

Chapter Ag 41

SODA WATER BEVERAGE AND BOTTLED DRINKING WATER ESTABLISHMENTS

Ag 41.01	Definitions (p. 245)	Ag 41.06	Product handling and storage (p. 248-4)
Ag 41.02	Processing establishment; construction and maintenance (p. 246)	Ag 41.07	Bottles (p. 248-4)
Ag 41.03	Personnel standards (p. 248-1)	Ag 41.08	Sanitizers and sanitizing methods (p. 248-5)
Ag 41.04	Equipment and utensils (p. 248-2)	Ag 41.09	Sampling, records, reporting, and product labeling (p. 248-6)
Ag 41.05	Ingredients and ingredient sources (p. 248-3)	Ag 41.10	Effect of rules on local ordinances (p. 248-7)

Ag 41.01 Definitions. As used in this chapter:

(1) "Approved sanitizer" means a substance or compound approved by the department for the sanitizing of equipment or utensils under s. Ag 41.08.

(2) "Approved source" means a source for ingredient water or operations water, or both, which has been inspected and found to be in compliance with ch. NR 111 or 112, whichever is applicable. An approved source may include a spring, artesian well, drilled well or municipal water supply.

(3) "Bottle" means the immediate package or container in which bottled drinking water or soda water beverage is sold or distributed for consumption. "Bottle" includes a bottle cap or other seal for a bottle.

(4) "Bottled drinking water" means bottled drinking water as defined in s. 97.34 (1) (a), Stats.

(5) "C-I-P system" means equipment which is designed, constructed and installed to be cleaned in place by the internal circulation of cleaning and sanitizing solutions onto product contact surfaces.

(6) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(7) "Equipment" means an implement, vessel, machine or apparatus, other than a utensil, which has one or more product contact surfaces and is used in the manufacture or bottling of soda water beverages or bottled drinking water at a processing establishment. "Equipment" includes C-I-P systems.

(8) "Ingredient water" means water used by an establishment as an ingredient for bottled drinking water or soda water beverages.

(9) "Operations water" means water which is delivered under pressure to a processing establishment for bottle washing, hand washing, cleaning of equipment and utensils, or other cleaning and sanitizing purposes.

(10) "Product" means bottled drinking water or soda water beverage, and all ingredients of bottled drinking water or soda water beverage.

(11) "Processing" means the manufacture, preparation or packaging of product. "Processing" includes the handling and storage of unpackaged product, and the inspection and cleaning of bottles prior to filling.

(12) "Processing establishment" means an establishment used or intended to be used in the processing of soda water beverages or bottled drinking water, and every part of the establishment that may affect the sanitary condition of product processed in the establishment.

(13) "Product contact surface" means any surface of equipment or utensils with which product normally comes in direct contact, or from which materials may drain, drip or otherwise be drawn into product.

(14) "Sanitize" means to destroy pathogens and other organisms, to the maximum practicable extent, by the application of an approved sanitizer or sanitizing method to product contact surfaces of utensils or equipment which are otherwise clean.

(15) "Single service article" means any equipment part, utensil or bottle which is designed to be used only once prior to disposal.

(16) "Soda water beverage" means a soda water beverage as defined in s. 97.34 (1) (b), Stats.

(17) "Utensil" means a portable or hand-held container or device, such as a tong, spatula, or scoop, which has one or more product contact surfaces and is used in the processing of soda water beverages or bottled drinking water at a processing establishment. "Utensil" does not include a bottle.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

Ag 41.02 Processing establishment; construction and maintenance. (1) CONSTRUCTION AND MAINTENANCE; GENERAL. Buildings, facilities and equipment used in the operation of a processing establishment shall be of sound construction, and shall be capable of being maintained in a clean and sanitary condition to prevent the adulteration or contamination of product. The interior and exterior portions of a processing establishment, and the premises on which the processing establishment is located, shall be kept free of unhealthful or insanitary conditions, and shall be maintained in compliance with this chapter.

(2) **FLOORS, WALLS AND CEILINGS.** Floors, walls and ceilings in a processing establishment shall be kept clean and in good repair. Floors, walls and ceilings in processing areas, toilet rooms, and areas used for the cleaning or storage of equipment or utensils shall be constructed of smooth, impervious and easily cleanable materials. This does not prohibit the use of easily cleanable anti-slip floors. Walls and ceilings in processing areas shall be light colored. Establishments constructed, substantially reconstructed or extensively altered after August 1, 1988 shall conform to the following requirements:

(a) The junctions of walls and floors in processing areas shall be covered to facilitate cleaning.

(b) Floors which are waterflushed for cleaning, or on which water or fluid wastes are discharged, shall have an adequate number of floor drains and be adequately sloped to ensure proper drainage to the floor drains.

(c) At least one service sink or curbed floor drain shall be provided for use in the cleaning of mops or wet floor cleaning tools, and for the disposal of mop water or similar wastes.

Register, October, 1988, No. 394

(3) **PROCESSING AREA SEPARATED.** Within a processing establishment, areas used to process unpackaged product shall be separated from areas used for other operations. No processing may be conducted in a room used as living or sleeping quarters. If a processing room shares one or more walls with adjacent living or sleeping quarters, processing operations shall be separated from the adjacent living or sleeping quarters by a tight-fitting, self-closing door.

(4) **DOORS AND WINDOWS.** Doors, windows, skylights, transoms and other openings to the outside shall be tight-fitting, free of breaks, and effectively screened or protected against the entry of rodents, insects, birds and other animals. Doors opening to the outside shall be self-closing.

(5) **LIGHTING.** (a) *General.* Lighting in every area of the processing establishment, whether natural or artificial, shall be sufficient for the purpose for which the area is used. Artificial lights in processing areas shall be equipped with protective shields or shatter resistant bulbs.

(b) *Illumination of processing surfaces.* There shall be not less than 20 foot candles (215 lux) of illumination on all processing surfaces. On surfaces used to inspect washed returnable bottles, there shall be not less than 100 foot candles (1075 lux) of illumination.

(c) *Illumination of other areas.* Except as provided in par. (a), the interior of a processing establishment shall be illuminated to the following levels measured 3 feet from the floor:

1. Not less than 20 foot candles (215 lux) in processing areas, equipment and utensil cleaning areas, handwashing areas and toilet areas.
2. Not less than 10 foot candles (108 lux) in product storage areas.

(6) **VENTILATION.** All areas in which product is processed or handled, or in which equipment or utensils are cleaned, and all dressing rooms, locker rooms, toilet rooms, and garbage or rubbish storage areas shall have sufficient ventilation to remove excessive heat, steam, condensation, vapors, obnoxious odors and smoke. Exhaust ventilation systems in processing areas shall comply with s. ILHR 64.67. Ventilating units shall be positioned so that exhaust air is not vented onto product, or onto clean bottles, equipment or utensils. Intake fans shall be equipped with filters that are readily removable for cleaning and replacement. Exhaust fans, intake fans and ventilation ducts shall be kept clean and in good repair, and shall be screened or louvered to prevent contamination of product by dust, dirt, insects or other contaminants.

(7) **TOILET FACILITIES.** A sufficient number of sanitary toilets to accommodate all employes, in compliance with applicable state and local regulations, shall be provided in convenient locations. Toilet rooms shall be completely enclosed, well lighted and equipped with tight-fitting, self-closing doors. Doors may not open directly into processing areas. Toilet rooms and fixtures shall be easily cleanable, and shall be kept clean and in good repair. A sign directing employes to wash their hands before returning to work shall be posted in all toilet rooms used by employes. Handwashing facilities, including hot and cold running water, a supply of soap or detergent, and sanitary single-service means for drying hands shall be conveniently located in toilet rooms. An easily cleanable, covered trash receptacle and a supply of toilet tissue shall be provided in each toilet room at all times. Toilet rooms constructed, substantially re-

constructed or extensively altered after August 1, 1988 shall be separately vented to the outside, and shall be equipped with an exhaust fan capable of creating a negative pressure within the toilet facility.

(8) **LOCKER AND LINEN FACILITIES.** Lockers or comparable facilities shall be provided for clothing and similar personal items of employes. Clothing and personal items of employes may not be stored in processing areas or in areas where bottles, equipment or utensils are cleaned or stored. Damp or soiled linen and clothing shall be placed and kept in non-absorbent containers or laundry bags until removed for laundering. Damp or soiled linen and clothing shall be removed as often as necessary to prevent the creation of unsanitary conditions.

(9) **HANDWASHING FACILITIES FOR PROCESSING AREAS.** Handwashing sinks with available hot and cold running water shall be provided for use by employes working in all processing areas. The sinks shall be conveniently located for use by employes, and shall be kept in a clean and sanitary condition. A supply of soap or detergent, and sanitary single-service means for drying hands shall be available at the sink. If disposable towels are used, clean waste receptacles shall be provided for their disposal. In establishments constructed, substantially reconstructed or extensively altered after August 1, 1988, handwashing sinks shall be of a type which are not hand operated.

(10) **OPERATIONS WATER.** Operations water shall be:

(a) From an approved source.

(b) Provided in a consistently adequate quantity for the purposes for which it is used.

(c) In compliance with the microbiological standards under ss. NR 109.30 and 140.10. If a privately owned water system is used as the source of operations water, the operator of the processing establishment shall collect and analyze a sample of the water at least once annually. Microbiological analyses shall be conducted in a laboratory certified under s. 143.15, Stats. Records of microbiological analysis shall be kept on file on the premises for a period of 5 years.

(11) **CLEANING FACILITIES; WASH AND RINSE SINK.** If equipment, utensils or bottles are manually washed or sanitized in a processing establishment, the processing establishment shall be equipped with a wash and rinse sink which is suitable for all manual cleaning and sanitizing operations. The sink shall be constructed of stainless steel or other approved material and be located in or immediately adjacent to the processing area. Each sink compartment shall be large enough to accommodate the immersion of at least 50% of the largest item to be cleaned and sanitized in the sink. Each compartment of the sink shall be served by hot and cold running water. If manual sanitizing is done with steam, the sink shall have at least 2 compartments. If manual sanitizing is done with chemicals, the sink shall have at least 3 compartments.

(12) **EXTERIOR PREMISES.** Premises on which processing establishments are located shall be well drained and kept in a clean and orderly condition, free from accumulations of trash, garbage, and other potential health nuisances. Driveways and parking lots surrounding the processing establishment shall be graded to ensure adequate drainage, and shall be surfaced or maintained to minimize airborne dust and dirt.

(13) **SEWAGE AND WASTE DISPOSAL.** Sewage and waste materials shall be disposed of in a sanitary manner and in compliance with applicable state and local laws and regulations. Garbage and other refuse may not be allowed to accumulate in or about the processing establishment, and shall be removed as often as necessary to maintain the premises in a clean and sanitary condition. Garbage storage areas shall be constructed and maintained so that they do not attract or harbor insects, rodents or other animals. Garbage and refuse shall be held in durable, easily cleanable, insect and pest-resistant containers. Containers shall be kept covered with tight-fitting lids, and shall be cleaned as necessary after being emptied and before reuse. Garbage and other refuse may not be burned on the premises unless the burning complies with state and local laws and regulations. Garbage and refuse may not be burned on the premises if the burning may contaminate processing areas or products.

(14) **CONTROL OF INSECTS, RODENTS AND OTHER VERMIN.** Effective measures shall be taken, as necessary, to control insects, rodents and other vermin in a processing establishment. Pesticides may not be stored, handled or used in a manner inconsistent with label directions, or in a negligent manner. Pesticides and hazardous substances may not be stored or used in a manner which may contaminate product, equipment, utensils or bottles, or which may constitute a hazard to employees or the public.

Note: Pesticide storage and use must comply with ss. 94.67 to 94.71, Stats., and ch. Ag 29. Pesticides must be registered for use by the U.S. environmental protection agency or by the department.

(15) **CONSTRUCTION; PLAN REVIEW.** Before a processing establishment is constructed, substantially reconstructed or extensively altered, the operator of the processing establishment shall notify the department in writing. Plans and specifications for the construction or alteration may be submitted to the department for review before the work is begun.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

Ag 41.03 **Personnel standards.** (1) **CLEANLINESS.** Employees working at processing establishments shall maintain a high degree of personal cleanliness, and shall observe good hygienic practices during all working periods. Employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking or engaging in other activities which may soil or contaminate the hands. Employees shall keep their fingernails clean and neatly trimmed.

(2) **CLOTHING AND JEWELRY.** Clean, washable outer garments and effective hair restraints, including effective hair restraints for beards longer than 1/2 inch, shall be worn by all employees working in processing areas. Hair restraints may include hair nets, caps and snoods, but do not include hairsprays or headbands. Employees shall remove all jewelry from their hands and fingers before having any direct manual contact with product or product contact surfaces. Jewelry may not be worn in a manner which creates a risk of product contamination. This subsection does not apply to plain band wedding rings.

(3) **COMMUNICABLE DISEASE.** No person who is infected with a disease or illness which is communicable by product handling may work in a processing establishment in any capacity which may result in the contamination of product. If the department reasonably suspects that a person engaged in handling product is infected with a disease or illness

Register, October, 1988, No. 394

which is communicable by product handling, the department may prohibit that person from engaging in product handling until the person submits to an appropriate medical test or examination to confirm whether or not the person is infected with the suspected disease or illness.

(4) **USE OR CONSUMPTION OF FOOD, BEVERAGES, AND TOBACCO.** Food, beverages and tobacco may not be consumed at processing establishments except in designated areas. Designated areas shall be separate from areas used for processing, or for cleaning or storing bottles, equipment or utensils.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

Ag 41.04 Equipment and utensils. (1) **CONSTRUCTION AND MAINTENANCE; GENERAL.** Equipment and utensils shall be of sanitary design and construction. Equipment and utensils shall be readily accessible for cleaning and inspection and shall be constructed so that they can be easily cleaned. Equipment and utensils shall be kept clean and in good repair.

(2) **PRODUCT CONTACT SURFACES.** Product contact surfaces of equipment and utensils shall be constructed of stainless steel or other materials which are smooth, impervious, nontoxic, noncorrosive and nonabsorbent. Product contact surfaces shall be smooth, easily cleanable and durable under normal use conditions, and shall be free of breaks, open seams, cracks or similar defects. Product contact surfaces may not impart any odor, color, taste or adulterating substances to product. Product contact surfaces, other than product contact surfaces of approved C-I-P systems, shall be readily accessible for manual cleaning. A product contact surface may not include a V-thread unless a V-thread is needed for functional or safety reasons. Threads shall be of a sanitary type.

(3) **C-I-P SYSTEMS.** C-I-P systems shall be of sanitary design and construction, and shall be installed and maintained for sanitary operation. A C-I-P system shall be installed and maintained so that cleaning and sanitizing solutions can be circulated throughout all interior product contact surfaces of the system. C-I-P systems shall be self-draining, or shall be capable of being easily and completely drained. A temperature recording device, which accurately records the return temperatures of cleaning and sanitizing solutions on a temperature recording chart, shall be installed in all circuits through which cleaning and sanitizing solutions are circulated. C-I-P systems, including C-I-P pipeline systems, may not be used without department approval. Within 14 days after the operator of a processing establishment requests approval for a C-I-P system, the department shall grant or deny approval.

(4) **PIPELINES.** (a) *Rigid pipelines.* Except as provided in par. (b), pipelines used to transport product within a processing facility, and all return solution lines forming part of a C-I-P pipeline system, shall be rigid and self-draining. Pipelines shall have a minimum slope of one inch per 10 feet to assure proper drainage and shall be supported to maintain uniform slope and alignment. Joints of permanently mounted pipelines shall be welded or equipped with fittings designed for cleaning in place. Welded joints shall be smooth and free of defects, and demountable fittings shall be designed to form substantially flush interior joints. If gaskets are used, they shall be self-positioning, and shall comply with sub. (2).

Register, October, 1988, No. 394

(b) *Flexible pipelines.* If a rigid pipeline is not practical, a flexible pipeline not exceeding 25 feet in length may be used to transfer product within a processing establishment. A flexible pipeline shall be transparent, and shall be made of plastic or other sanitary material which complies with sub. (2). A processing establishment shall have appropriate equipment and facilities for cleaning, sanitizing, and drying the interior product contact surface of a flexible pipeline.

(5) **LOCATION AND INSTALLATION OF EQUIPMENT.** Equipment which cannot be easily moved shall be installed in a manner which prevents liquid or debris from accumulating under or around the equipment. Equipment shall be installed so that there is adequate clearance on all sides for cleaning and maintenance. This does not apply to that portion of a tank or container which is designed and installed to protrude through the wall or ceiling of a processing establishment.

Note: Equipment should normally be installed at least 24 inches from any wall or object which is more than 48 inches long.

(6) **LUBRICATION.** Equipment shall be designed and constructed so that gear and bearing lubricants do not come in contact with product or product contact surfaces. If incidental product contact may occur, only food grade lubricants may be used.

(7) **PROTECTION AGAINST DRAINAGE, SPLASH AND CONDENSATION.** Product containers shall be covered, and shall be protected to prevent splash or drainage of liquids onto product or product contact surfaces. Openings shall be protected against surface drainage. Aprons to divert condensation shall be installed in connection with all pipes, thermometers and other devices extending into product vessels or containers, unless there is a water tight joint.

(8) **CLEANING AND SANITIZING EQUIPMENT AND UTENSILS.** Product contact surfaces of equipment and utensils shall be cleaned after each use and sanitized before the next use. Sanitizing methods shall comply with s. Ag 41.08. Cleaning and sanitizing of C-I-P systems shall comply with manufacturer specifications. Cleaning and sanitizing records shall be maintained for all C-I-P systems. The records shall identify every C-I-P system which has been cleaned or sanitized, the date and time when each C-I-P system was cleaned and sanitized, the temperature of the cleaning or sanitizing solution, and the length of time for which the C-I-P system was exposed to each cleaning and sanitizing solution. The records shall be signed or initialed by the operator of the processing establishment. Records shall be maintained on file at the establishment for at least 90 days, and shall be made available for inspection and copying by the department upon request.

(9) **STORAGE OF CLEAN EQUIPMENT AND UTENSILS.** Equipment and utensils, unless stored in an approved sanitizing solution, shall be stored so as to drain dry. Equipment and utensils shall be protected from contamination prior to use.

(10) **SINGLE-SERVICE ARTICLES.** Single-service articles shall be stored in the original containers in which they were received or in other closed containers which will protect them from contamination prior to use. Single-service articles may not be re-used.

Ag 41.05 Ingredients and ingredient sources. (1) **SODA WATER INGREDIENTS.** Soda water beverage ingredients shall be safe, wholesome and unadulterated. Food colors, preservatives, sweeteners and other ingredients used in the manufacture of soda water beverages shall comply with applicable standards of identity under s. 97.09, Stats.

(2) **INGREDIENT WATER.** (a) Ingredient water shall be obtained from an approved source and shall comply with ch. NR 109.

(b) Ingredient water, except for soda water beverage ingredient water obtained from a municipal water supply, shall comply with all of the health-related enforcement standards under s. NR 140.10. Soda water beverage ingredient water obtained from a municipal water supply shall comply with the microbiological enforcement standards under s. NR 140.10.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

Ag 41.06 Product handling and storage. (1) **GENERAL.** Product shall be protected from contamination during all periods in which it is stored, processed, handled or held for sale at a processing establishment.

(2) **PRODUCT STORAGE AREAS.** Product storage areas shall be maintained in a clean, sanitary and orderly condition, free from accumulations of litter or other materials which may result in the contamination of product. Waste water and other waste materials may not accumulate or drain onto floors in product storage areas.

(3) **MANNER OF STORAGE.** Product stored at a processing establishment shall be kept in sanitary containers. Bottles and other containers in which product is stored shall be sealed or kept tightly covered. Product shall be stored a minimum of 6 inches above the floor or on pallets in a manner which protects the product from splash, damage and other potential sources of contamination. Product shall be stored away from walls to allow for cleaning and inspection and to prevent the harborage of insects and rodents. Product packaged in metal, glass or other vermin proof containers need not be elevated off the floor or kept away from walls, provided that floors and walls of the storage area are clean and not exposed to water or excessive moisture, and provided that rodents, insects or other vermin do not appear to be present. Containers used for the packaging or storage of poisonous materials may not be reused for the packaging or storage of product.

