructed so they can be kept clean and
6 sanitary.

7 (c) Facilities shall be available, at every mobile custom slaughter and mobile
8 custom processing site, to clean and sanitize equipment and utensils.

9 (4) EQUIPMENT AND UTENSILS. Equipment and utensils used in mobile custom
10 slaughter and mobile custom processing operations shall be of sanitary design and
11 construction, and shall be kept clean and sanitary. Meat contact surfaces of equipment
12 and utensils shall be cleaned and sanitized after each use, and more frequently as
13 necessary, to keep them clean and sanitary.

14 (5) PERSONNEL. Personnel engaged in mobile custom slaughter or mobile custom
15 processing operations shall wear clean and washable outer clothing, and shall wash and
16 rinse their hands sufficiently during the operations to prevent contamination of carcasses,
17 meat and meat food products.

18 (6) WATER SUPPLY. Potable water shall be available for all mobile custom
19 slaughter and mobile custom processing operations. There shall be enough water for
20 thorough cleaning of all carcasses, equipment and utensils. Water shall be available
21 during all slaughtering, processing and cleanup operations.

22 (7) CARCASS TRANSPORTED TO MEAT ESTABLISHMENT FOR CUSTOM PROCESSING.

1 (a) A person performing a mobile custom slaughter service shall return the resulting meat
2 to the service recipient at the slaughter site, except that the service provider may transport
3 a carcass to a meat establishment licensed under s. ATCP 55.03 for custom processing.

4 The custom processor shall return the resulting meat to the service recipient.

5 **NOTE:** See s. ATCP 55.07(9).

6 (b) Carcasses transported under par. (a) shall be transported according to s. ATCP
7 55.11. Inedible slaughter products, if transported on the same vehicle with meat, shall be
8 transported in tightly covered waterproof containers or in separate waterproof
9 compartments to prevent spillage of inedible products and contamination of meat.

10 **(8) MOBILE CUSTOM SLAUGHTER; MONTHLY REPORT.** A person holding a
11 registration certificate under sub. (2) or a license under s. ATCP 55.03 shall file a report
12 with the department for each month in which that person performs any mobile custom
13 slaughter. The person shall file the report by the 10th day of the following month on a
14 form provided by the department. The report shall include all the following information:

15 (a) The name and address of each individual for whom the person provided
16 mobile custom slaughter services.

17 (b) The number and type of animals slaughtered for each service recipient.

18 (c) The date of each slaughter.

19 (d) The disposition of each carcass. The report shall indicate whether a carcass
20 was transported to another location for processing and, if so, the location to which it was
21 transported.

22 **ATCP 55.10 Meat labels and formulas. (1) GENERAL.** Meat and meat food

1 products sold in this state shall be labeled according to this chapter and ch. ATCP 90. No
2 person may sell any misbranded meat or meat food products, or make any false, deceptive
3 or misleading representation in connection with the sale of meat or meat food products.

4 **NOTE:** See ss. 97.03, 100.18 and 100.183, Stats. Chapter ATCP 90 (fair
5 packaging and labeling) contains general requirements for the packaging
6 and labeling of food and other consumer commodities.
7

8 **(2) MEAT LABELS; GENERAL.** No person may sell any meat or meat food product
9 unless that meat or meat food product is clearly labeled with all the following:

10 (a) The name of the meat or meat food product.

11 (b) The net weight of the meat or meat food product.

12 (c) The name and address of the person who last processed the meat, or the name
13 and address of the legally responsible distributor for whom the meat was last processed.

14 (d) An inspection legend if required under sub. (3) or 9 CFR 317.2.

15 (e) An ingredient statement if the product contains 2 or more ingredients. The
16 ingredient statement shall contain the word **"INGREDIENTS:"** followed by a listing of
17 ingredients in order of weight.

18 (f) Safe handling instructions if required under 9 CFR 317.2(l).

19 (g) One of the following statements if the meat or meat food product is being sold
20 at retail and is perishable:

21 1. "Perishable."

22 2. "Keep refrigerated."

23 3. "Keep under refrigeration."
24

25 4. "Keep frozen."
26

1 (3) INSPECTION LEGEND. (a) Except as provided in par. (b), a license holder
2 under s. ATCP 55.03 who processes meat or meat food products from meat inspected and
3 passed by the department shall label that processed meat and those processed meat food
4 products with a state inspection legend. The legend shall appear on all packages and
5 containers of processed meat and meat food products, so that it is clearly visible to
6 prospective purchasers.

