

## Chapter ATCP 82 BULK MILK COLLECTION, SAMPLING, AND TRANSPORTATION

**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 container, which is permanently mounted on a motor vehicle or that is designed to be towed by a motor vehicle, and includes all equipment and accessories related to the container. “Bulk milk tanker” does not include a container which is used by a milk producer solely to transport that producer’s own milk to that milk producer’s bulk tank or to a licensed dairy plant operated by that producer.

**(1m)** “Bulk milk tanker cleaning facility” means a facility where a bulk milk tanker or its appurtenances are cleaned and sanitized.

**(1s)** “Bulk milk weigher and sampler” means any person who collects official milk samples and may transport raw milk from a farm, or raw milk or fluid milk products to or from, a dairy plant, receiving station, or transfer station and is licensed under ATCP 82.04.

**(2)** “Bulk tank” means a permanent or semi-permanent tank, container, or silo 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 a dairy farm as defined in s.97.22 (1) (a), Stats., operated by a milk producer and includes a milkhouse.

**(4)** “Dairy plant” means any of the following:

(a) A place where a dairy product is manufactured or processed for sale or distribution as human food

(b) A receiving station

(c) A transfer station

(d) For the purposes of assigning milk producer license application responsibilities, a milk contractor, or any business under par. (a) or (b) of this section, that submits a milk producer license application on behalf of a milk producer and thereby certifies that the milk producer’s dairy farm and milking operations comply with applicable requirements of ATCP 65

**(4m)** “Department” means the Wisconsin department of agriculture, trade and consumer protection.

**(5)** “Milk” means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy milking animals, and includes skim milk and cream.

**(7)** “Milk producer” means a milk producer as defined in s.97.22(1) (f), Stats.

**(7m)** “Milking animals” means all of the following:

(a) Cows, sheep, and goats.

(b) Other hooved or camelid mammals whose milk is collected and distributed for human consumption.

**(8)** “Processing plant” means a dairy plant at which dairy products are processed.

**(9)** “Receiving station” means a facility which is designed for the receipt and bulk storage of milk and 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.

**(9m)** “Single-farm Pick-up” means the one-time transfer of properly cooled milk originating from a single licensed milk producer’s milking animals and stored in a bulk milk tank or silo, to a bulk milk tanker owned and/or operated by the same licensed milk producer or owned and/or operated by the producer’s dairy plant or milk contractor, and the immediate transportation of that milk to the receiving plant.

**(10)** “Transfer station” means a facility designed and used solely to transfer milk from one bulk transport container to another without intervening storage.

**History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; CR 07-006: cr. (1m) and (7m), am. (3) and (5), Register January 2008 No. 625, eff. 2-1-08; CR 13-104: cr. (1s), am. (2), cr. (4m), r. (6) Register July 2014 No. 703, eff. 8-1-14.

#### **ATCP 82.02 Bulk milk tanker; grade A permit.**

**(1m)** PERMIT REQUIRED. No person may operate a bulk milk tanker to transport milk or fluid milk products for sale or use as grade A milk or grade A dairy products unless the department, or an equivalent regulatory agency in another state, has issued a valid grade A permit for that bulk milk tanker and the information required under sub. (7) (b) is displayed on the bulk milk tanker as required under sub. (7) (c). A grade A permit is not transferable between bulk milk tankers.

**(2)** PERMIT APPLICATION. An application for a grade A permit under sub. (1m) shall be made on a form provided by the department. An 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, and state in which the bulk milk tanker is customarily kept.
- (d) Any other information which the department reasonably requires for identifying and permitting of the bulk milk tanker.
- (e) All applicable fees and surcharges required under subs. (5) and (6).

**(3)** ACTION ON PERMIT APPLICATION. (a) The department shall grant or deny a permit application under sub. (2) within 30 days after the department receives a completed application.

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

**(5)** REINSPECTION FEE. (a) 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. 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 permit renewal application to the bulk milk tanker operator, or at any other time after the fee becomes effective.

(b) The reinspection fee under par. (a) is \$60.

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

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

(c) Payment of the permit 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. (1m) or (7), but does not constitute evidence of any violation of law.

**(7) GRADE A PERMIT DISPLAY.** (a) An application for a grade A permit shall include proof that the bulk milk tanker has passed an inspection by the department or by a certified industry inspector under s. ATCP 82.02 (8) within the 24 months before the last day of the month in which the application was made.

