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Peter Haase, Director
Bureau of Food and Recreational Businesses
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

Re: DATCP Docket No. 17-R-05 relating to regulation of food processing facilities

Dear Mr Haase:

Thank you for the opportunity to comment on the Wisconsin Department of Agriculture, Trade, and Consumer Protection update of ATCP 70, relating to food processing facilities.

The MWFPA represents a variety of food processors in the upper Midwest with 19 processors operating more than 70 facilities in Illinois, Minnesota, and Wisconsin. Complying with federal and state food facility regulations is imperative to our members and to the safety of their customers. Our Food Science and Technology Committee reviewed the proposed rule and respectfully submits the following comments.

Several of the members commented that the rules attempt to be too specific and instead should use more general terms as the food industry is diverse in its nature and unfortunately, a one-size fits all approach simply does not work. Examples include:

- 70.08 under lighting. Foot candle requirements are outdated and do not take into consideration today's technology like motion sensor lighting, high efficiency lighting, and lighting that is intended for non-inspection areas. Our proposal is to re-word and include "adequate lighting" in this section as opposed to a specific foot candle requirement.
- 70.14 Cleaning and Sanitizing of Equipment and utensils. Frequency of cleaning should not be dictated per regulation. Food facilities have current GMP requirements and follow those prerequisite programs to ensure proper cleaning is occurring. Along with the service providers for chemicals and industry experts, frequency of cleaning utensils is specified in our Master Sanitation Schedules as well as Sanitation Standard Operating Procedures. These are audited against internally as well as externally by GFSI. Our proposal is to

eliminate the noted frequency required for utensils and equipment and list in the regulation “as needed to keep the equipment and utensils clean and in suitable sanitary condition.”

- Automatic Faucets – the rule states that water in an automatic faucet needs to run 15 seconds uninterrupted. This doesn’t consider new technology. We propose to eliminate the 15 second rule and insert “until warm water is present”

Use of Sanitizers in LACF - Last year our committee met with the department to discuss concerns with sanitation in low acid canned food facilities (LACF). Many of those concerns remain in this rule. Specifically, the applicability of sanitizer application in addition to the existing rigorous cleaning steps in processing facilities engaging only in low acid canned food production.

- We would like to see WI-DATCP strike the “alternative cleaning and sanitizing” references. Cleaning and sanitizing schedules should be determined by the processor along with input from the 3rd party sanitation provider to ensure safe clean food is being produced.
- In other states the use of sanitizers is addressed as such: In New York the use of sanitizers is listed “as necessary”; in Pennsylvania there is no mention; in California and Washington use of sanitizer is “based on risk by product, targeting certain pathogens in certain segments”. We urge the department to allow facilities to sanitize based on risk and best practice and backed by documentation.

Finally, as we read ACTP 70.08(3), adding a new piece of equipment could be considered a change of process and will require the upgrade of every current grandfathered facility. Is that correct? If so, it is a concern for some processors and we recommend staying with the current rules.”

We appreciate the opportunity to discuss mutual concerns in the Wisconsin food industry in regards to section ATCP 70. If you wish to discuss further or seek additional clarification, please let us know. The MWFPA Food Science & Technology Committee will meet earlier in 2018 and will dedicate a portion of the meeting to discuss the departments findings during the hearings.

Again, thank you for allowing us to make the above comments and for your willingness to work with the industry to address our concerns.

Sincerely,



Nickolas George Jr.
President, MWFPA