7 (b) Paragraph (a) does not apply to meat and meat food products processed at a
8 retail establishment and sold only to individual consumers at that establishment.

9 (c) Except as provided in par. (d), the state inspection legend under par. (a) shall
10 consist of an outline map of Wisconsin enclosing the words “**WIS. DEPT. AGR.**
11 **INSPECTED**” and the meat establishment number assigned under s. ATCP 55.03(10).

12 **NOTE:** Federal law prohibits the sale, *in other states*, of state-inspected meat that
13 is required to bear the Wisconsin inspection under par. (c). The following
14 is an illustration of the Wisconsin inspection legend described in par. (c):



15 (d) The inspection legend under par. (a) shall consist of an equilateral triangle
16 enclosing the words “**WIS. DEPT. AGR. INSPECTED**” and the meat establishment
17 number assigned under s. ATCP 55.03(10) if all the following apply:

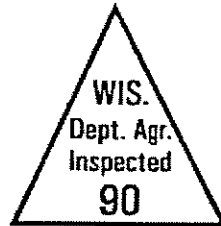
18 1. The meat or meat food product contains meat from farm-raised deer, captive
19 game animals or captive game birds.
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55.10

1 2. Meat from domesticated food animals and ratites constitutes less than 3% of
2 the product by weight.

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

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



10 (e) If space is limited, the word “INSPECTED” in the state inspection legend
11 under par. (c) or (d) may be abbreviated as “INSP'D.”

12 **(4) STANDARDS OF IDENTITY.** Labeling of meat and meat food products shall
13 comply with applicable standards of identity in 9 CFR 319. No person may misrepresent
14 the identity of any meat or meat food product.

15 **(5) FORMULA APPROVAL.** No person may manufacture any meat food product in
16 a meat establishment licensed under s. ATCP 55.03 unless the department first approves
17 the product formula for compliance with applicable labeling and food safety
18 requirements, including applicable standards of identity under sub. (4).

19 **(6) LABEL APPROVAL.** No person may sell any of the following meat or meat
20 food products unless the department first approves the labeling of that meat or those meat
21 food products:

1 (a) Meat or meat food products bearing labels that make health, quality or
2 nutritional claims.

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

5 (c) Meat or meat food products bearing labels that make claims related to
6 organizational membership or organizational standards.

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

9 (b) No person may misrepresent that the department has inspected meat, or
10 misrepresent the department's inspection findings related to meat.

11 (c) No person may misrepresent that any meat or meat food product has been
12 processed at a licensed meat establishment, or is derived from meat inspected and passed
13 by the department.

14 (d) No person may counterfeit or use without proper authority any inspection
15 mark, label or marking device under this subsection.

16 (e) No person may wrongfully alter or remove any mark or label applied under
17 this section.

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

20 **ATCP 55.11 Transporting meat. (1) GENERAL.** A person transporting meat
21 for human consumption shall do so in a manner that keeps the meat wholesome and
22 unadulterated. The internal temperature of refrigerated products may not exceed 40°F at

1 the time of delivery.

How about during (5) transport?

2 (2) VEHICLES AND FACILITIES. Vehicles and facilities used to transport meat and
3 meat food products shall be constructed and maintained to ensure that the meat and meat
4 food products arrive at their destination in a wholesome and unadulterated condition.
5 Vehicles and facilities shall be adequately equipped to ensure compliance with sub. (1).

6 (3) UNWRAPPED MEAT. Unwrapped meat and meat food products shall be
7 transported in enclosed vehicles equipped with tight fitting doors, and shall be protected
8 from contamination from the vehicle.

9 **ATCP 55.12 Meat brokers and meat distributors; registration.** (1) ANNUAL
10 REGISTRATION CERTIFICATE. No person may operate as a meat broker or meat distributor
11 without an annual registration certificate from the department, except that no registration
12 certificate is required for a meat broker or meat distributor who holds a current annual
13 meat establishment license under s. ATCP 55.03. A registration certificate expires on
14 June 30 annually. No fee is required.