(4) **DAMAGED STORAGE CONTAINERS.** Product may not be stored in containers that are damaged to the extent that product may be contaminated. If product is exposed to possible contamination because of damage to storage containers, the product may not be used or sold for human consumption.

(5) **FIRE, FLOOD OR CASUALTY DAMAGE.** Product which has been subjected to possible contamination in a fire, flood, or other casualty may not be offered or reprocessed for sale for human consumption unless the department has inspected the product and authorized its sale or disposition. A processing establishment shall notify the department whenever product in the establishment's possession has been subjected to possible damage or contamination because of fire, flood or other casualty.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.
Register, October, 1988, No. 394

Ag 41.07 Bottles. (1) *General.* Bottles shall be of sanitary design and construction, and shall be constructed and sealed to protect product against contamination. Product contact surfaces of bottles shall be smooth and free of breaks, cracks or similar defects. Product may not be packaged or sold in bottles which are unsanitary, which contain any extraneous or deleterious substance, or which are damaged to the extent that product may be contaminated.

(2) **CLEANING AND SANITIZING RETURNABLE BOTTLES.** Returnable or multi-use bottles shall be effectively cleaned and sanitized before being refilled. Cleaning and sanitizing shall remove all extraneous matter and potential adulterants from the bottle before the bottle is refilled. Sanitizing methods shall comply with s. Ag 41.08. Automatic bottle washing procedures shall comply with sub. (3).

(3) **AUTOMATIC BOTTLE WASHING.** Bottles cleaned in automatic bottle washers shall be sanitized while in the washer by means of hot water or chemical treatment. Sanitizers and sanitizing methods shall comply with s. Ag 41.08. If bottles are sanitized by being soaked in a caustic solution, the causticity of the sanitizing solution in the bottle washer shall be monitored and maintained at an appropriate level in relation to solution temperature and soaking time. The following table shows minimum causticity levels required for sanitizing solutions (expressed in terms of percent concentration of sodium hydroxide, NaOH, in the sanitizing solution), based on applicable soaking times and temperatures:

Minimum Causticity Levels Required for Sanitizing Solutions (% Concentration of NaOH), Based on Soaking Time and Temperature

Time in Minutes	Temperature (Degrees)							
	°F	170	160	150	140	130	120	110
	°C	77	71	66	60	54	49	43
3	0.57	0.86	1.28	1.91	2.86	4.27	6.39	
5	0.43	0.64	0.96	1.43	2.16	3.22	4.80	
7	0.36	0.53	0.80	1.19	1.78	2.66	3.98	

(4) **INSPECTION OF RETURNABLE BOTTLES.** Returnable or multi-use bottles, after being cleaned and sanitized, shall be inspected before being refilled. Inspection shall be adequate to detect extraneous material and adulterants, and any damage to product contact surfaces. Inspection shall be performed on surfaces lighted in compliance with s. Ag 41.02 (5) (b).

(5) **SINGLE-SERVICE BOTTLES AND BOTTLE CAPS.** Single-service bottles and bottle caps, and other single-service articles used to package soda water beverages and bottled drinking water shall be made from clean, sanitary materials. They shall be stored in sanitary containers, protected from contamination prior to use, and handled in a sanitary manner. Single-service articles, including single-service bottles and bottle caps, may not be re-used.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

Ag 41.08 Sanitizers and sanitizing methods. (1) SANITIZING METHODS. Utensils, food contact surfaces of equipment, and returnable or multi-use bottles shall be sanitized prior to each use with one of the following sanitizing methods:

(a) Immersion for at least 30 seconds in clean water at a temperature of at least 170°F (77°C).

(b) Immersion for a period of at least 2 minutes in a sanitizing solution containing at least 100 ppm of available chlorine at a temperature not less than 75°F (24°C) nor more than 110°F (44°C).

(c) Immersion for a period of at least one minute in a sanitizing solution containing at least 12.5 ppm of available iodine, and having an acid pH not higher than 5.0, at a temperature of not less than 75°F (24°C) nor more than 110°F (44°C).

(d) Application, according to manufacturer's instructions, of a nontoxic chemical sanitizer or sanitizing method which has been demonstrated to be equally as effective in the sanitizing of equipment and utensils as the methods described under pars. (a) to (c), and which has been approved by the department under sub. (3).