(b) The holder of a grade A permit under sub. (1m) shall display all of the following information, in the manner required under par. (c), on both sides of the bulk milk tanker to which the permit applies:

1. The grade A permit identification number.
2. Identification of the state that issued the grade A permit. The state identification may be expressed as the full state name, the official two letter postal code abbreviation for the state, or the numerical code issued for that state by the United States food and drug administration, and available online at <http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2007965.htm#hucs>.

**Note:** For example, permits issued by the department may display the full state name, "Wisconsin," the two letter postal code state abbreviation "WI," or the numerical code "55."

(c) The information display, under par. (b), shall be permanently attached to the bulk milk tanker. The color of the letters and numbers shall be in sharp contrast to the background on which the letters and numbers are displayed. Each letter and number comprising the information shall be at least 2 inches in height and readily legible during daylight hours while the bulk milk tanker is stationary. The permit holder shall maintain the display so that it remains fully legible at all times.

**(8) CERTIFIED INDUSTRY INSPECTION OF GRADE A BULK MILK TANKERS.** (a) The department may certify industry personnel to inspect bulk milk tankers for the purpose of issuing grade A permits. Certified

industry inspectors shall be authorized to conduct inspections and reinspections of bulk milk tankers and issue or deny grade A permits for bulk milk tankers.

(b) Applicants for the certified industry inspection program shall be appointed in compliance with requirements for special dairy and food inspectors under s. 97.32 (1), Stats. Certification shall be for a period not exceeding 3 years from the date of formal certification or re-certification. The department may revoke the certification of an industry inspector, if the inspector fails to comply with the requirements of the certified dairy inspection program, in accordance with s. 97.32 (4), Stats.

(c) The department shall maintain a written program describing procedures for implementing the certified industry inspection program. Certified industry inspectors shall maintain copies of certification and inspection records for 3 years and shall file annual bulk milk tanker inspection reports with the department.

**History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; CR 05-044: am. (2) (intro.), (3) (b) and (4), r. and recr. (5) Register December 2005 No. 600, eff. 1-1-06; CR 07-006: am. (1) (b), (2) (intro.) and (c) and (7), cr. (2) (e), (7) (d) and (e), Register January 2008 No. 625, eff. 2-1-08; CR 07-037: am. (4) and (5) (b) Register April 2008 No. 628, eff. 5-1-08; CR 13-104: am. (7) (a), (b), cr. (8) Register July 2014 No. 703, eff. 8-1-14; **CR 15-094: am. (title), r. (1), cr. (1m), am. (2) (title), (intro.), (d), (e), (3), r. (4), am. (5), (6), r. and recr. (7) Register August 2016 No. 728, eff. 9-1-16; correction in (1m) made under s. 13.92 (4) (b) 7., Stats., correction in (7) (b) 2. made under s. 13.92 (4) (b) 6., Stats., and correction in (7) (a) made under s. 35.17, Stats., Register August 2016 No. 728.**

**ATCP 82.04 Bulk milk weigher and sampler; license and grade A permit. (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, or issued by an equivalent regulatory agency in another state:

- (a) Weigh or measure milk, for payment purposes.
- (b) Collect test samples of milk required under s. ATCP 65.38.

**(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. and has passed a field inspection administered by the department or another regulatory agency which grants bulk milk weigher and sampler licenses, within the previous 24 month period.

**(3) INITIAL BULK MILK WEIGHER AND SAMPLER LICENSE APPLICATION.** Before the department initially licenses any person as a bulk milk weigher and sampler, that person shall demonstrate his or her competency by doing all of the following:

- (a) Submit an application for a bulk milk weigher and sampler license on a form provided by the department. The form shall be accompanied by all fees that are due and payable under sub. (6). The application shall include all information reasonably required by the department for licensing purposes.
- (b) Pass a written examination administered by the department.

(c) Pass a field inspection administered by the department, within 21 days of passing the written examination.

**(4) ACTION ON INITIAL APPLICATION FOR BULK MILK WEIGHER AND SAMPLER LICENSE.** The department shall grant or deny an initial bulk milk weigher and sampler license under sub. (3) within 40 days after the department receives a complete application.

**(5) LICENSE EXPIRATION.** (a) Except as provided in par. (b), a bulk milk weigher and sampler license expires on the second September 30 following the date on which the department issues or renews the license.