15 (2) APPLYING FOR A REGISTRATION CERTIFICATE. To obtain a registration
16 certificate under sub. (1), a person shall apply on a form provided by the department. The
17 application shall include all the following:

18 (a) The applicant's correct legal name, and any trade name under which the
19 applicant does business.

20 (b) The applicant's business address.

21 (c) The applicant's social security number if the applicant is an individual.

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

1 (d) Other relevant information required by the department.

2 (3) ACTION ON APPLICATION. The department shall grant or deny an application
3 under sub. (2) within 30 days after the department receives a complete application.

4 (4) DENYING, SUSPENDING OR REVOKING A REGISTRATION CERTIFICATE. The
5 department may deny, suspend or revoke a registration certificate under sub. (1) for
6 cause, as provided in s. 93.06(7), Stats. Cause may include a violation of this chapter.

7 **NOTE:** The procedure for suspending or revoking a registration certificate, or for
8 contesting the denial of a registration certificate, is set forth in
9 ch. ATCP 1.

10
11 (5) CONDITIONAL REGISTRATION CERTIFICATE. The department may issue a
12 registration certificate under sub. (1) subject to conditions, or may impose conditions on
13 an existing registration certificate, as provided in s. 93.06(8), Stats.

14 **NOTE:** The procedure for imposing conditions on an existing registration
15 certificate, or for contesting conditions imposed by the department, is set
16 forth in ch. ATCP 1.

17
18 **ATCP 55.13 Prohibited practices.** No person may do any of the following:

19 (1) Process or sell, for human consumption, any unwholesome, adulterated or
20 misbranded meat.

21 (2) Slaughter any food animal, for human consumption, under unsanitary
22 conditions.

23 (3) Process, store, handle, transport or sell, under unsanitary conditions, meat or
24 meat food products for human consumption.

25 (4) Slaughter any food animal for human consumption, or process any meat or
26 meat food products for human consumption, at a place other than a meat establishment

1 licensed under s. ATCP 55.03. This prohibition does not apply to slaughter or processing
2 operations that are exempted from licensing under s. ATCP 55.03(2).

3 (5) Make any false, deceptive or misleading statement, when submitting a food
4 animal for slaughter, related to any of the following:

5 (a) The ownership, identity, origin or health status of the animal.

6 (b) The administration of any drug to the animal.

7 (c) The intended use of meat from the animal.

8 (6) Obstruct a department employee performing his or her duties. Obstruction
9 includes any of the following:

10 (a) Physical interference.

11 (b) Verbal or physical assault or abuse.

12 (c) Threatening behavior or communications.

13 (d) Refusal to carry out legitimate directives.

14 (e) Intentional acts that impede the full, effective and efficient performance of the
15 employee's duties.

16 *NOTE:* See s. 97.42(8), Stats.

17 (7) No person may wrongfully alter, deface or remove any department tag or
18 mark applied under this chapter.

19 (8) No person may wrongfully alter, deface or remove any label or inspection
20 legend required under s. ATCP 55.10.

21 **ATCP 55.14 Enforcement. (1) INVESTIGATIONS.** The department may conduct
22 inspections and other investigations to determine compliance with this chapter and ch. 97,

1 Stats. The department may exercise its authority under chs. 93 and 97, Stats., in support
2 of its inspections and investigations.

3 **NOTE:** The department may inspect meat slaughter, processing, sale and
4 distribution facilities and practices, regardless of whether those practices
5 occur at meat establishments licensed under s. ATCP 55.03. The
6 department will provide ante mortem and post mortem slaughter
7 inspection only for persons licensed under s. ATCP 55.03.
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9 (2) MEAT HOLDING ORDER. (a) The department may issue a holding order to
10 prohibit the sale or movement of any meat or meat food product if the department has
11 reasonable grounds to suspect that the meat or meat food product is unwholesome,
12 adulterated or misbranded. The department may issue a holding order pending further
13 examination or analysis to determine whether the meat or meat food product is
14 unwholesome, adulterated or misbranded.

15 (b) The department shall serve a holding order by delivering a copy to the owner
16 or custodian of the meat or meat food products, or by placing a copy in a conspicuous
17 place on or near the meat or meat food products. A "WIS. RETAINED" tag applied
18 under s. ATCP 55.06(5)(f) has the effect of a holding order served under this subsection.