(e) For bottles, immersion in a caustic sanitizing solution in a soaker-type bottle washer, as provided in s. Ag 41.07(3).

(2) SANITIZERS; MAXIMUM CONCENTRATIONS. Sanitizing solutions shall not exceed the maximum concentrations established by the food and drug administration, United States department of health and human services, under 21 CFR 178.1010. A test kit or other device that measures the concentration of sanitizing solutions in parts per million shall be used as necessary to ensure compliance with this subsection at all times.

Note: Copies of 21 CFR 178.1010 are on file with the department, the secretary of state and the revisor of statutes. Copies may be obtained from the department at cost.

(3) SANITIZERS; DEPARTMENTAL APPROVAL. The department shall approve sanitizers and sanitizing methods which it determines to be safe and effective for sanitizing equipment, utensils and returnable or multi-use bottles.

Note: Sanitizers and sanitizing methods approved by the United States department of agriculture under the poultry products inspection act, 21 USC 451 et. seq., or the federal meat inspection and wholesome meat acts, 21 USC 601 et. seq., or by the Wisconsin department of health and social services under subch. III, ch. 50, Stats., will be approved by the department. The department may deny or withdraw approval of any sanitizer or sanitizing method, whether or not approved by any other state or federal agency, if the department determines that the sanitizer or sanitizing method is not safe or effective for the purposes or under the conditions used, or that it adversely affects the sanitary characteristics of equipment, utensils or bottles. Persons affected by a denial or withdrawal of approval may request a hearing on the denial or withdrawal of approval, pursuant to ch. 227, Stats.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

Ag 41.09 Sampling, records, reporting, and product labeling. (1) *Product sampling to determine compliance with ingredient water standards.* (a) Except as provided in par. (b), the operator of a processing establishment shall collect and analyze representative samples of finished product to provide reasonable assurance that the finished product complies with ch. NR 109 and the health related enforcement standards of s. NR 140.10. The minimum required frequency of analysis

Register, October, 1988, No. 394

AGRICULTURE, TRADE & CONSUMER PROTECTION 248-7
Ag 41

for a specific contaminant is based on the general category of the contaminant as shown in the following table:

Frequency	Product Analysis
Quarterly	Bacteria
Annually	Nitrate
Every third year	Volatile Organics Pesticides Inorganics
Every fifth year	Radionuclides

Note: Initial water samples shall be taken within a year of the effective date of this chapter. If any sample shows a detectable level of a contaminant, the sampling frequency shall be increased to at least an annual basis.

(b) Paragraph (a) does not apply to soda water beverages if the ingredient water is obtained from a municipal water supply. If soda water beverage ingredient water is obtained from a municipal water supply, the ingredient water shall be handled in accordance with current good manufacturing practice, and the operator of the processing establishment shall provide the department with documentation on request showing that the municipal water supply is in accordance with ch. NR 109 and the microbiological standards under NR 140.10.

(c) This subsection does not relieve a processor or seller of product from any other legal duty to test that product for possible adulteration or contamination.

(2) RECORDS AND REPORTING. All processors required to collect and analyze samples of bottled water and soda water beverage products under this section shall maintain records of the results of microbiological analyses for 5 years; chemical analyses for 6 years; and radiological analyses for 10 years. All processors of bottled water must submit a summary of the results of all required analyses conducted during each calendar year to the department by March 1 of the next year except that, if the result of any individual analysis exceeds the established enforcement standard, a copy of that analysis report shall be submitted to the department within 7 days of the completion of the analysis.

(3) PRODUCT LABELING. Each container of soda water or bottled water shall be labeled as required under ch. Ag 53 and s. 97.03, Stats.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

Ag 41.10 Effect of rules on local ordinances. (1) This chapter does not prohibit or nullify any local government ordinance with which it is not in direct conflict as provided in sub. (2).

(2) In the event of any direct conflict between this chapter and any local government ordinance, so that compliance with only one can be achieved by violating the other, this chapter shall be controlling.

(3) Compliance with local government ordinances shall not relieve any person from the duty of complying with this chapter.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.