(b) If the department issues or renews a license before September 30 of any year in response to an application filed after August 15 of that year, the license expires on the third September 30 following the date on which the department issues or renews the license.

**(6) LICENSE AND REINSPECTION FEES.** (a) *License fee.* An applicant for a bulk milk weigher and sampler license shall pay a biennial license fee of \$60.

(b) *Reinspection fee required.* 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 \$60. 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.

(c) *Written examination.* The department may require that the bulk milk weigher and sampler pass a written examination in conjunction with a reinspection. No fee shall be charged to the bulk milk weigher and sampler for this examination.

**(7) LICENSE RENEWAL.** A person applying to renew a bulk milk weigher and sampler license shall be required to do all of the following:

(a) Submit an application for renewal of a bulk milk weigher and sampler license on a form provided by the department. The form shall be accompanied by all fees that are due and payable under sub. (6). The application for renewal shall include all information reasonably required by the department for licensing purposes.

(b) Pass a field inspection administered by the department or another regulatory agency which grants bulk milk weigher and sampler licenses, within the previous 24 month period.

**(8) ACTION ON APPLICATION TO RENEW A BULK MILK WEIGHER AND SAMPLER LICENSE.** The department shall grant or deny a license application under sub. (7) within 40 days after the department receives a complete application.

**(9) GRADE A BULK MILK WEIGHER AND SAMPLER PERMIT REQUIRED.** Except as provided under sub. (2), no person may do either of the following unless that person holds a valid grade A bulk milk weigher and sampler permit in addition to the bulk milk weigher and sampler license issued by the department under s. 98.146, Stats., and this section:

(a) Weigh or measure grade A milk, which will be processed as grade A milk or a grade A dairy product, for payment purposes.

(b) Collect test samples of grade A milk, which will be processed as grade A milk or a grade A dairy product, as required under s. ATCP 65.38.

**(10) OBTAINING AN INITIAL GRADE A BULK MILK WEIGHER AND SAMPLER PERMIT.** A person shall be granted a grade A permit by the department upon successfully obtaining their initial bulk milk weigher and sampler license under sub. (3) or before the expiration date of that license under sub. (5), provided that if any reinspections of the person have been conducted under sub. (6), the most recent reinspection was passed by the person. A person holding a bulk milk weigher and sampler license from the department, who passes an inspection conducted by another regulatory agency which grants grade A bulk milk weigher and sampler permits, may conduct the activities in sub. (9) (a) and (b).

**(11) RENEWING A GRADE A BULK MILK WEIGHER AND SAMPLER PERMIT.** A person shall be granted a renewal of a grade A bulk milk weigher and sampler permit by the department upon successfully renewing their initial bulk milk weigher and sampler license under sub. (7) or before the expiration date of that license under sub. (5), provided that if any reinspections of the person have been conducted under sub. (6), the most recent reinspection was passed by the person. A person holding a bulk milk weigher and sampler license from the department, who passes an inspection conducted by the regulatory agency of another state which grants grade A bulk milk weigher and sampler permits, may conduct the activities in sub. (9) (a) and (b).

**History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; CR 01-028: r. and recr. (3), Register September 2001 No. 549, eff. 10-1-01; CR 05-044: r. and recr. (5) Register December 2005 No. 600, eff. 1-1-06; CR 07-006: am. (1) (a) and (b), Register January 2008 No. 625, eff. 2-1-08; CR 07-037: am. (5) (a) and (b) Register April 2008 No. 628, eff. 5-1-08; CR 13-104: am. (title), renum. (3) to (5), cr. (3) (a), am. (4), renum. (5) to (6) and am. (6) (b), cr. (6) (c), renum. (6) to (8) and am., renum. (7) (intro.), (a), (b) to (3) (intro.), (b), (c) and am., cr. (7) (a), (b), renum. (8) to (7) (intro.) and am., cr. (9) to (11) Register July 2014 No. 703, eff. 8-1-14; correction in (6) (c) (title) made under s. 13.92 (4) (b) 2., Stats., Register July 2014 No. 703; **CR 14-073: am. (1) (b), (9) (b) Register August 2016 No. 728, eff. 9-1-16.**

**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 Transportation Tanks for Bulk Delivery and Farm Pick-Up Service*, No. 3A 05-16(October 31, 2016).

**Note:** Copies of the *3-A Standards* are on file with the department and the legislative reference bureau. Copies may be obtained from 3-A Sanitary Standards, Inc. Online Store at <http://www.techstreet.com>.