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

23 (d) No person may sell, move or alter any meat or meat food product under
24 holding order, except with the department's permission. The department may authorize
25 the owner or custodian to take appropriate corrective action.

1 (e) The department may release a holding order if the department finds that the
2 suspect meat or meat food product is not unwholesome, adulterated or misbranded, or
3 that the violation has been corrected.

4 (3) MEAT CONDEMNATION ORDER. (a) If the department finds that meat or a meat
5 food product is unwholesome, adulterated or misbranded, the department may order the
6 owner or custodian to do any of the following:

7 1. Correct the violation within a reasonable time period specified by the
8 department.

9 2. Dispose of the meat or meat food product, in a manner specified by the
10 department. The department may order disposal if a violation cannot be corrected, or if
11 the owner or custodian fails to correct within the time specified under subd. 1.

12 (b) The department shall serve an order under par. (a) by delivering a copy to the
13 owner or custodian of the meat or meat food products, or placing a copy in a conspicuous
14 place on or near the meat or meat food products. An order takes effect when served. A
15 "WIS. INSP'D and CONDEMNED" mark applied under s. ATCP 55.06(5)(e) has the
16 effect of a disposal order served under this subsection. *subs. doesn't refer to "disposal order"* (2)

17 (c) No person may sell, move or alter any meat or meat food product covered by
18 the department's order except as directed by this chapter or by the department.

19 (4) ORDER TO CORRECT VIOLATION. The department may order a person to
20 correct a violation of this chapter or ch. 97, Stats. The department may specify a deadline
21 for correcting the violation.

22 (5) REJECTED FACILITIES, EQUIPMENT OR UTENSILS. The department may issue an

1 order prohibiting the use of unsanitary facilities, equipment or utensils that may
2 contaminate meat or meat food products. The department may issue an order under this
3 subsection by applying a "REJECTED" tag to the facilities, equipment or utensils. A
4 person may not use the equipment or utensils until the violation is corrected and the
5 department withdraws its order.

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

8 **NOTE:** The department may deny, suspend or revoke a license or permit for
9 violations of this chapter. The department may also pursue court
10 enforcement under ss. 97.72 and 97.73, Stats., and other applicable law.
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12 **ATCP 55.15 Appeals.** (a) A person directly affected by any of the following
13 department actions under this chapter may ask the department to reconsider that action:

- 14 1. The denial of any application for a license or registration certificate.
- 15 2. Ante mortem or post mortem inspection findings affecting the disposition of
16 animals, carcasses or meat.
- 17 3. Any order issued under s. ATCP 55.14.
- 18 4. Decisions denying, limiting or withdrawing slaughter inspection services.
- 19 5. Slaughter inspection billings.

20 (b) Whenever the department receives a request for reconsideration under par. (a),
21 the department shall schedule a prompt informal conference with the requester. If the
22 matter concerns an ante mortem or post mortem inspection finding by an inspector who is
23 not a veterinarian, the department may have a veterinarian review the inspector's
24 findings.

1 (c) If a requester's dispute is not resolved by informal action under par. (b), a
2 requester may request a contested case hearing under ch. 227, Stats., and ch. ATCP 1.

3 (d) A request for reconsideration or hearing does not automatically stay a
4 department action under this chapter. *Does it ever?*

5 (e) This section does not limit a person's rights under ch. 227, Stats., or other
6 applicable law.

7 **SECTION 2.** Chapter ATCP 56 is repealed. *— Done*

8 **EFFECTIVE DATE.** The rules contained in this order shall take effect on the first
9 day of the month following publication in the Wisconsin administrative register, as
10 provided under s. 227.22(2)(intro.), Stats.

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Dated this _____ day of _____, 2001.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
James E. Harsdorf
Secretary

APR 17 2001

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

NOTICE OF HEARING

RULES RELATED TO MEAT AND MEAT FOOD PRODUCTS

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on proposed rules to repeal ch. ATCP 56, and to repeal and recreate ch. ATCP 55, relating to meat and meat food products. The department will hold three hearings at the time and places shown below. The department invites the public to attend the hearings and comment on the proposed rules. Following the public hearing, the hearing record will remain open until July 6, 2001, for additional written comments.

You may obtain a free copy of this rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Safety, 2811 Agriculture Drive, P.O. Box 8911, Madison WI 53708, or by calling (608) 224-4726. Copies will also be available at the hearings.

