

Chapter ATCP 57

PROCESSING, IDENTIFICATION AND TRANSPORTATION OF INEDIBLE MEAT AND POULTRY PRODUCTS

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History: Chapter Ag 48 as it existed on March 31, 1975 was repealed and a new ch. Ag 48 was created effective April 1, 1975; Chapter Ag 48 was renumbered ch. ATCP 57 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

ATCP 57.01 Scope. This chapter applies to all persons engaged in business as a meat establishment operator, mobile slaughterer, meat broker, renderer, animal food processor, collector or wholesaler of animal carcasses or products made from carcasses, whether intended for human food or other purposes, or engaged in business as a public warehouse keeper storing carcasses or the products of carcasses, or engaged in the business of processing, buying, selling or transporting any dead, dying, diseased or disabled animals, or the carcasses or products of carcasses, including the carcasses or products of animals which have died other than by slaughter, and all used waste frying fats or greases containing animal matter and all waste restaurant greases.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (1), Register, May, 1983, No. 329, eff. 6-1-83.

ATCP 57.02 Definitions. As used in this chapter:

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

(2) "Person" means any individual, partnership, corporation, association or any other business entity.

(3) "Animal", except as used in the term "animal feed", means all members of the animal kingdom except humans.

(4) "Carcass" means all parts, including the viscera, of animals.

(5) "Process" means the slaughtering of animals, the skinning out, cutting up, or boning out of the carcasses of animals, or the manufacturing or preparation of products from the carcasses of animals, and includes the packaging or labeling of products derived from the carcasses of animals.

(6) "Product" means any material processed or derived in whole or part from carcasses of animals.

(7) "Inedible products" means the carcasses or products of dead, dying, diseased or disabled animals, or carcasses or products of any other animal, which have been condemned, or are adulterated, inedible by humans or not intended for use as human food.

(8) "Denature" means to alter the normal character or appearance of carcasses or the products thereof so as to render them incapable for use as human food.

(9) "Animal feed" means products or materials used in the feeding of animals, including "animals" as defined in sub. (3) and all other animals of any kind.

(10) "Animal food processor" means any person engaged in the business of processing animals or the carcasses or products thereof in the manufacture of animal feed, and includes the operator of fur farm if engaged in the processing of animals or the carcasses or products thereof for other than personal use. The term does not apply to persons operating solely as a renderer, or persons using only fully rendered products such as meat meal tankage,

meat and bone meal, blood meal and feed grade animal fat in the manufacture of animal feed.

(11) "Meat broker" means any person engaged in the business of buying or selling meat or poultry products, or meat or poultry food products on commission, or otherwise negotiating purchases or sales or such articles other than for his or her own account or as an employe of another person.

(12) "Renderer" means a person who receives dead animals and processes them by a separation process to obtain grease, tallow or fat, and other products such as blood meal, bone meal, meat meal, meat and bone meal, dry rendered tankage, dry poultry product meal, feather meal or any other rendered animal tankage.

(13) "Wholesaler" means a person engaged in the sale of carcasses or products derived therefrom to retailers, other merchants, or industrial, institutional, and commercial users.

(14) "Dead animal" has the meaning set forth in s. 95.72 (1) (c), Stats.

(15) "Collector" has the meaning set forth in s. 95.72 (1) (b), Stats.

(16) "Premises" means a parcel of land, including buildings, designated on a plot plan agreed to by the owner and the department. A survey is not required for a plot plan.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (1), (3), (10) and (12), cr. (14), (15) and (16), Register, May, 1983, No. 329, eff. 6-1-83; corrections in (10) and (11) made under s. 13.93 (2m) (b) 5., Stats., Register April, 1993, No. 448.

