

Chapter ATCP 82

MILK HAULERS

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Note: See also ch. ATCP 60 (Dairy Farms) and ch. ATCP 80 (Dairy Plants)

ATCP 82.01 Definitions. In this chapter:

(1) "Bulk milk tanker" means a mobile bulk container used to transport milk, fluid milk products, whey or whey cream in bulk from a dairy farm, or to or from a dairy plant in this state. "Bulk milk tanker" includes a mobile bulk container which is permanently mounted on a motor vehicle or which is designed to be towed by a motor vehicle, and includes all equipment and accessories related to the mobile bulk container. "Bulk milk tanker" does not include a mobile bulk container which is used by a milk producer solely to transport that producer's own milk.

(2) "Bulk tank" means a permanent or semi-permanent tank or container used to receive, cool or store bulk quantities of milk on a dairy farm. "Bulk tank" does not include milk cans.

(3) "Dairy farm" means any place where one or more cows, sheep or goats are kept for the production of milk.

(4) "Dairy plant" means any place where a dairy product is manufactured or processed for sale or distribution as human food, and includes a receiving station or transfer station.

(5) "Milk" means the lacteal secretion of cows, sheep or goats, and includes skim milk and cream.

(6) "Milk hauler" means any person who collects milk at a dairy farm.

(7) "Milk producer" means any person who owns or operates a dairy farm, and sells or distributes milk produced on that farm.

(8) "Processing plant" means a dairy plant engaged in pasteurizing, processing or manufacturing milk or dairy products.

(9) "Receiving station" means a facility which is designed for the receipt and bulk storage of milk, and which is used to receive or store milk in bulk. "Receiving station" does not include a processing plant or a facility used to distribute pasteurized milk in bottled or packaged form to consumers.

(10) "Transfer station" means a facility designed and used solely to transfer milk from one bulk milk tanker to another without intervening storage.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

ATCP 82.02 Bulk milk tanker; license; grade A permit. (1) LICENSE REQUIRED. (a) Except as provided under par. (b), no person may operate a bulk milk tanker in this state without a valid license issued by the department for that bulk milk tanker. A license expires on April 30 annually and is not transferable between persons or bulk milk tankers.

Note: See s. 97.21, Stats.

(b) Paragraph (a) does not apply to a person who operates a bulk milk tanker solely as an employe of a person who holds a license under par. (a) for that bulk milk tanker.

(2) **LICENSE APPLICATION.** An application for a license under sub. (1) shall be made on a form provided by the department and shall be accompanied by all fees and surcharges that are due and payable under subs. (4) to (6). The application shall include all of the following:

(a) The applicant's name, address and telephone number.

(b) A description of the bulk milk tanker including make, serial number and capacity.

(c) The city, village or town in which the bulk milk tanker is customarily kept.

(d) Any other information which the department reasonably requires for identification and licensing of the bulk milk tanker.

(3) **ACTION ON LICENSE APPLICATION.** (a) The department shall grant or deny a license application under sub. (2) within 40 days after the department receives a complete application.

(b) The department shall not issue or renew a license until the applicant has paid all fees and surcharges, set forth in a statement from the department, that are due and payable by the applicant under subs. (4) to (6). The department shall refund a fee paid under protest if, upon review, the department determines that the fee is not due and payable.

(4) **LICENSE FEE.** An applicant for a bulk milk tanker license shall pay an annual license fee of \$30.

(5) **REINSPECTION FEE.** If the department reinspects a bulk milk tanker because the department finds a violation of ch. 97, Stats., or this chapter, the department shall charge the bulk milk tanker operator a reinspection fee of \$30. The reinspection fee is payable when the reinspection is completed, and is due upon written demand from the

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department. The department may issue a demand for payment when it issues a license renewal application to the bulk milk tanker operator, or at any other time after the fee becomes effective.

(6) **SURCHARGE FOR OPERATING WITHOUT A LICENSE.** (a) An applicant for a bulk milk tanker license shall pay a license fee surcharge of \$100 if the department determines that, within 365 days prior to submitting the license application, the applicant operated a bulk milk tanker without a license or grade A permit in violation of sub. (1) or (7).