**(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; CR 07-006: am. (1), Register January 2008 No. 625, eff. 2-1-08.

**ATCP 82.08 Cleaning and sanitizing bulk milk tankers. (1) CLEANING AND SANITIZING REQUIRED.** A bulk milk tanker operator shall ensure the following:

(a) No person may operate a bulk milk tanker unless the bulk milk tanker is cleaned immediately after each day's use and sanitized prior to the next day's use. A bulk milk tanker, including all attached dairy product pumps and hoses, shall be cleaned and sanitized according to this section. A bulk milk tanker shall be re-sanitized if the tanker has not been used for more than 96 hours after last being sanitized.

(b) Except as provided in par. (c), a bulk milk tanker is not required to be cleaned or sanitized between loads during a 24 hour period, provided that the bulk milk tanker is cleaned after that day's use and sanitized prior to the next day's use.

(c) Milk and dairy product pumps and hoses shall be cleaned and sanitized whenever those pumps or hoses remain unused for more than 4 hours.

(d) No person may operate a bulk milk tanker unless the tanker bears a tag under sub. (4) showing that it has been cleaned and sanitized according to this section.

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

(b) A facility used to clean and sanitize grade A bulk milk tankers, pumps, and hoses shall be covered by a grade A permit under sub. (6) and meet the requirements of par. (a).

**(3) CLEANING AND SANITIZING PROCEDURE.** Whenever a bulk milk tanker is cleaned and sanitized, the bulk milk tanker operator or bulk milk tanker cleaning facility employee shall do all of the following:

(a) Clean and sanitize every dairy product contact surface on the bulk milk tanker, including product contact surfaces of equipment and accessories used on the tanker. If a bulk milk tanker operator or bulk milk tanker cleaning facility employee is only required to clean tanker pumps and hoses under sub. (1) (c), the operator or employee shall clean every dairy product contact surface on those pumps and hoses.

(b) Sanitize dairy product contact surfaces according to s. ATCP 65.34.

**(4) CLEANING DOCUMENTATION.** (a) No person may operate a bulk milk tanker unless there is a cleaning tag or other evidence that includes all of the following information:

1. The identification number of the bulk milk tanker, including grade A permit number if any.
2. The date and time of day when the bulk milk tanker was cleaned and sanitized.
3. The name and location of the facility where the bulk milk tanker was cleaned and sanitized and the facility's grade A permit number under sub. (6) if any.
4. The signature or initials of the person who cleaned and sanitized the tanker.
5. The identity of the seals or other devices used to secure all access points to the vessel.

(b) If a cleaning tag is used, the bulk milk tanker shall have the cleaning tag attached as required under par. (a) to the outlet valve or inside the pump cabinet of the tanker. No person may remove the tag, except as provided in par. (c). Other forms of evidence must be readily accessible and must be retained as provided under par (c).

(c) Whenever a bulk milk tanker operator or bulk milk tanker cleaning facility employee cleans and sanitizes a bulk milk tanker, the last cleaning tag attached to the bulk milk tanker under this subsection shall be removed before attaching a new tag. The removed tag or other forms of evidence shall be retained for at least 15 days, at the location where the bulk milk tanker has its next cleaning and sanitizing.

(d) Whenever a bulk milk tanker operator or a bulk milk tanker cleaning facility employee cleans and sanitizes a direct ship tanker, the operator or employee shall apply a seal to each access port.

**(6) GRADE A BULK MILK TANKER CLEANING FACILITY; PERMIT.** (a) No person may operate a bulk milk tanker cleaning facility to clean grade A bulk milk tankers unless that person holds a valid grade A permit from the department for that facility. A permit is not transferable between persons or facilities.

(b) A person shall apply for a grade A permit under par. (a) on an application provided by the department. The application shall include all of the following:

1. The applicant's name, address, and telephone number.
2. The complete address of the bulk milk tanker cleaning facility, including street address, post office, and county.
3. Other information that the department reasonably requires, for purposes of issuing the grade A permit.

(c) The department shall grant or deny a grade A permit application under par. (a) within 40 days after the department receives a complete application.

(d) In order for a bulk milk tanker cleaning facility to hold a valid grade A permit, the bulk milk tanker cleaning facility must pass a semi-annual inspection by the department.