ATCP 57.03 Registration. (1) No person shall engage in business as a meat broker, renderer, animal food processor, or as a wholesaler of animal carcasses or the products of carcasses, whether intended for human food or other purposes, or engage in business as a public warehouse keeper storing such carcasses or the products thereof, or engage in the business of processing, buying, selling or transporting any dead, dying, diseased or disabled animals or the carcasses or products of these animals including the carcasses or products of animals which have died other than by slaughter, without registering with the department, the name and address, including the business name and address under which the person does business. Registration shall not be required of persons otherwise licensed with the department as meat establishment operators, frozen food plant operators or processors, livestock dealers or market operators, renderers, animal food processors, dead animal collectors, and public or cold storage warehouse operators, or registered as a mobile slaughterer. Each person registered shall be assigned a registration number. The owner-operator, business partner or a principal officer of a corporation or cooperative shall be responsible for the conduct of business in conformity with the standards in this chapter.

(2) Persons required to be registered under sub. (1) shall register on forms prescribed by the department. All information furnished in connection with such registration shall be truthful and accurate, and whenever any changes occur in the name, address, ownership or nature of the business, the department shall be noti-

fied of such changes by the operator of the business within 15 days after date on which such change occurs.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (1), Register, May, 1983, No. 329, eff. 6-1-83.

ATCP 57.04 Records; access. (1) Persons required to be registered under s. ATCP 57.03, or exempted from registration because they are licensed or otherwise registered with the department, shall keep records fully and accurately disclosing all transactions involving the procurement and disposition of animals or the carcasses or the product thereof, whether intended for human food or other purposes. Such records shall include the name and address of their suppliers, a description of the animals, carcasses, or products bought or sold and the net weights involved. (In the transportation or delivery of animals which have died other than by slaughter, an estimated or approximate net weight may be used.)

(2) Records shall be readily available at reasonable times to representatives of the department for inspection. Records shall be retained for a period of 2 years following the last day of the calendar or fiscal year in which the transaction occurred, except as otherwise directed by the department.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (2), Register, May, 1983, No. 329, eff. 6-1-83.

ATCP 57.05 Denaturing. (1) Except as provided under s. ATCP 57.07, inedible products shall, unless naturally inedible by humans, prior to being frozen, stored, transported or sold, be identified as provided in s. ATCP 57.06 and denatured as follows:

(a) A denaturing agent authorized under sub. (2) shall be liberally applied to all surfaces of, and mixed with and into all material to be denatured to prevent its removal by washing, soaking, trimming or by other means. The material so denatured shall have a distinctive color, texture, odor or taste so that it cannot be confused with human food.

(b) Carcasses, sides, quarters, or pieces more than 4 inches square or thick to be denatured shall be freely and deeply slashed and scored with cuts not more than approximately 4 inches apart, and an approved denaturing agent shall be liberally applied to and within such cuts and scores.

(2) The following denaturing agents used in the quantity indicated are acceptable for denaturing purposes:

(a) FD&C Blue No. 2 coloring (sufficient to impart a definite blue color).

(b) FD&C Green No. 3 coloring (sufficient to impart a definite green color).

(c) Ground hard bone No. 8 mesh (6% by weight in ground or emulsified product).

(d) Ground hard bone No. 5 mesh (4% by weight in ground or emulsified product).

(e) Finely powdered charcoal (sufficient to impart a distinctive coloring to all surfaces).

(f) Coarse ground charcoal No. 10 mesh for ground product only (sufficient to impart a distinctive coloring to all surfaces).

(g) Low grade offal ground with product so as to make it readily distinguishable from any article of human food.

(h) Other denaturing agents, if demonstrated to be equally effective and approved by the department.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; r. (2) (b), renum. (2) (c) to (i) to be (2) (b) to (h) and am. (f), Register, May, 1983, No. 329, eff. 6-1-83.

ATCP 57.06 Labeling. (1) Except as provided in sub. (5), no animal feed prepared, in whole or in part, from inedible products shall be transported unless:

(a) It is fully identified as animal feed and is not otherwise represented as human food;

(b) It has been denatured as prescribed under s. ATCP 57.05, or is transported under s. ATCP 57.07 permit; and

(2) Except as provided under sub. (5), inedible products, other than products naturally inedible by humans, prior to being frozen or placed in storage, or prior to being offered for sale, sold, transported, shall be conspicuously labeled on the 2 opposite side or end panels of any container thereof, or the front panel of any bag with the statement "INEDIBLE (SPECIES) NOT INTENDED FOR HUMAN FOOD" in letters not less than 2 inches high. The inedible statement for packages containing less than 25 lbs. of processed animal food shall be in letters not less than one inch high on a principal display panel of not more than 100 square inches. If the type size of the product name or trade name is less than one inch in height, the size of the letter for the "inedible statement" shall be as large as the letters used for the product name or trade name. The label shall include the net weight of the contents of the container and the name and principal address of the shipper, manufacturer or distributor. A way-bill or invoice shall be tendered to the purchaser which includes the net weight, animal species of the product's contents, and the name and address of the distributor.

(3) Except as provided under sub. (5), every bulk lot shipment of inedible products sold, offered for sale, or being transported, shall be identified with a prominent tag attached to the container bearing the words "INEDIBLE (SPECIES) NOT INTENDED FOR HUMAN FOOD" in letters not less than 4 inches high, and shall include the net weight of the bulk lot shipment, and the name and principal address of the shipper, manufacturer or distributor. ("Bulk lot shipment" means a tank, vat, or truckload, and not multiple primary containers.)

(4) All labels and labeling information used in the labeling of products in licensed animal food processing establishments shall be submitted for approval prior to use. The department may seize and destroy all unauthorized labels. Existing stocks of labels may be used up, if mutually agreed upon by the owner and the department. All new labels must be in compliance.

(5) The following animal feeds are not subject to requirement of this section or s. ATCP 57.05, but are subject to labeling and other requirements under s. 94.72, Stats.:

(a) Animal feed packed in hermetically sealed, retort process, conventional-retail size containers, and retail size packages of semi-moist animal feed.

(b) Animal feed containing less than 5% of parts or products of the carcasses of animals and not represented by labeling, appearance or otherwise as being a human food or a product of the meat food industry.

(c) Animal feed which does not consist of any carcasses or products thereof other than fully rendered products, such as meat meal tankage, meat and bone meal, blood meal and feed grade animal fat.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; r. (1) and (2) (c), renum. (2) to (4) to be (1) to (3) and am. (2), cr. (4), Register, May, 1983, No. 329, eff. 6-1-83.

ATCP 57.07 Denaturing exemptions; permit.

(1) Lungs and lung lobes originating from any meat establishment licensed and inspected under s. 97.42, Stats., other than those condemned because affected with disease or pathology, or found to be adulterated with chemical or biological residue may, subject to s. ATCP 57.06, be transported without denaturing under department permit, provided:

(a) They are directly consigned to a manufacturer of animal feed for use in manufacturing animal feed, or directly to a zoo, mink farm, or other establishment for use as animal feed without further manufacturing, or to a storage plant for subsequent movement to such manufacturer, zoo, mink farm or other establishment. Lungs or lung lobes shipped to a storage plant shall, prior to further shipment, be accompanied by a shipping certificate as required under s. ATCP 57.06, executed by the storage plant operator. The shipping certificate shall be in the form prescribed under s. ATCP 57.06 (1) but shall include, in addition thereto, the permit

number, number and kind of containers, total weight and date received at the storage plant.

(b) Boxes or other containers used in the shipment of undenatured lungs or lung lobes are closed and taped with a nylon filament tape or strapped with metal straps and the permit number appears on each container.

(2) Inedible rendered animal fats originating from any meat establishment licensed and inspected under s. 97.42, Stats., or originating from a rendering establishment under s. 95.72, Stats., and other inedible products prepared at any establishment, having the physical characteristics of a product capable of use as human food may, subject to s. ATCP 57.06, be transported without denaturing under department permit, provided:

(a) Such inedible rendered animal fats or other inedible products are consigned to a manufacturer of animal feed or a manufacturer of non-human food articles for use solely for the manufacture of animal feed or for the manufacture of non-human food articles. The manufacturer receiving such products may not further sell or ship them without the prior approval of the department, and without maintaining a record identifying the new consignee.

(b) Such inedible rendered fat is transported only in sealed shipping containers bearing unofficial seals applied by the shipper, and other inedible products are transported only in railroad cars, trucks or containers which bear unofficial seals applied by the shipper. Such unofficial seals shall be metal strip dead lock seals attached in such a manner as to prevent access to the inedible animal fat or other inedible products unless broken. Unofficial seals shall contain the permit number assigned by the department and an individual seal serial number as assigned by the shipper. Such inedible rendered fat or other inedible products shall be accompanied by a shipping certificate as prescribed in s. ATCP 57.06 (1), including thereon the permit number assigned by the department. The permit number and the individual seal serial number shall also appear on the bill of lading or other transportation or shipping document. The consignee shall retain a record of the individual seal serial number and the permit number as part of the records required to be kept under s. ATCP 57.04.

(3) No person may transport lungs or lung lobes, inedible animal fat or other inedible products, unless naturally inedible by humans, without denaturing unless the person has applied for and received from the department a numbered permit authorizing shipment of the products, and transports the products in conformity with this section. The department shall grant or deny a permit application within 10 days after the application is filed with the department, provided that the application is accompanied by all requisite information and documentation. The numbered permit assigned by the department is a continuing nontransferable permit. The permit remains in effect, unless suspended or revoked by the department, until the permit holder ceases operations.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. (3), Register, December, 1985, No. 360, eff. 1-1-86.

ATCP 57.08 Detection and disposition of non-complying product. The department may place under holding order or otherwise retain any carcasses or products thereof capable of use as human food, whether or not intended for use as human food, or other inedible products including hides produced from dead animals found in any animal food processing establishment, rendering plant, fur farm, storage plant, or other location, or in transportation, which is not denatured or labeled in accordance with the requirements of this chapter or is suspected to be contaminated, diseased or unsuitable for animal food. Material which has been detained may be disposed of only under departmental supervision, as soon as possible and so as not to interrupt the normal flow of business, if at all possible.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; am. Register, May, 1983, No. 329, eff. 6-1-83.

ATCP 57.09 Animal food processor and renderer; facilities and operation. (1) CONSTRUCTION OF BUILDINGS

AND EQUIPMENT. (a) Buildings, facilities and equipment used in the receiving, holding, storing or processing of dead animals or other products in the manufacture of animal feed or the rendering process shall be constructed in a manner which will permit the thorough cleaning thereof.

(b) The interior walls of rendering or animal food processing plants hereafter constructed or altered shall be of a smooth, impervious surface.

(c) When floors or other parts of a rendering plant, animal food processing plant, or vehicle station or equipment used in these facilities are in unsatisfactory condition so that they cannot be sanitized readily or effectively operated, they shall be removed or replaced with suitable materials or operative equipment or both.

(d) Effective processing equipment and condensing or other effective vapor control facilities shall be provided in licensed plants. The plant and equipment shall be maintained in a clean condition at all times and operated in a manner so as to avoid offensive conditions and odor nuisance. Odor control standards shall meet the requirements of chs. NR 400 to 494.

(2) RECEIVING FACILITIES. Plants or premises where rendering or animal food processing operations are conducted shall be provided with an enclosure for receiving and temporarily holding dead animals and the products of carcasses while awaiting further processing. The enclosure shall be constructed in a manner to exclude the entry of dogs, cats, wild animals or birds and be equipped with a paved floor which can be thoroughly drained, cleaned and disinfected.

(3) MAINTENANCE. Premises, buildings, facilities and equipment used in processing operations shall be maintained in a clean and sanitary condition to avoid the creation of a health or sanitation hazard, or a public health nuisance by reason of objectionable odors, accumulation of litter, or the presence of insects, rodents or other vermin.

(4) MANURE DISPOSAL. Manure or paunch contents shall be placed in covered containers, or held in separate rooms or vehicles and be removed from the premises or otherwise disposed of at the end of each day's operation to avoid the creation of a health hazard or public nuisance.

(5) DRAINAGE AND EFFLUENT WASTE. All plant processing areas shall be effectively drained into an approved effluent waste disposal system or into a public sewer system. Such effluent waste systems shall comply with all existing state or local laws or ordinances.

