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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-097

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. The analysis to the rule should explain why the Wisconsin AA Fresh Fancy Quality Program, currently set forth in s. ATCP 88.04, is not included in ch. ATCP 88, as recreated by the rule-making order.

b. In s. ATCP 88.02 (1) (a) and (b), it is not necessary to include the notation “Wis. Adm. Code.”

c. In s. ATCP 88.08 (1) (a) 2., if the acronym “USDA” is not defined elsewhere in the rules of the department, the full name of the federal agency should be set forth. Also, in sub. (1) (a) 3., the notation “s.” should be replaced by the notation “ss.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Current s. ATCP 88.06 (1) (a) requires that buildings used in the grading, packaging and selling or distribution of eggs be of sound construction to prevent the entrance or harboring of vermin. Proposed s. ATCP 88.02 (2) (f) prohibits dogs, cats and other domestic animals from being present in such buildings but does not discuss vermin. Should the requirement in the current rule be incorporated into the new rule?

b. Should s. ATCP 88.02 (3), which sets forth refrigeration requirements for egg storage facilities, specify how soon after being laid an egg must be stored? For example, see current s. ATCP 88.04 (2) (c).

c. Section ATCP 88.02 (4) (a) states that cleaning and sanitation compounds shall be approved by the department. This provision should be rewritten to make clear whether each individual egg processor must receive written approval from the department prior to utilizing a cleaning or sanitizing compound or whether it simply requires egg processors to utilize only those cleaning and sanitizing compounds which are included in the list referred to in the Note following the rule. If the former is the case, the rule should set forth a procedure for obtaining approval. The same comment applies to sub. (5).

d. The rule should specify the penalties which apply to violations of the various provisions of the rule. A cross-reference to s. 93.21, Stats., in the text of the rule or in a note may suffice.

e. Should s. ATCP 88.06 (4) require inedible eggs to be disposed of as provided under the federal act, as is provided by current s. ATCP 88.03 (4)?

f. In s. ATCP 88.08 (2) (a) 7., should the last sentence include the phrase “and the first 3 letters of the month and calendar date”? The phrase is included in a similar provision contained in s. ATCP 88.08 (1) (e).