**History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; CR 07-006: r. and recr., Register January 2008 No. 625, eff. 2-1-08; CR 13-104: am. (title), cr. (1) (intro.), am. (1) (a) to (c), (2), (3) (intro.), (a), (4) (title), (a) (intro.), 2., 3., (b), (c), cr. (4) (d), (6) (d) Register July 2014 No. 703, eff. 8-1-14; **CR 14-073: am. (3) (b) Register August 2016 No. 728, eff. 9-1-16.**

**CP 82.10 Collecting milk from dairy farms. (1) COLLECTION FREQUENCY.** (a) If milk from a grade A or grade B dairy farm violates a standard under s. ATCP 65.70 on any single test, milk from that farm shall be collected at least one every 2 days until a subsequent test shows that the milk from that dairy farm complies with that standard. This paragraph does not require a bulk milk weigher and sampler to collect milk if collection would violate ch. ATCP 65.



(b) A dairy plant operator receiving milk from a dairy farm shall immediately notify the bulk milk weigher and sampler 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 bulk milk weigher and sampler who collects milk in bulk shall have the following supplies available:

(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 device to collect samples under s. ATCP 82.12.

(1) If using a sample dipper it shall be kept in a sample dipper well designed for that purpose. The sample dipper well shall contain a sanitizing solution of not less than 100 ppm nor more than 200 ppm chlorine or its equivalent. The bulk milk weigher and sampler shall carry a sanitizing solution test kit to test the strength of the sanitizing solution.

(3) If using a sampling straw, it shall be single use presterilized

(4) If using an automatic sampling device the BMWS taking the official sample shall have the supplies needed as directed by the manufacturer's instructions

(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, calibrated for accuracy against a thermometer traceable to a National Institute of Standards and Technology certified thermometer at least every 6 months, accurate to plus or minus 2°F., that can be used to check the accuracy of farm bulk tank indicating 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 (6).

(g) A watch or other timing device when bulk tank agitation is required to be timed.

(h) An acceptable method to prepare milk collection records under sub. (10).

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

**(3) BULK MILK WEIGHER AND SAMPLER SANITATION.** A bulk milk weigher and sampler shall wear clean clothes when measuring, sampling, or collecting milk at a dairy farm. A bulk milk weigher and sampler shall maintain a high degree of personal cleanliness, and shall observe good hygienic practices during all working periods. No bulk milk weigher and sampler 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, where possible, 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 bulk milk weigher and sampler 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 bulk milk weigher and sampler's rejection of milk, the bulk milk weigher and sampler 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 bulk milk weigher and sampler shall wash and dry his or her hands before performing any of the following operations at a dairy farm:

(a) Using the bulk milk weigher and sampler's calibrated thermometer to measure the temperature of milk in a dairy farm bulk tank.

(b) Measuring the milk in the bulk tank.

(c) Sampling the milk.

**(6) MILK TEMPERATURE.** (a) Before a bulk milk weigher and sampler accepts milk, the bulk milk weigher and sampler shall ensure the temperature of the milk to be accepted is recorded. If the milk is collected more than 2 hours after the last milking, the bulk milk weigher and sampler 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 bulk milk weigher and sampler shall reject the milk if the milk temperature exceeds 50\_ F. (10\_ C.). Milk which does not meet these temperature requirements may be collected if, within 4 hours after collection, the milk has begun to be processed exclusively into milk or dairy products not designated as a grade A dairy product under s. ATCP 65.01 (26) and (27).

(b) At least once each month, and more often if necessary, a bulk milk weigher and sampler or a person designated by the dairy plant shall check the accuracy of each dairy farm bulk tank indicating thermometer or other temperature measuring device by measuring the temperature of milk in the bulk tank, or in the silo, or in the case of a direct ship facility in the milk line, with a dial or digital thermometer which meets the standards of 82.10(2)(e). The bulk milk weigher and sampler or designated person shall keep a record comparing the temperatures indicated by the traceable thermometer with those indicated by the milk temperature measuring device. The record must be readily accessible for at least one year.

(c) Before a bulk milk weigher and sampler or designated person uses a dial or digital thermometer to measure the temperature of milk at the dairy farm, the weigher and sampler or designated person shall sanitize the stem of the thermometer in a sanitizing solution of not less than 100 ppm nor more than 200 ppm chlorine or its equivalent. The bulk milk weigher and sampler or designated person shall use the sanitizing solution according to label directions.

(d) A bulk milk weigher and sampler or designated person shall immediately notify the milk producer and the dairy plant operator if the bulk milk weigher and sampler or designated person finds that a dairy farm bulk tank is not cooling properly, or that the temperature recording device is not indicating or recording temperatures accurately.

**(7) CONNECTING MILK HOSE.** Before a bulk milk weigher and sampler connects a bulk milk tanker hose to a dairy farm bulk tank, the bulk milk weigher and sampler 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 bulk milk weigher and sampler shall clean and sanitize the bulk tank outlet if the outlet valve is leaking. The bulk milk weigher and sampler 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.** (a) When measuring milk from a bulk tank at the farm, before milk is transferred from a dairy farm bulk tank to a bulk milk tanker, the bulk milk weigher and sampler shall accurately measure the amount of milk in the bulk tank. The bulk milk weigher and sampler shall measure the milk using a gauge rod or other measuring device that is specifically designed and calibrated to measure milk in the bulk tank. Immediately before using a gauge rod, the bulk milk weigher and sampler shall wipe it dry with a clean single-service disposable towel.

(1) A bulk milk weigher and sampler 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 bulk milk weigher and sampler shall turn off the agitator and wait for the milk to become completely motionless before measuring the milk.

(2) After measuring the milk with a gauge rod or other device, the bulk milk weigher and sampler 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 bulk milk weigher and sampler shall have an acceptable method to record that weight or volume under sub. (10).

(b) When measuring at the farm or receiving facility using a department approved in-line measuring device, the bulk milk weigher and sampler shall follow all manufacturer's requirement for the use of that device.

(1) The bulk milk weigher and sampler shall ensure the weight or volume is recorded.

(c) When measuring milk by weight at the receiving facility, the facility shall use a certified scale. The tanker shall be weighed when full and then again after it has been emptied. Care must be taken to assure that the configuration of the tanker is taken into account for both weighings.

**(9) MILK SAMPLE FOR TESTING.** (a) Using an approved sampling method, a bulk milk weigher and sampler shall collect a representative sample of that milk from the bulk tank for testing. The bulk milk weigher and sampler shall collect the test sample according to s. ATCP 82.12.

(b) No additional milk may be added to the bulk tank until after all of the following:

1. Sampling and/or measuring has occurred.
2. The pick-up of milk is complete.
3. The pick-up hose is disconnected from the bulk tank.

**(10) MILK COLLECTION RECORD.** Before a bulk milk weigher and sampler accepts milk, the bulk milk weigher and sampler shall ensure the following information regarding the milk to be accepted is recorded. This information shall be readily available at the dairy farm and provided to the dairy plant operator before or at the time the milk is delivered to the dairy plant. The collection record shall include the legible unique identifier of the bulk milk weigher and sampler and shall include all of the following:

- (a) The milk producer's dairy plant identification number.
- (b) The bulk milk weigher and sampler's license number and license expiration date.
- (c) The date and time when the milk was sampled and accepted.
- (d) The temperature of the milk when accepted, as determined by the bulk milk weigher and sampler under sub. (6).
- (e) The weight or volume of milk collected, as determined by the bulk milk weigher and sampler under sub. (8).
- (f) Security? Stored for required time, accessible to the state inspectors, cannot be changed without footprints (immutable),

**(11) LOADING MILK.** (a) When collecting milk from a farm bulk tank, After a bulk milk weigher and sampler has sampled milk from a dairy farm bulk tank under sub. (9) and prepared a complete collection record under sub. (10), the bulk milk weigher and sampler may transfer milk from that bulk tank to the bulk milk tanker. A bulk milk weigher and sampler may not collect milk from any container on a dairy farm other than from a bulk tank. Except as provided in par. (am), partial removal of milk from the bulk tank shall only be permitted if the bulk tank is completely emptied, cleaned, and sanitized prior to the addition of more milk to the bulk tank.

(am) Partial removal of milk from the bulk tank shall be permitted if all of the following apply:

1. The farm bulk tank is equipped with a recording device approved by the department as specified in s. ATCP 65.16 (3).
2. The farm bulk tank is cleaned and sanitized when emptied.
3. The farm bulk tank is emptied at least every 72 hours.
4. The bulk milk weigher and sampler indicates the time and date on the recorder chart or electronic record when a partial pickup is made and when the bulk tank is emptied.

(b) After a bulk milk weigher and sampler has collected all of the milk from a bulk tank, the bulk milk weigher and sampler 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 bulk milk weigher and sampler shall inspect the bulk tank for abnormal sediments, and shall report any abnormal sediments to the dairy plant operator.

(c) After the bulk milk weigher and sampler has disconnected the milk hose and inspected the empty bulk tank for abnormal sediments, the bulk milk weigher and sampler 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; CR 07-006: am. (2) (intro.), (c), (d), (f) and (6) (c), Register January 2008 No. 625, eff. 2-1-08; correction in (2) (d) made under s. 13.92 (4) (b) 7., Stats., Register January 2008 No. 625; CR 13-104: am. (1) (a), (b), (2) (intro.), (c) to (e), (3), (4) (b), (5) (a), renum. (5) (a) (intro.), 1. to 3. to (5) (intro.), (a) to (c) and am., r. (5) (b), am. (6) (to) (8), renum. (9) to (9) (a) and am., cr. (9) (b), am. (10) (intro.), (a), (b), (d), (e), (11) (a), cr. (11) (am), am. (11) (b), (c) Register

July 2014 No. 703, eff. 8-1-14; CR 14-073: am. (6) (a) Register August 2016 No. 728, eff. 9-1-16; correction in (11) (am) 1. made under s. 13.92 (4) (b) 7., Stats., Register August 2016 No. 728.

**ATCP 82.12 Milk samples for testing. (1) SAMPLE REQUIRED.** (a) A bulk milk weigher and sampler or other individual shall collect a sample of a producer's milk before that milk is commingled with milk from any other producer. The bulk milk weigher and sampler or other individual who collects the sample shall be licensed under s. 98.146 or 97.17, Stats.

(b) A bulk milk weigher and sampler who collects milk from a dairy farm bulk tank using a dipper shall collect the milk sample under par. (a). The bulk milk weigher and sampler shall collect the milk sample from the bulk tank before the bulk milk weigher and sampler transfers the bulk tank contents to a bulk milk tanker. The bulk milk weigher and sampler shall collect the sample according to sub. (2). The milk sample may not be commingled with a milk sample from any other bulk tank.

(c) A bulk milk weigher and sampler who collects milk using an in-line sampling device shall collect the milk sample under par. (a). The Bulk milk weigher and sampler shall collect the milk sample from a department approved in-line sampling device following the procedures set forth by the department for that type of sampler. The milk sample may not be commingled with a milk sample from any other bulk tank.

(d) If a milk producer milks directly to a bulk milk tanker, an individual licensed under s. 98.146 or 97.17, Stats., shall collect a milk sample under par. (a) from the bulk milk tanker before the tanker contents are commingled with milk from any other milk producer. The individual shall collect the sample according to sub. (3). The milk sample may not be commingled with a milk sample from any other bulk milk tanker or dairy farm bulk tank.

**(2) SAMPLING PROCEDURE; DAIRY FARM BULK TANKS.** A bulk milk weigher and sampler shall comply with the following procedures when collecting a milk sample from a farm bulk tank under sub. (1) (b):

**(a) SAMPLING PROCEDURE, DIPPER** The bulk milk hauler weigher and sampler 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 manufacturer has tank agitation recommendations that have been accepted by the department, the tank shall be agitated in the bulk milk weigher and sampler's presence for the length of time specified by the manufacturer. If the bulk tank manufacturer has not specified agitation time, if the bulk tank capacity is less than 1500 gallons, milk in the bulk tank shall be agitated in the bulk milk weigher and sampler'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 bulk milk weigher and sampler's presence for at least 10 minutes before a sample is taken.

(b) The bulk milk weigher and sampler shall collect the sample using a method approved by the department or a sample dipper that is of sanitary design and construction, is clean, and in good repair. The dipper shall be cleaned, sanitized, and then dipped at least twice in the bulk tank milk before it is used to collect a sample. The bulk milk weigher and sampler shall sanitize the dipper in a sanitizing solution that is not less than 100 ppm nor more than 200 ppm chlorine or

an equivalent sanitizing solution and shall comply with the label directions of the sanitizing solution.

(c) After dipping the milk sample from the bulk tank, the bulk milk weigher and sampler 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 bulk milk weigher and sampler shall take care not to contaminate the sample or spill milk back into the open bulk tank. The bulk milk weigher and sampler shall handle the sample container and cap aseptically. (d) After collecting a milk sample, the bulk milk weigher and sampler shall immediately rinse the sample dipper with clean potable water.