(6) WATER SUPPLY. A supply of potable water shall be provided for drinking and lavatory purposes. An adequate supply of hot and cold running water shall be maintained under pressure to facilitate the hosing down of processing areas and equipment to assure cleanliness.

(7) TOILET FACILITIES. Toilets shall be of an approved water closet or chemical type and kept clean and sanitary. A bathroom in the residence of the operator will fulfill this requirement.

(8) STORAGE. Finished products shall not be stored in contact with any raw material or dead animals.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; r. and recr. (1) and (8), am. (2) and (7), r. (9), Register, May, 1983, No. 329, eff. 6-1-83; correction in (1) (d) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1993, No. 448.

ATCP 57.10 Transportation of animals and carcasses. (1) Live animals shall not be transported in a vehicle containing dead animals. Live downer animals picked up for animal food processing or rendering shall be killed before loading for transport to a processing or rendering plant. Dispatching shall be done by humane methods as defined in s. 95.80 (1) (c), Stats.

(2) Live animals, other than a guard dog, shall not be unloaded or held in the processing or storage areas of a rendering plant or animal food processor.

(3) All vehicles, containers and equipment shall be thoroughly cleaned and sanitized after each day's use or more frequently as necessary. When a vehicle has been used to transport

a dead animal which has died or has been killed as the result of an infectious or contagious disease, the vehicle shall be cleaned, washed and thoroughly disinfected before going onto any highway or premises other than the premises of the rendering plant or vehicle station.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

ATCP 57.11 Vehicle permits. (1) Vehicle permits under s. 95.72 (7) (c), Stats., may be issued for the operation of vehicles which are used by an animal food processor, renderer, a dead animal collector or their employees. The licensee or person to whom the vehicle permits are issued shall be held strictly accountable at all times for the operation of vehicles. The owner-operator, business partner or principal officer of a corporation or cooperative shall be responsible for the conduct of business in conformity with the standards in this chapter. The department shall grant or deny an application for a vehicle permit within 20 business days after the application is filed with the department, provided that the application is accompanied by all requisite information and documentation.

(2) Equipment used in the transportation of dead animals shall bear the name and plant location of the renderer, animal food processor or the dead animal collector using it. The name shall be prominently displayed on both sides of such equipment in block lettering not less than 3 inches high. The location of the receiving plant shall be displayed below the name of the licensee in lettering not less than 2 inches high.

(3) The department may suspend, revoke or refuse to renew the license of any animal food processor, renderer or dead animal collector who it has reasonable grounds to believe has obtained by fraud, deception or misrepresentation a permit to operate a vehicle

used for the transportation of dead animals upon the highways of the state by anyone not an employe.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; am. (1), Register, December, 1985, No. 360, eff. 1-1-86.

ATCP 57.12 Vehicle transfer stations; permits.

(1) Vehicle transfer stations may be used only for unloading or reloading dead animals for delivery to a licensee. No person may operate a vehicle transfer station unless a building is constructed, maintained and operated according to s. ATCP 57.09 (1) to (3), (5) and (6). Dead animals shall be removed to a rendering plant or an animal food processing plant within 24 hours of arrival or within 48 hours of a Saturday or Sunday followed by a holiday so as to avoid an odor nuisance. If public sewerage is not available, a treatment and disposal system shall be provided which conforms with chs. NR 108 and 258, Wis. Adm. Code. A transfer station shall have a safe water supply for drinking purposes and an adequate supply of 180° F. hot water for washing and cleaning of the buildings, containers and vehicles. The owner-operator, business partner or a principal officer of a corporation or cooperative shall be responsible for the conduct of business in conformity with the standards in this chapter.

(2) The department shall grant or deny a request for a permit to operate a vehicle transfer station within 40 business days after the request is made to the department, provided that the request is accompanied by all requisite information and documentation.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; renum. to be (1) and cr. (2), Register, December, 1985, No. 360, eff. 1-1-86.

ATCP 57.13 Vehicle parking. A vehicle loaded with a dead animal shall not be parked or stored on any street nor upon any highway or other place where such parking or storing shall constitute a nuisance.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.