(b) In addition to paying the license fee surcharge under par. (a), an applicant who violated sub. (1) or (7) shall pay all fees, set forth in a statement from the department, that are due and payable for the license year in which the applicant violated sub. (1) or (7).

(c) Payment of the license fee surcharge and past fees under pars. (a) and (b) does not relieve the applicant of any other civil or criminal liability which results from a violation of sub. (1) or (7), but does not constitute evidence of any violation of law.

(7) **GRADE A PERMIT.** (a) Except as provided under par. (c), no person may operate a bulk milk tanker to transport milk or milk products for sale or use as grade A milk or grade A fluid milk products unless that person holds a valid grade A permit issued annually by the department for that bulk milk tanker. A grade A permit is not transferable between persons or bulk milk tankers. A grade A permit may be issued in the form of an endorsement on a bulk milk tanker license under sub. (1).

(b) An application for a grade A permit under par. (a) shall be made on a form provided by the department, and may be included with a license application under sub. (2). The department shall grant or deny a grade A permit application within 40 days after the department receives a complete application.

(c) Paragraph (a) does not apply to a person who operates a bulk milk tanker solely as an employe of a person who holds a grade A permit under par. (a) for that bulk milk tanker.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

ATCP 82.04 Bulk milk weigher and sampler; license. (1) **LICENSE REQUIRED.** Except as provided under sub. (2), no person may do either of the following unless that person holds a valid bulk milk weigher and sampler license issued by the department under s. 98.146, Stats., and this section:

(a) Weigh or measure milk, for payment purposes, at a dairy farm before that milk is transported in bulk to a dairy plant.

(b) Collect test samples of milk at a dairy farm if the test results may affect the amount paid to the milk producer.

(2) **BUTTERMAKER OR CHEESEMAKER; EXEMPTION.** Subsection (1) does not apply to a person who holds a valid buttermaker or cheesemaker license issued by the department under s. 97.17, Stats.

(3) **LICENSE EXPIRATION.** A bulk milk weigher and sampler license expires biennially on September 30 of the Register, November, 1994, No. 467

second year commencing after the date on which the license was last issued or renewed.

(4) **LICENSE APPLICATION.** An application for a bulk milk weigher and sampler license shall be made on a form provided by the department, and shall be accompanied by all fees that are due and payable under sub. (5). The application shall include all information reasonably required by the department for licensing purposes.

(5) **LICENSE AND REINSPECTION FEES.** (a) *License fee.* An applicant for a bulk milk weigher and sampler license shall pay a biennial license fee of \$40.

(b) *Reinspection fee.* If the department reinspects a bulk milk weigher and sampler because the department finds a violation of ch. 97, Stats., or this chapter, the department shall charge the bulk milk weigher and sampler a reinspection fee of \$40. The reinspection fee is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application to the bulk milk weigher and sampler.

(6) **ACTION ON LICENSE APPLICATION.** The department shall grant or deny a license application under sub. (4) within 60 days after the department receives a complete application.

(7) **INITIAL LICENSE EXAMINATION.** Before the department initially licenses any person as a bulk milk weigher and sampler, that person shall demonstrate his or her competency by doing both of the following:

(a) Passing a written examination administered by the department.

(b) Successfully completing a field examination administered by the department.

(8) **LICENSE RENEWAL.** A person applying to renew a bulk milk weigher and sampler license may be required to pass a written examination or field examination administered by the department.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

ATCP 82.06 Bulk milk tankers; construction and maintenance. (1) **SANITARY CONSTRUCTION.** Bulk milk tankers, including equipment and accessories, shall be of sanitary design and construction, and shall comply with "3-A Sanitary Standards for Stainless Steel Automotive Milk and Milk Products Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service," No. 05-14 (November 1, 1989), published jointly by the International Association of Milk, Food and Environmental Sanitarians, Inc. and the Food and Drug Administration, Public Health Service, United States Department of Health and Human Services.

Note: Copies of the "3-A Standards" are on file with the department, the secretary of state and the revisor of statutes. Copies may be purchased from the International Association of Milk, Food and Environmental Sanitarians, 6200 Aurora Avenue, Suite 200 W., Des Moines, IA 50322.

(2) **MAINTENANCE.** Bulk milk tankers, including equipment and accessories, shall be kept clean and in good repair.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

ATCP 82.08 Bulk milk tankers; daily cleaning. (1) **REQUIREMENT.** A bulk milk tanker shall be thoroughly cleaned immediately after each day's use, and shall be sanitized prior to the next day's use or immediately after cleaning. No person may collect or transport milk, fluid milk products, whey or whey cream in a bulk milk tanker unless the bulk milk tanker has been cleaned and sanitized under this section, and bears a tag under sub. (4) showing that it has been cleaned and sanitized.

(2) **CLEANING FACILITY.** A bulk milk tanker shall be cleaned and sanitized in a fully enclosed heated facility. The facility shall have an impervious drained floor, and shall be equipped with adequate hot and cold water under pressure, a wash vat, pressure sanitizing facilities and equipment storage racks. Bulk milk tankers may be cleaned and sanitized in the same room where milk is received from those bulk milk tankers.

(3) **CLEANING AND SANITIZING PROCEDURE.** All product contact surfaces on a bulk milk tanker, including all product contact surfaces of equipment and accessories used on the tanker, shall be thoroughly cleaned and sanitized. Sanitizing procedures shall comply with s. ATCP 80.18. External surfaces of a bulk milk tanker shall also be thoroughly cleaned.

(4) **CLEANING TAG.** When a bulk milk tanker has been thoroughly cleaned and sanitized, the dairy plant operator shall attach to the tanker a tag showing the date on which the tanker was cleaned and sanitized, the name and location of the facility where the tanker was cleaned and sanitized, and the signature or initials of the person who cleaned and sanitized the tanker. The tag shall be attached to the outlet valve or inside the pump cabinet of the tanker. The tag shall not be removed until the tanker is again cleaned and sanitized.

(5) **DAIRY PLANT RECORD.** A dairy plant operator shall keep a record, at the operator's dairy plant, of each cleaning and sanitizing operation performed by the dairy plant operator on a bulk milk tanker. The record shall include all of the information required under sub. (4).

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

ATCP 82.10 Collecting milk from dairy farms. (1) **COLLECTION FREQUENCY.** (a) If milk from a grade A or grade B dairy farm violates an applicable standard under s. ATCP 60.15 on any single test, milk from that farm shall be collected at least once every 2 days until a subsequent test shows that the milk from that dairy farm no longer violates that standard. This paragraph does not require a milk hauler to collect milk if collection would violate ch. ATCP 60.

(b) A dairy plant operator receiving milk from a dairy farm shall immediately notify the milk hauler and milk producer whenever milk from that dairy farm must be collected more frequently in order to comply with par. (a). No dairy plant operator may receive milk collected in violation of par. (a).

(2) **SUPPLIES REQUIRED FOR MILK COLLECTION AND SAMPLING.** A milk hauler who collects milk in bulk from a dairy farm shall have the following supplies available on the bulk milk tanker:

(a) An adequate supply of sample containers to collect samples under s. ATCP 82.12. The sample containers shall comply with s. ATCP 82.12 (4).

(b) A sample dipper to collect samples under s. ATCP 82.12. The sample dipper shall be kept in a sample dipper well designed for that purpose.

(c) A sanitizing solution of 100 ppm chlorine or its equivalent. The milk hauler shall carry a sanitizing solution test kit to test the strength of the sanitizing solution.

(d) An insulated carrying case with a rack to hold samples collected under s. ATCP 82.12. The carrying case shall comply with s. ATCP 82.12 (6) (a).

(e) A dial or digital thermometer, accurate to plus or minus 2° F., that can be used to check the accuracy of farm bulk tank thermometers under sub. (6) (b).

(f) A marking device to identify samples collected under s. ATCP 82.12. Samples shall be identified according to s. ATCP 82.12 (5).

(g) A watch or other timing device.

(h) An adequate supply of forms and a writing device to prepare milk collection records under sub. (10).

(i) An adequate supply of single-service paper towels.

(3) **MILK HAULER SANITATION.** A milk hauler shall wear clean, light colored clothes and an effective hair restraint when measuring, sampling or collecting milk at a dairy farm. A milk hauler shall maintain a high degree of personal cleanliness, and shall observe good hygienic practices during all working periods. No milk hauler who has a discharging or infected wound, sore or lesion on his or her hands or exposed arms may measure, sample or collect milk at a dairy farm.

(4) **EXAMINING MILK BY SIGHT AND SMELL.** (a) Before any person receives or collects milk from a dairy farm, that person shall examine the milk by sight and smell, and shall reject all milk that has an objectionable odor, that is abnormal in appearance and consistency, or that is visibly adulterated.

(b) A milk hauler who rejects milk under par. (a) may not collect that milk, or commingle it with milk from any other producer. If a producer disputes a milk hauler's rejection of milk, the milk hauler shall contact the operator of the dairy plant to which the milk would ordinarily be delivered, and the dairy plant operator shall examine the rejected milk to determine whether it was properly rejected.

(5) **HAND WASHING.** (a) A milk hauler shall wash and dry his or her hands before performing any of the following operations at a dairy farm:

1. Using the milk hauler's thermometer to measure the temperature of milk in a dairy farm bulk tank.

2. Measuring or sampling the milk in the bulk tank.

3. Connecting the bulk milk tanker hose to the dairy farm bulk tank.

(b) If the milk hauler connects the bulk milk tanker hose to the dairy farm bulk tank before performing any other operation listed under par. (a), the milk hauler shall

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wash and dry his or her hands after connecting the hose and before performing that other operation.

(6) **MILK TEMPERATURE.** (a) Before a milk hauler collects milk at a dairy farm, the milk hauler shall record the temperature of the milk to be collected, as shown on the dairy farm bulk tank thermometer. If the milk is collected more than 2 hours after the last milking, the milk hauler shall reject the milk if the milk temperature exceeds 45° F. (7° C.). If milk from 2 or more milkings is collected within 2 hours of the last milking, the milk hauler shall reject the milk if the milk temperature exceeds 50° F. (10° C.).

(b) At least once each month, and more often if necessary, a milk hauler shall check the accuracy of each dairy farm bulk tank thermometer by measuring the temperature of milk in the bulk tank with the milk hauler's dial or digital thermometer. The milk hauler shall keep a written record comparing the temperatures recorded by the milk hauler's thermometer with those recorded by the bulk tank thermometer. The written record shall be kept in the dairy farm milkhouse for at least one year.

(c) Before a milk hauler uses the milk hauler's dial or digital thermometer to measure the temperature of milk in a dairy farm bulk tank, the hauler shall sanitize the stem of the thermometer in a solution of 100 ppm chlorine or its equivalent.

(d) A milk hauler shall immediately notify the milk producer and the dairy plant operator if the milk hauler finds that a dairy farm bulk tank is not cooling properly, or that the bulk tank thermometer is not recording temperatures accurately.

(7) **CONNECTING MILK HOSE.** Before a milk hauler connects a bulk milk tanker hose to a dairy farm bulk tank, the milk hauler shall examine the fittings of the bulk milk tanker hose and the dairy farm bulk tank outlet to ensure that both are clean. Before connecting the hose, the milk hauler may clean and sanitize the bulk tank outlet. The milk hauler shall attach the milk hose to the bulk tank outlet in a manner that does not contaminate the hose or hose cap. The hose shall be connected through the hose port in the milkhouse, and not through the milkhouse door.

(8) **MEASURING MILK IN THE BULK TANK.** (a) Before milk is transferred from a dairy farm bulk tank to a bulk milk tanker, the milk hauler shall accurately measure the amount of milk in the bulk tank. The milk hauler shall measure the milk using a clean gauge rod or other measuring device that is specifically designed and calibrated to measure milk in the bulk tank. Immediately before using the gauge rod or measuring device, the milk hauler shall rinse the gauge rod or device with warm potable water, and wipe it dry with a clean single-service disposable towel.

(b) A milk hauler shall not measure the amount of milk in a dairy farm bulk tank until the milk is motionless. If the milk is being agitated, the milk hauler shall turn off the agitator and wait for the milk to become completely motionless before measuring the milk.

(c) After measuring the milk with a gauge rod or other device, the milk hauler shall use that measurement to calculate the weight or volume of milk in the bulk tank

using the bulk tank manufacturer's conversion chart. The milk hauler shall record that weight or volume on a written collection record under sub. (10).

(9) **MILK SAMPLE FOR TESTING.** Before milk is transferred from a dairy farm bulk tank to a bulk milk tanker, a milk hauler shall collect a representative sample of that milk from the bulk tank for testing. The milk hauler shall collect the test sample according to s. ATCP 82.12.

(10) **MILK COLLECTION RECORD.** Whenever a milk hauler collects a milk shipment from a dairy farm, the milk hauler shall make a written collection record for that shipment. One copy of the collection record shall be posted in the dairy farm milkhouse, and an identical copy shall be provided to the dairy plant operator when the milk is delivered to a dairy plant. The collection record shall be signed or initialed by the milk hauler and shall include all of the following:

(a) The milk producer's identification number.

(b) The milk hauler's bulk milk weigher and sampler license number and license expiration date.

(c) The date and time when the milk was sampled and collected.

(d) The temperature of the milk when collected, as determined by the milk hauler under sub. (6).

(e) The weight or volume of milk collected, as determined by the milk hauler under sub. (8).

(11) **LOADING MILK.** (a) After a milk hauler has sampled milk from a dairy farm bulk tank under sub. (9) and prepared a complete collection record under sub. (10), the hauler may transfer milk from that bulk tank to the bulk milk tanker. A milk hauler may not collect milk from any container on a dairy farm, other than from a bulk tank. A milk hauler may not collect any milk from a bulk tank unless the hauler collects all of the milk from that bulk tank before any more milk is added to the tank.

(b) After a milk hauler has collected all of the milk from a bulk tank, the milk hauler shall disconnect the milk hose from the bulk tank, cap the hose, and return the hose to its cabinet in the bulk milk tanker. The milk hauler shall inspect the bulk tank for abnormal sediments, and shall report any abnormal sediments to the dairy plant operator.

(c) After the milk hauler has disconnected the milk hose and inspected the empty bulk tank for abnormal sediments, the milk hauler shall rinse the bulk tank and milkhouse floor with cold or lukewarm water unless the bulk tank is self-cleaning and includes a pre-rinse cycle as part of the self-cleaning process.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

ATCP 82.12 Milk samples for testing. (1) **SAMPLE REQUIRED.** A milk hauler shall collect a sample of a producer's milk before that milk is commingled with milk from any other producer. The milk hauler shall collect a sample of milk from each dairy farm bulk tank before that milk is transferred to a bulk milk tanker, unless the department authorizes equivalent sampling during transfer by means of an automated in-line sampling device. A milk sample collected from a dairy farm bulk tank may not be

commingled with a sample collected from any other bulk tank.

(2) **SAMPLING PROCEDURE; MILK HAULERS.** A milk hauler shall comply with the following procedures when collecting a milk sample under sub. (1):

(a) The milk hauler shall collect the sample from the dairy farm bulk tank after the bulk tank contents have been thoroughly mixed to ensure that the sample is representative. If the bulk tank capacity is less than 1500 gallons, milk in the bulk tank shall be agitated in the milk hauler's presence for at least 5 minutes before a sample is taken. If the bulk tank capacity is 1500 gallons or more, milk in the bulk tank shall be agitated in the milk hauler's presence for at least 10 minutes before a sample is taken.

(b) The milk hauler shall collect the sample using a sample dipper that is of sanitary design and construction, and that is clean and in good repair. The dipper shall be cleaned, sanitized in a 100 ppm chlorine solution or equivalent sanitizing solution, and then dipped at least twice in the bulk tank milk before it is used to collect a sample.

(c) After dipping the milk sample from the bulk tank, the milk hauler shall pour the sample into a sample container under sub. (4), and shall securely close the container. The container shall be labeled with the information required under sub. (5). When pouring the sample into its container, the milk hauler shall take care not to contaminate the sample or spill milk back into the open bulk tank. The milk hauler shall handle the sample container and cap aseptically.

(d) After collecting a milk sample, the milk hauler shall immediately rinse the sample dipper with clean potable water.

(3) **TEMPERATURE CONTROL SAMPLE.** A milk hauler shall collect 2 milk samples under sub. (1) at the first dairy farm where milk is collected for each bulk milk tanker load. The milk hauler shall mark one of those samples as the temperature control sample for all samples pertaining to that load. The sample container for the temperature control sample shall be marked with the producer's identification number, the milk hauler's initials, the date and time when the sample was collected, and the temperature of the milk in the farm bulk tank from which the sample was collected.

(4) **SAMPLE CONTAINERS.** A sample container used to collect a milk sample under sub. (1) shall be all of the following:

- (a) Made of non-toxic, transparent materials.
- (b) Designed so that it can be securely closed.
- (c) Large enough to hold milk for initial and repeat testing under s. ATCP 80.26, and large enough to permit thorough mixing of sample contents before testing.
- (d) Labeled with the all of the information required under sub. (5), or designed so that the milk hauler can easily mark that information on the sample container.
- (e) Clean, commercially sterile and dry at the time of use.

(f) Properly protected from contamination.

(5) **SAMPLE IDENTIFICATION.** Immediately before a milk hauler collects a milk sample under sub. (1), but before the milk hauler opens the sample container, the milk hauler shall clearly and indelibly label the sample container with all of the following information unless that information is already labeled on the sample container:

(a) A producer identification number, assigned by the dairy plant operator, that uniquely identifies the milk producer.

(b) The date when the sample was collected.

(6) **CARE AND DELIVERY OF MILK SAMPLES.** (a) Immediately after a milk hauler collects a milk sample under sub. (1), the milk hauler shall place the sample container in a clean refrigerated carrying case in which the milk hauler shall keep the sample at a temperature of 32 to 40° F. (0 to 4° C.). The carrying case shall be constructed of rigid metal or plastic, shall be effectively insulated and refrigerated to keep samples at the required temperature, and shall have racks designed to hold samples in a proper upright position. If sample containers are packed in ice or cold water to keep the samples refrigerated, the ice or water shall cover no more than 2/3 of each sample container.

(b) A milk hauler who collects a milk sample [under] sub. (1) shall promptly deliver the sample to the dairy plant that receives the milk from the producer, or to a certified testing laboratory designated by the dairy plant operator.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

ATCP 82.14 Delivering milk to dairy plant. (1) Except in the event of a traffic accident, vehicle breakdown or similar emergency, no milk from a bulk milk tanker may be unloaded from a bulk milk tanker or transferred to another bulk milk tanker at any place other than a dairy plant licensed under s. 97.20, Stats., and s. ATCP 80.02, or a dairy plant licensed under equivalent laws of another state. If milk is unloaded or transferred at any location other than a licensed dairy plant, the person having custody of the milk shall notify the department of that unloading or transfer before that milk is processed or shipped to any other location.

(2) Milk shall be unloaded or transferred from a bulk milk tanker in a manner that avoids contamination of milk or milk contact surfaces. Air entering a bulk milk tanker when the tanker is unloaded shall be filtered to prevent contamination of milk and milk contact surfaces.

(3) Milk shall be unloaded in a receiving facility that complies with s. ATCP 80.20 (5).

(4) After each day's use, a bulk milk tanker shall be cleaned and sanitized as provided under s. ATCP 82.08.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.

ATCP 82.16 False samples or records. No person may do any of the following, or conspire with another person to do any of the following:

- (1) Falsely identify any milk sample.
- (2) Submit a false or manipulated milk sample to a dairy plant operator or testing laboratory.

(3) Submit, to a dairy plant operator or testing laboratory, a milk sample collected in violation of this chapter.

(4) Misrepresent the amount of milk collected from a dairy farm, or falsify any record or report required under this chapter.

History: Cr. Register, November, 1994, No. 467, eff. 12-1-94.