

Chapter ATCP 77

LABORATORY CERTIFICATION FEES

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ATCP 77.01 Definitions. In this chapter:

(1) "Dairy plant laboratory" means a laboratory, owned and operated by a dairy plant operator, which is solely engaged in testing milk or dairy products.

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

(3) "Laboratory" means an entity that performs microbiological, biological, physical, chemical, bacteriological or microscopic examinations of milk, water or food.

(4) "Laboratory operator" means the person who owns or operates a laboratory and who assumes legal responsibility for the laboratory's compliance with this chapter.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

ATCP 77.02 Laboratory certification required.

(1) **GENERAL.** Except as provided under sub. (2), no laboratory may perform any of the following tests to determine whether milk, water or food complies with health or safety standards prescribed under federal, state or local statutes, rules or ordinances unless that laboratory is currently certified by the department to perform those tests:

(a) *Milk.* Any of the following tests related to milk, milk products or milk containers:

1. Standard plate count.
2. Plate loop count on raw milk only.
3. Spiral plate count on raw milk only.
4. Petrifilm aerobic count.
5. Bacillus stearothermophilus disc assay test for beta lactam drug residues.
6. Charm BsDa.
7. Charm I/Cowside II.
8. Charm II Competitive.
9. Charm II Sequential.
10. Charm II Quantitative.
11. Charm Farm.
12. Charm RITe.
13. Charm Transit.
14. Charm I/Cowside Cloxacillin.
15. Charm II Cloxacillin.
16. Charm II Sulfa.
17. Delvotest P.
18. Delvo-X-Press.
19. Delvotest P 5-Pack.
20. LacTek BL.
21. LacTek CEF.
22. Penzyme Milk.
23. Penzyme III.
24. Snap BL.
25. Direct somatic cell count.
26. Optical somatic cell count.
27. Petrifilm coliform count.
28. Coliform count.
29. Pasteurized milk containers.

30. Phosphatase test; Scharer rapid.

31. Dairy water.

32. Disintegration test.

33. Flat lid or pour contact tests.

34. Phosphatase test; Fluorophos

35. Phosphatase test; Charm.

36. Other tests performed to comply with ch. ATCP 60 or 80, Wis. Adm. Code.

(b) *Water.* Water microbiology tests.

(c) *Food.* Any of the following tests related to food:

1. Bacteriological or microscopic examinations of food or food products.

2. Microbiology tests.

3. Chemical tests.

4. Physical tests.

5. Biological tests

(2) **EXEMPTIONS.** Subsection (1) does not apply to any of the following:

(a) A laboratory operated by the United States government.

(b) A laboratory which is operated exclusively for teaching or research purposes and which does not test water, milk or food for public consumption.

(c) A laboratory which is operated exclusively for internal quality control or product quality purposes, and which does not test water, milk or food for compliance with federal, state or local statutes, rules or ordinances.

(3) **ANNUAL CERTIFICATION.** The department shall annually certify laboratories under sub. (1). An annual certification expires on December 31 of each year.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

ATCP 77.03 Applying for laboratory certification.

(1) **INITIAL APPLICATION.** A laboratory operator shall apply for certification under s. ATCP 77.02 on a form provided by the department. The operator shall submit a separate application for each laboratory location. The application shall include all of the following:

(a) The name and address of the laboratory operator.

(b) The name, address and telephone number of the laboratory.

(c) The name and address of the laboratory director.

(d) The tests under s. ATCP 77.02 (1) for which the laboratory seeks certification.

(e) Other relevant information which the department requires in order to certify the laboratory.

(f) An annual certification fee of \$216 for each test under s. ATCP 77.02 (1) for which the applicant seeks certification. If an application for certification is filed for less than a full calendar year, the applicant shall include a fee of \$18 for each test for which the applicant wishes to be certified, multiplied by the number of full months remaining in the calendar year for which the applicant seeks certification. Fees under this paragraph are nonrefundable if the department has made an inspection of the laboratory as part of the approval process.

(2) **ANNUAL RENEWAL APPLICATION.** A laboratory operator wishing to renew an annual laboratory certification shall file a

renewal application with the department by December 31 of each year. The operator shall file the renewal application on a form provided by the department. The application shall include all of the following:

(a) The information required under sub. (1) (a) to (e). The application shall identify changes, if any, from the last annual renewal.

(b) A renewal fee of \$216 for each test under s. ATCP 77.02 (1) for which the applicant seeks to renew or add certification.

Note: The department will send renewal application forms to certified laboratories approximately 6 weeks before their current annual certifications expire.

(3) **FEE EXEMPTION.** A public health laboratory operated by a county or municipality that has contracted with the department to license and inspect retail food establishments as the department's agent under s. 97.41, Stats., is exempt from certification fees under sub. (1) (f), (2) (b) and (4) (d).

(4) **SUPPLEMENTARY APPLICATION.** The operator of a certified laboratory may, at any time during a certification year, request certification to perform additional tests which are not included in its current annual certification. The operator shall make the request

on a form provided by the department. The request shall include all of the following:

(a) The additional tests under s. ATCP 77.02 (1) (a) for which the laboratory seeks certification.

(b) Information showing that the laboratory is qualified to perform the additional tests.

(c) Other relevant information which the department requires in order to evaluate the request.

(d) A fee of \$18 for each test under s. ATCP 77.02 (1) for which the applicant seeks certification, multiplied by the number of full months remaining in the calendar year for which the applicant seeks certification.

(5) **FALSIFIED APPLICATION.** No person may misrepresent or falsify any information related to a certification application under this section.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

ATCP 77.04 Review of certification fees. Before June 30, 1999, the department shall evaluate the provisions of this chapter related to laboratory certification program costs and revenues and the need for modification of annual and renewal fees.

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