Hearing impaired persons may request an interpreter for these hearing. Please make reservations for a hearing interpreter by **June 12, 2001**, by writing to Carol Winner, Division of Food Safety, P.O. Box 8911, Madison, WI 53708-8911, telephone (608) 224-4726. Alternatively, you may contact the Department TDD at (608) 224-5058. Handicap access is available at the hearings.

Hearings are scheduled at:

Tuesday June 19, 2001, 10:00 a.m. until 2:30 p.m.
Green Bay State Office Building
200 North Jefferson Street
Room 152-A
Green Bay, WI 54301
Handicapped accessible

Wednesday, June 20, 2001, 10:00 a.m. until 2:30 p.m.
WDATCP Regional Office
3610 Oakwood Hills Parkway
Eau Claire, WI 54701-7754
Handicapped accessible

Friday, June 22, 2001, 10:00 a.m. until 2:30 p.m.
Wisconsin Department of Agriculture, Trade and Consumer Protection
Board Room
2811 Agriculture Drive
Madison, WI 53718
Handicapped accessible

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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.

COPY

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 an *equilateral 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, an equilateral 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(I).
- 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 40° 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.

Fiscal Estimate

This proposed rule change merges two existing rules and incorporates changes made in s. 97 Wis. Stats. by 1999 Assembly Bill 133 which incorporated several sections of 9 CFR, the USDA Meat and Poultry Inspection rules and requirements. These changes include the following: eliminate prior approval for most labels, retain prior approval for formulas, include requirements for SSOP and HACCP, incorporate existing policies on game birds and animals as well as ratites, and eliminate language made redundant or conflicting with language adopted from 9 CFR into s. 97, Stats.

The department anticipates no adverse financial impact on either the department or the regulated industry since the requirements for HACCP plans, SSOPs, and the associated records have already been implemented since January 2000, by the change to s. 97, Stats. There should be no additional costs incurred by this proposed rule merger, since it only reflects and clarifies the situation that exists and will require only the one-time costs associated with the rulemaking of approximately \$1000, consisting of printing, mailing and costs associated with holding hearings.

Initial Regulatory Flexibility Analysis

This rule will not, by itself, have a major impact on small business. This rule merely implements state and federal law changes that have already been enacted. This rule also recodifies existing requirements, so they will be easier to read and understand. DATCP currently licenses, registers, and inspects about 500 meat and poultry establishments, mobile slaughterers, mobile processors and meat distributors. The establishments range from very small one and two-person operations to multi-product operations that manufacture and wholesale substantial amounts of meat and poultry products.

This rule incorporates current federal requirements under 9 CFR sections 307 to 311, 313 to 315, 317 to 319, 416, 417, and 381 subparts G, H, I, K, L, O and P. This is required by s.97.42 (4m), Wis. Stats. and federal law, so that Wisconsin's meat inspection program will be "equal-to" the federal program.

These federal requirements will have negligible impact at this time because most have already been implemented in Wisconsin meat establishments. This rule does not require any additional plans, procedures or records.

This rule does all the following:

- Incorporates federal rules requiring hazard analysis and critical control point (HACCP) plans and pathogen testing at meat establishments.
- Updates current rules and eliminates obsolete rules.
- Eliminates the need for prior approval of most meat labels.
- Continues to require prior approval of meat product formulations.
- Clarifies the requirements for the slaughter and processing of ratites, captive game birds and captive game animals.

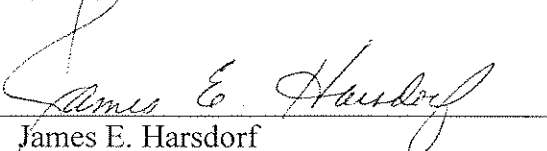
These federal requirements have already been implemented in Wisconsin, and this rule imposes no additional testing or recordkeeping requirements. The department has already provided training to Wisconsin meat establishments to help them implement the new federal requirements that are incorporated, by reference, in this rule.

This rule will have a negligible impact on small business. It should not be necessary for licensed establishments to retain the services of a HACCP consultant, a bookkeeper or an attorney to comply with this rule.

Dated this 12 day of April, 2001

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By:


James E. Harsdorf
Secretary

**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.

**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(1).
- 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: