



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 14-073

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the analysis of the proposed rule, the department should include additional information regarding its use of material incorporated by reference, particularly as it relates to the consent of the Attorney General as prescribed under s. 227.21, Stats. [s. 2.08, Manual.]

b. Throughout the proposed rule, subchapter titles should be revised to conform to the style prescribed in s. 1.05 (2) (a) of the Manual.

c. The definition of “bulk tank unit” contains numerous substantive provisions, which should not be included in a definition. [See s. 1.01 (7) (b), Manual.] The definition should simply tell the reader what the term means (one or more dairy farms treated as a unit for purposes of determining compliance with sanitation requirements). The requirements that each farm in a unit hold a grade A permit, that the milk weigher and sampler be licensed, and that a dairy farm be part of only one bulk tank unit should all be placed in substantive provisions of the rule. The same comment applies to several other definitions, such as the definitions of “bulk milk weigher and sampler”, “C-I-P”, “composite sample”, “grade B milk”, “milk component test”, and “milk quality test.”

d. It appears that some terms defined in s. ATCP 65.01 do not need defining. For example, the meaning of “pasteurize” is well known, and readily learned from a dictionary; the definition in the rule adds nothing that is not addressed in subsequent substantive provisions of the rule. Also, the definition of “safe temperatures” is entirely substance, which should be moved to substantive provisions of the rule.

e. Since “department” is defined, the definition of “division” should simply be “the division of food safety of the department”.

f. The term “mobile bulk container” is used four times in the definition of “bulk milk tanker”. Since it is not, itself, a defined term, the words “mobile bulk” can be dropped after the first use of the term. In addition, the second sentence in that definition should read: “Bulk milk container’ includes a container that is...”.

g. In the definition of “procure milk”, presumably, “this part” should be “this chapter”.

h. The definition of “standard of identity” should either be expanded or accompanied by a note to indicate where the standards of identity adopted or incorporated by reference can be found.

i. As drafted, s. ATCP 65.02 (8) (h) does not follow grammatically from s. ATCP 65.02 (8) (intro.). [However, see the comment in section 5. e., below, regarding the structure of that subsection.]

j. Section ATCP 65.02 (12) (b) and (c) does not follow grammatically from the introduction of that subsection. The following revisions are suggested:

- (1) First, the sixth sentence of s. ATCP 65.02 (11), which sets up this subsection, should be revised to read: “Except as provided in sub. (12), no more than one milk producer at a dairy farm may hold a grade A producer permit.”.
- (2) Section ATCP 65.02 (12) (intro.) and (a) should be combined to read: “More than one milk producer at a farm may hold grade A producer permits if each milk producer at the farm holding a grade A permit ships milk to the same dairy plant.”. The second sentence of par. (a), as drafted, should be omitted or moved to a note.
- (3) Section ATCP 65.02 (12) (c) should be revised to specifically apply to cases where more than one producer at a farm holds a grade A permit and rewritten in the active voice, with appropriate cross-references, to clarify what inspections, conducted by whom, are referred to.

k. The second sentence of s. ATCP 65.02 (14) should be moved to the following subsection and expanded to state that the Department shall deny an application if it determines, based on the application or an inspection under sub. (14), that the farm does not meet the standards.

l. The second sentence of s. ATCP 65.02 (16) (a) should be moved to a note and explained more explicitly.

m. Consider combining the re-inspection fee requirement and fee amounts given in s. ATCP 65.02 (19) and (20) into one subsection. If combined, the various references in the proposed rule to the “re-inspection fee under s. ATCP 65.02 (19)” would not need to be corrected to include a reference to the fee under sub. (20) (b).

n. The second sentence of s. ATCP 65.06 (6) should be moved to another part of the rule or omitted; how non-milking livestock are housed is irrelevant to this provision, so long as they are excluded from milking parlors. The following sentence likewise is not needed, as it is addressed in the following subsection.

o. The note following s. ATCP 65.06 (7) is a substantive requirement that belongs in the rule text. The same is true of the note following s. ATCP 65.16 (1), and the second sentence of the note following s. ATCP 65.24 (4) (a). Throughout the proposed rule, the department should review notes to ensure they do not contain substantive requirements otherwise absent from the rule text. [s. 1.09, Manual.]

p. Section ATCP 65.24 (9) (b) should begin with the phrase: “Except as provided in par. (c)”.

q. In s. ATCP 65.72 (11) (b), the notation “Drug Action Level (ppb)” should be deleted and each drug and drug action level should be numbered as a separate subdivision in the following format:

1. Ampicillin: 10 ppb.
2. Amoxicillin: 10 ppb.
3. etc.

Note that numbering each entry will facilitate future amendments to this list.

r. The note following s. ATCP 65.72 (13) is largely substantive, and should be incorporated into that subsection.

s. The note following s. ATCP 65.74 (5) should be moved to follow s. ATCP 65.74 (4).

t. In the title for the Inspection and Enforcement subchapter of ch. ATCP 65, the subchapter number should be corrected from “V” to “VI”.

u. In s. ATCP 65.910 (1) (title), the word “OPERATOR” should be inserted after the word “PLANT”, in order to use the full term as defined in s. ATCP 65.01 (13) of the proposed rule.

v. In s. ATCP 65.912 (2) (a) and (b), the word “milk” should be inserted before both instances of the word “producer’s”, in order to use the full term as defined in s. ATCP 65.01 (38).

w. In ss. ATCP 65.920, 65.921, and 65.926, consider removing the phrase “for cause”, as that phrase is not used in s. 93.06 (7), Stats. Also, in ss. ATCP 65.920 and 65.921, consider moving the standards for suspension or revocation from the Notes to the body of the rule, in the same manner as in s. ATCP 65.926.

x. In s. ATCP 65.920 (2) (a) (Note), consider moving the standards for summary suspension from the Note to the body of the rule. Also, it appears that item 3 of the Note should be removed, as a specific warning and suspension procedure is given in s. ATCP 65.923 when drug residues are present in the milk.

y. Consider combining ss. ATCP 65.921 and 65.924, in order to make the warning standards in s. 65.924 cohesive with the suspension standards and procedure in s. 65.921. Also, in s. ATCP 65.924:

- (1) In sub. (1), review the use of the word “key” and either remove the word or specify a standard for that term. Also, consider whether the apparent minimum of two violations for a warning should be revised, as the standard under s. ATCP 65.921 for a suspension appears to require only one violation.
- (2) In sub. (1), provide a timeframe for when the division representative must notify the dairy plant operator of the warning.
- (3) In sub. (2), remove the phrase “promptly notify the dairy plant operator, and”, and instead, in the sentence that requires a copy of the notice to be mailed or delivered, provide a timeframe for when the division representative must mail or deliver the suspension notice to the dairy plant operator.
- (4) In sub. (3), remove the phrase “it appears that”.

z. In ss. ATCP 65.922 (5) and 65.923 (2) (a), the statements about a suspension becoming effective after a suspension notice is mailed should be revised to state that a suspension is effective when served under s. ATCP 65.925 (6). That section allows notice to be served by mail, but also by personal delivery or by posting at the milkhouse. For an example of a reference to a suspension taking effect when served, see s. ATCP 65.924 (2) of the proposed rule.

aa. In ss. ATCP 65.922 (6) (c), 65.923 (2) (b) 3., and 65.924 (3) (b), consider the following items:

- (1) The phrase “to this effect” is unclear as to which provision of the subunit it applies. If it is intended that notice of the reinstatement process and its time limit is to be required, then the phrase “of the reinstatement process” should replace each instance of the phrase “to this effect”. Alternatively, if the notice is intended to be that once revoked, a permit or license may not be reinstated except upon the filing of a new application, then that statement should be made.
- (2) If notice of the reinstatement process is given “at the time of revocation”, then that notice is inadequate to give notice that a time limit applies to the reinstatement process. Also, the provisions of s. ATCP 65.925 do not require notice that a time limit applies to the reinstatement process. That notice should either be given in these subunits that address reinstatement, or should be given among the requirements in s. ATCP 65.925.
- (3) Each of these subunits specify that its provisions do not apply while a permit is being contested, but any treatment of the time limit is not explained. Is the time limit tolled during the pendency of a contested proceeding? If a suspension is upheld, does a count of the time limit resume only when all appeals have been exhausted?

bb. In s. ATCP 65.923 (2) (a), the phrase “or the drug residue prevention program implemented by the milk producer does not conform to [the “Milk and Dairy Beef Quality

Assurance Program”, or other specific citation],” should be inserted after the reference to “sub. (1) (b),”.

cc. In s. ATCP 65.923 (2) (b) 2., the phrase “and the milk producer has implemented a [qualified] drug residue prevention program in consultation with a licensed veterinarian,” should be inserted after the word “corrected,”.

dd. In s. ATCP 65.923 (3) (b), the phrase “effective date” should replace the phrase “first day”.

ee. In s. ATCP 65.926, consider adding provisions to require that the suspension or revocation must be made by order of the secretary or the secretary’s designee, and to require notice and an opportunity for a hearing under subch. III of ch. 227, Stats. For examples of those provisions, see ss. ATCP 65.920 and 65.921 of the proposed rule.

ff. In s. ATCP 65.928 (3), the word “an” should replace the phrase “a prompt”, as a specific timeline of 20 business days is given further in the paragraph.

gg. In s. ATCP 65.930 (1), the Note given after par. (c) should be moved to appear after par. (b).

hh. In s. ATCP 65.930 (c), the phrase “if the dairy plant meets or exceeds [a citation to a specific standard],” should be inserted before the phrase “the division shall”.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. ATCP 65.02 (8) (g), “this par e” should be replaced with “par. (e)”.

b. In s. ATCP 65.04 (14) (b), “s. ATCP 65.04 (1)” should be replaced with “sub. (1)”.

c. In s. ATCP 65.24 (8) (e), the references to par. (d) are inappropriate. Both pars. (d) and (e) relate to the use of recirculating water systems, but neither actually authorizes that use.

d. In s. ATCP 65.40 (1) (a), “sub. (a)-(d)” should be replaced with “pars. (b) to (e)”.

e. Section ATCP 65.70 (2) (e) (intro.) refers to “reporting purposes under sub. (3)”, although sub. (3) does not include any reporting requirements. Should this reference be to “this subsection”?

f. In s. ATCP 65.70 (4), references to “this section” should be replaced with “this subsection”. References to “sub. (4)” should also be replaced with “this subsection”. The rule should be reviewed, in general, for the correct use of internal references such as these.

g. Many of the cross-references in s. ATCP 65.72 appear to be incorrect:

(1) Subsection (3) (d) should refer to follow-up tests under sub. (4), not sub. (3).

(2) Subsection (3) (d) should refer to rejection of shipments under sub. (5), not sub. (6), and sub. (6) (a) should refer to rejection of shipments under sub. (5), not sub. (4).

(3) Presumably, sub. (6) (a) should refer to the results of follow-up tests under sub. (4), not to the results of tests under sub. (3). It appears that the same may be the case for subs. (7) (a) 2. and (9) (a) 2.

The Clearinghouse did not check all cross-references in the rule. The errors found in s. ATCP 65.72 suggest that the Department may be warranted to check all cross-references for accuracy.

h. In s. ATCP 65.72 (11) (c), “sub. 9” should be replaced with “sub. (9)”.

i. In s. ATCP 65.910 (1), a phrase should be inserted at the end of the first sentence to specify that the inspection shall be done “using the dairy farm standards under subch. II”. Likewise, in the second sentence, the word “applicable” should be removed, and a reference to “subch. II” should replace the reference to “this chapter”.

j. In s. ATCP 65.910 (2), the phrase “dairy farm” should replace the word “applicable”, and a reference to “subch. II” should replace the reference to “this chapter”.

k. In s. ATCP 65.912 (5) (a) (intro.), a reference to “to (4)” should replace the reference to “and (3)”.

l. In ss. ATCP 65.920 (1), 65.921, and 65.928 (4), insert a reference to “subch. III of” before each instance of a reference to “ch. 227”.

m. In s. ATCP 65.922 (3) and (4) (intro.), a reference to “sub. (1)” should replace both instances of the references to “subs. (1) and (2)”.

n. In s. ATCP 65.923 (2) (a), a reference to s. ATCP “65.925” should replace the reference to “65.921”.

o. In s. ATCP 65.923 (3) (b) and (c), is the procedure for the department’s suspension of a milk producer’s license to be the procedure given in s. ATCP 65.920? If so, that should be specified. If not, a specific procedure should be given.

p. In s. ATCP 65.925, a reference to “, 65.923 (2),” should be inserted after the reference to “65.922 (4)”.

q. In s. ATCP 65.928 (4), a reference to “sub. (1)” should replace the reference to “subs. (1) and (2)”.

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

a. The phrase “and meets the requirements of s. ATCP 82.01 (1),” in the definition of “bulk milk weigher and sampler,” does not make sense. The referenced provision is just a definition of “bulk milk tanker”, and makes no requirements of bulk milk weighers and samplers. What is more, that term is also defined in the new ch. ATCP 65, which would be the definition to reference, were such a reference appropriate.

b. What is the difference between a bulk milk tanker and a bulk transport container? The latter is used in only two substantive provisions, one of which treats it the same as the former. In another case, the title of a provision uses one term, while the text of that provision uses the other. If there is a difference, it should be clarified; otherwise, a single term should be selected and used consistently and exclusively.

c. In s. ATCP 65.01 (14) (b), “which” should be “that”. The same substitution applies to s. ATCP 65.01 (59) (a).

d. The first two commas in s. ATCP 65.01 (55) should be omitted. In s. ATCP 65.01 (60), commas should be added preceding and following the phrase, “as applied to refrigerated potentially hazardous foods”.

e. Section ATCP 65.02 (8), *Milk Produced for Custom Processing*, is confusing and, it appears, inadequate. It states that, if certain conditions apply, a processor is “deemed to be custom processing a producer’s milk”. It doesn’t clearly state what the significance of this determination is, nor what the consequences are if some, but not all of the conditions apply. What is apparent, but not stated, is that: (1) except in the case of custom processing, the processor takes ownership of all milk it processes and markets the milk under its own name; and (2) custom processing is permitted subject to the requirements of that subsection. It would appear that the subsection should be redrafted along these lines.

f. Section ATCP 65.02 (10) refers to the cessation of milk deliveries “for any reason, other than a reason identified in sub. (6), sub. (8), or s. ATCP 65.30, 65.70 (2) (f), or 65.72 (6) or (7).” However, ss. ATCP 65.02 (6) and 65.30 make no mention of cessation of milk delivery. Either the language in s. ATCP 65.02 (10) should be clarified as to what is intended by those cross-references, or the cross-references should be omitted.

g. In s. ATCP 65.02 (12) (b), does the Department mean to say that all the listed requirements apply *equally*, as drafted, or *separately*, as in compliance by one permit holder does not constitute compliance by another?

h. In s. ATCP 65.04 (1) (b) 2., what is meant by an “exempted establishment” – an establishment exempted under that subdivision? Under all of that paragraph? This should be clarified.

i. In s. ATCP 65.04 (12), what is “gradable butter or cheese”? Can this be clarified by a cross-reference to the grading requirements? Also, what is “barrel cheese”?

j. Chapter ATCP 65 contains numerous subjective standards. For example, in s. ATCP 65.06 (1) (c), what does it mean to be sloped to drain “properly”? This should be replaced with a more objective standard, such as being sloped sufficiently to prevent pooling of liquids. The same comment applies to s. ATCP 65.08 (3) (a). Other examples are “adequate illumination” in ATCP 65.06 (4) (adequate for what? what constitutes adequate? see s. ATCP 65.08 (3) (d), which includes a numeric standard for lighting), “effectively shielded” in s. ATCP 65.08 (3) (d) (why not just “shielded”, as in s. ATCP 65.24 (5) (d)?), “excessive odors” in s. ATCP 65.08 (3) (e), “excessive accumulation of manure” in s. ATCP 65.22 (3), and “suitable storage facilities” in s. ATCP 65.28 (8). One of the most common and subjective adjectives in the rule is “sanitary”, used, without definition, to describe, for example, the design, construction, or maintenance of equipment, the condition of facilities, the manner of doing something, and personal hygiene. Can further guidance be given for these and other, similarly subjective standards?

k. In s. ATCP 65.08 (1), both occurrences of “which” should be replaced with “that”.