#### **(2c) SAMPLING PROCEDURE; SILOS**

**(a) SAMPLING PROCEDURE,** The bulk milk hauler weigher and sampler shall collect the sample from the dairy farm silo after the silo contents have been thoroughly mixed to ensure that the sample is representative. If the silo manufacturer has agitation recommendations that have been accepted by the department, the silo shall be agitated in the bulk milk weigher and sampler's presence for the length of time specified by the manufacturer. If the silo manufacturer has not specified agitation time, or the agitation time recommended by the manufacturer has not been found to be acceptable there shall be an alternative sampling means that accurately represents the milk on the load.

#### **(2f) SAMPLING PROCEDURE; IN LINE SAMPLERS**

**(a) On Farm sampling** Person who sets up the bag should not need to be a BMWS, Person who agitates the bag and aliquots off the samples needs to be BMWS, what if a truck driver just takes the bag in total to the intake and the plant's BMWS take the sample – does that driver need to be licensed?-no If non-licensed personnel tampers with sample – what recourse is there?-The licensed BMWS overseeing the operation. Each farm would need to have at least one licensed BMWS to oversee the use of the in-line sample devices. Shall follow all manufacturer instruction for the use of the sampler. Does the department want to have an approval process to assure that the system is set up to pull the sample properly? This could include an approval process similar to AMI's where once this concept reaches maturity the process could be signed off by the installer. Need to collect evidence.

**(b) Truck mounted samplers** Must be a licensed BMWS operating this and they must follow manufacturer instruction for the unit. Equipment must be shown to produce a representative sample / approved by the department and units are shown to prevent carry over from one farm to another on multi-farm loads.

**(2m) SAMPLING PROCEDURE; BULK MILK TANKER.** An individual shall comply with the following procedures when collecting a milk sample from a bulk milk tanker under sub. (1) (c), unless the department specifies a different procedure in its authorization under s. ATCP 65.16 (5):

(a) The individual shall collect the sample at the dairy plant where the bulk milk shipment is first received, in a receiving facility that complies with s. ATCP 65.36 (6).

(b) Before the individual collects the milk sample, the individual shall verify that the contents of the bulk milk tanker have been thoroughly mixed, immediately prior to sampling, to ensure that

the entire contents are homogeneous at the time of sampling. The contents shall be mixed in a manner that is known to ensure homogeneity.

(c) The individual shall follow the same procedures that apply, under sub. (2) (b) to (d) and subs. (4) to (6), to samples collected from dairy farm bulk tanks.

**(3) TEMPERATURE CONTROL SAMPLE.** A bulk milk weigher and sampler shall collect 2 milk samples under sub. (1) at the first dairy farm where milk is collected for each bulk milk tanker load. The bulk milk weigher and sampler 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 bulk milk weigher and sampler'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 65.76, 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 bulk milk weigher and sampler 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 bulk milk weigher and sampler collects a milk sample under sub. (1), but before the bulk milk weigher and sampler opens the sample container, the bulk milk weigher and sampler 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 bulk milk weigher and sampler collects a milk sample under sub. (1), the bulk milk weigher and sampler shall place the sample container in a clean refrigerated carrying case in which the bulk milk weigher and sampler 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 bulk milk weigher and sampler 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; CR 07-006: r. and recr. (1), am. (2) (title), (intro.) and (b), cr. (2m), Register January 2008 No. 625, eff. 2-1-08; CR 13-104: am. (1) (a), (b), (2), cons. (2m) (b) (intro.) and 2. and renum. to (b) (intro.) and am., r. (2m) (b) 1., am. (3), (4) (d), (5) (intro.), (6) Register July 2014 No. 703, eff. 8-1-14; **CR 14-073: am. (2m) (intro.), (a), (4) (c) Register August 2016 No. 728, eff. 9-1-16.**

**ATCP 82.14 Delivering milk or milk products to dairy plant. (1)** Except in the event of a traffic accident, vehicle breakdown, or similar emergency, no milk or milk products 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 65.04, 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 or milk products 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)** A bulk milk tanker shall be cleaned and sanitized when empty as provided under s. ATCP 82.08.

**History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; CR 07-006: am. (3), Register January 2008 No. 625, eff. 2-1-08; CR 13-104: r. (3), renum. (4) to (3) and am. Register July 2014 No. 703, eff. 8-1-14; **correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register August 2016 No. 728.**

**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.