l. In general, rules should be written in the active voice, for clarity as to who must do (or is prohibited from doing) what. However, it is often easier to write standards, such as those in ch. ATCP 65, in the passive voice. Nonetheless, the Department should review the rule for opportunities to improve its clarity through the use of active voice. The second sentence of s. ATCP 65.08 (1) is a good example of how this might be done. In another example, the second sentence of s. ATCP 65.10 (4) could be rewritten to read: “A milk producer shall thoroughly clean and sanitize containers and tanks before...”.

m. Section ATCP 65.14 relates to milk handling systems. Subsection (4) makes clear that a non-pipeline system in which transfer from a portable receptacle to the milkhouse by way of tubing is permissible. It is not clear, though, whether that is the only permissible manner of transferring milk in a non-pipeline system. In particular, may a farmer pour milk from a milk can into the bulk tank? If the Department does not intend to allow this latter practice, the rule needs to say so.

n. Section ATCP 65.18 (3) states that no person may be engaged in milking if infected with a disease that may be transmitted to others as a result of the milking or milk handling operation. Similarly, s. ATCP 65.20 (2) states that milk from animals that consume or are treated with certain agents that may be secreted in milk must be discarded. What diseases and agents do these provisions refer to? How does a milk producer know? The same comment applies to the communicable diseases referred to in s. ATCP 65.26 (1) (f) and the volatile organic compounds referred to in s. ATCP 65.32 (2) (g).

o. Section ATCP 65.24 (8) (d) 1. to 4. should be written as full sentences.

p. In a number of instances, the rule specifies that a provision applies if a certain other, specified requirement applies. For example, s. ATCP 65.24 (9) (a) 2. applies to water supply in circumstances where potable water is required. Similarly, certain requirements of ss. ATCP 65.920 and 65.921 apply if inspection is required for reinstatement of a license. To aid the reader, these provisions should either be expanded to identify, by cross-reference, the provisions that create the referenced requirement (e.g., “If inspection is required under s. _____ for reinstatement ...”) or be supplied with a note explaining the requirement. See s. ATCP 65.72 (2) for a good example of how this can be drafted using cross-references. The department should review the proposed rule for other provisions in need of similar clarification.

q. In s. ATCP 65.24 (12) (d), presumably, “air drying equipment” should be “air hand drying equipment”. In s. ATCP 65.24 (14) (b), “single- service” should be “single-service”.

r. In s. ATCP 65.28 (1) (g) 1., what does it mean for the use of rigid pipelines to be “impractical”, and who determines that it is impractical in any instance?

s. Section ATCP 65.36 (1) addresses receiving milk from a dairy farm in this state and s. ATCP 65.36 (2) addresses receiving milk as grade A milk from a dairy farm in this or another state, but neither addresses receiving milk as grade B milk from a dairy farm in another state. What is required in this latter situation?

t. In s. ATCP 65.40 (2) (c), the phrase “Except as provided in par. (a)” is not strictly necessary; however, to the extent that it is appropriate there, it should also be included in pars. (b), (d), and (e).

u. Section ATCP 65.40 (2) (b) requires that raw milk be held in compliance with par. (d). The latter paragraph, however, relates to holding pasteurized milk, and does not say anything about how raw milk is held. This needs clarification.

v. Should s. ATCP 65.46 (1) include requirements as to when and how the identified reports must be submitted to the Department?

w. Section ATCP 65.48 (1) (intro.) states: “None of the following information ... is not subject to public inspection ...”. Is this double negative intended?

x. Section ATCP 65.48 (2) (b) should include the exception provided in s. 126.70 (6), Stats., as is done in the preceding paragraph. In addition, both provisions should either be more explicit as to what the exception provided in s. 126.70 (6) is, or should be accompanied by a note explaining the exception.

y. As written, the second and third sentences of s. ATCP 65.50 (2) (c) apply only to labels of non-food and non-feed dairy products. If the Department intends these requirements to apply to labels of other dairy products, as well, those sentences should be moved to a separately numbered subunit – presumably a sub. (3).

z. The expression, “every particle”, used in s. ATCP 65.58 (1), is rather hyperbolic. The word “all” would suffice.

aa. The passive voice construction of s. ATCP 65.70 (intro.) (“Milk received or collected from a dairy farm shall comply ...”) obscures who is responsible for ensuring that the standards are met, although most of the following subunits of that section do clarify the duties of dairy plant operators. While there are any number of ways to draft this, a clearer construction of that section might be to revise the introduction to state that a dairy plant shall test milk as specified in that section to ensure that the specified standards are met.

bb. How is compliance with s. ATCP 65.70 (6) to be ensured? That subsection does not include any of the testing and reporting requirements found in the preceding subsections.

cc. In s. ATCP 65.72 (6), the term “offending producer” is undefined jargon. Paragraph (a) correctly describes the intended parties as “producers whose milk samples ... test positive...”. The first reference to these producers in par. (b) should be to “each producer identified in par. (a);” the second and third references in par. (b) should be to “each producer” and “any other producer,” respectively; and the fourth reference should be to “each producer identified under par. (a)”. Similar revisions should be made in other provisions using the offending term.

dd. In s. ATCP 65.910 (2), the second sentence should state, “The division shall inspect a grade A dairy farm at the frequency given in s. ATCP 65.912, and shall inspect a grade B dairy farm at least once every year.”.

ee. In s. ATCP 65.910 (3), the last sentence could be removed, as it is repetitive of the beginning of the first sentence.

ff. In s. ATCP 65.912 (1) (intro.), the word “including” could replace the phrase “based on”. Also, the phrase “As provided in subs. (2) to (5),” should replace the phrase “Based on the evaluation,”.

gg. In s. ATCP 65.912 (2) to (5), is it intended that each of the given criteria for the separate inspection intervals must have occurred during the preceding 12 months? If so, a comma should be placed before the phrase “during the preceding 12 months”.

hh. In s. ATCP 65.912 (4) (a) 1., a period should replace the comma at the end of the subdivision.

ii. In s. ATCP 65.912 (5) (a) (intro.), the word “interval” should be inserted between the words “inspection” and “category”.

jj. In s. ATCP 65.922 (2), the word “subsequent” should replace the word “continued”.

kk. In ss. ATCP 65.922 (2), (5), (6) (b) (intro.), 65.923 (1) (a) (intro.), (2) (a), (b) 2., and 65.925 (6) (b), the proposed rule should specify whether the given time period of three or seven days means business or calendar days.

ll. In s. ATCP 65.923, the phrase “drug residue prevention program” is used in two separate manners; first, as a prevention program that is to be implemented at the dairy farm, and, second, as a program that is a course of instruction to be attended and completed by the milk producer. Consider creating a definition for a “qualified” program for the first sense that incorporates the standard given in the Note to s. ATCP 65.923 (1) (c), and consider renaming the second manner from a “program” to a “course”.

mm. In s. ATCP 65.923 (1) (a) 4. and (4), it appears that the phrase “division representative” should replace the phrase “its agent”, in order to be consistent with “representative” language used in other sections.

nn. In s. ATCP 65.923 (1) (b) and (c), the phrase “no less than” should be inserted before the references to “21 days” and “45 days”.

oo. In s. ATCP 65.923 (2) (b) 2. and (6) (b) 1. and 2., a timeframe could be given for when the division representative must notify the dairy plant operator of the reinstatement of the milk producer’s grade A producer permit. For example, the notification could be made prior to reinstatement, or within a given number of business days. Also, it appears in sub. (6) (b) 2. that the phrase “the milk producer and” should be removed, if that sentence is intended to require a specific notice of the reinstatement to the dairy plant operator.

pp. In s. ATCP 65.923 (4), the word “division” should replace the word “department”.

qq. In s. ATCP 65.925 (3), the comma after the reference to s. ATCP “65.920 (2)” should be removed. Also, the reference to “specified” inspections or tests is unclear. If those inspections or tests are to be specified in the suspension order, then it should be rephrased to “the inspections or tests specified in the suspension order”.

rr. In s. ATCP 65.925 (6) (a), consider revising the word “family” to the word “household” or to the phrase “household or employees”.

ss. In s. ATCP 65.925 (7), a timeframe should be given for when a copy of a suspension notice should be mailed or delivered to the dairy plant operator. For example, a copy could be required prior to the suspension, or within a given number of business days of the effective date of the suspension.