Act No. 134
Public Acts of 1993
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STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993

Introduced by Senators Gougeon, McManus, Welborn and Wartner

ENROLLED SENATE BILL No. 636

AN ACT to amend the title and sections 1, 2, 2a, 2b, 2c, 2d, 2e, 3a, 3b, 3c, 3d, 3e, 3j, 3k, 4b, 4c, 4d, 4e, 5, 6, 9, 10, 11, and 17 of Act No. 222 of the Public Acts of 1913, entitled as amended "An act to define milk, cream, cottage cheese, creamed cottage cheese, lowfat creamed cottage cheese, egg nog, lowfat egg nog, and related foods; and to prevent and punish the sale of unclean and insanitary cream and milk and manufactured dairy products and their use in the manufacture of food products, and to prohibit unclean and insanitary conditions of milk and cream handling and processing establishments, and to fix production and handling standards of sanitary milk and cream for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and cream for manufacturing purposes; to provide for licenses and the revocation thereof; to impose certain fees; to require certain security arrangements to ensure the prompt payment of producers; and to prescribe the powers and duties of certain state departments and officers with respect to the security arrangements," sections 2b, 2e, 3d, and 17 as amended by Act No. 208 of the Public Acts of 1980, section 3a as amended and sections 3j and 3k as added by Act No. 140 of the Public Acts of 1982, and section 6 as amended by Act No. 19 of the Public Acts of 1986, being sections 288.101, 288.102, 288.102a, 288.102b, 288.102c, 288.102d, 288.102e, 288.103a, 288.103b, 288.103c, 288.103d, 288.103e, 288.103j, 288.103k, 288.104b, 288.104c, 288.104d, 288.104e, 288.105, 288.106, 288.109, 288.110, 288.111, and 288.117 of the Michigan Compiled Laws; to add sections 2f, 5a, and 6a; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. The title and sections 1, 2, 2a, 2b, 2c, 2d, 2e, 3a, 3b, 3c, 3d, 3e, 3j, 3k, 4b, 4c, 4d, 4e, 5, 6, 9, 10, 11, and 17 of Act No. 222 of the Public Acts of 1913, sections 2b, 2e, 3d, and 17 as amended by Act No. 208 of the Public Acts of 1980, section 3a as amended and sections 3j and 3k as added by Act No. 140 of the Public Acts of 1982, and section 6 as amended by Act No. 19 of the Public Acts of 1986, being sections 288.101, 288.102, 288.102a, 288.102b, 288.102c, 288.102d, 288.102e, 288.103a, 288.103b, 288.103c, 288.103d, 288.103e, 288.103j, 288.103k, 288.104b, 288.104c, 288.104d, 288.104e, 288.105, 288.106, 288.109, 288.110, 288.111, and 288.117 of the Michigan Compiled Laws, are amended and sections 2f, 5a, and 6a are added to read as follows:

TITLE

An act to define milk, cream, and related foods; to prevent and punish the sale of unclean and insanitary cream and milk and manufactured dairy products and their use in the manufacture of food products; to prohibit unclean and insanitary conditions of milk and cream handling and processing establishments; to establish production and handling standards of sanitary milk and cream for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and cream for manufacturing purposes; to license certain persons and provide for the revocation or suspension of licenses under certain circumstances; to impose certain fees; to require certain security devices; and to prescribe the powers and duties of certain departments and officers.

Sec. 1. (1) This act shall be known and may be cited as the "manufacturing milk act".

(2) As used in this act:

(a) "Adulteration" means the commingling of a liquid or dry product with another in a manner not approved by the department.

(b) "Cream" means the fresh and clean substance containing at least 18% milk fat that rises to the surface of standing milk, or that is separated from standing milk by centrifugal force.

(c) "Dairy plant" means a milk plant, transfer or receiving station, creamery, cheese plant, or other plant receiving dairy products or processing dairy products into manufactured dairy products.

(d) "Dairy product" means milk or cream.

(e) "Department" means the department of agriculture.

(f) "Dry milk product" means a product resulting from the drying of milk or a milk product.

(g) "Dryer" means equipment that dries milk or a milk product.

(h) "Milk" means either of the following:

(*i*) The fresh, clean, lacteal secretion obtained by the complete milking of 1 or more healthy cows, properly fed and kept, excluding a lacteal secretion obtained within 15 days before and 5 days after calving, that contains not less than 8.25% of milk solids not fat, and not less than 3.25% of milk fat.

(*ii*) The lacteal secretion, practically free from colostrum, obtained by the complete milking of 1 or more healthy goats.

(i) "Milk product" or "manufactured dairy product" means butter, dry skim milk, dry cream, milk casein, ice cream, malted or milk sugar, infant formula manufactured with dairy ingredients, or other form of processed dairy product.

(j) "Person" means an individual, partnership, cooperative, association, or corporation.

(k) "Sterilization" means the complete destruction of living organisms by 1 of the following methods:

(*i*) Heating a container and its contents to a temperature between 212 degrees Fahrenheit to 280 degrees Fahrenheit for a period of time established by the department.

(*ii*) Creating a continuous product flow above a temperature of 280 degrees Fahrenheit for a period of time established by the department.

(*iii*) Employing a process described in subdivision (*i*) or (*ii*), and following packaging of the sterilized product, applying a heat treatment approved by the department.

Sec. 2. A person shall not directly, through an agent, or on behalf of another person sell or offer for sale, furnish, or possess or control with intent to sell or offer for sale, or furnish an insanitary milk, cream, or dairy product to a person. As used in this section, "person" includes each of the following:

(a) A creamery.

(b) A cheese plant.

(c) A milk condensing plant, milk or cream dealer, or any other manufacturing dairy plant.

Sec. 2a. (1) A person who offers milk to the public for human consumption shall obtain that milk from cows or goats that are located in areas under federal or state supervision for the eradication of tuberculosis and brucellosis. Each animal that produces milk for human consumption shall be properly maintained and fed in a manner consistent with department recommendations for the maintenance of animals of that kind.

(2) A person shall not sell or offer for human consumption milk that is known to the person to be any of the following:

(a) Infected with mastitis.

(b) Carrying a drug residue in an amount that exceeds the maximum permitted under state or federal law.

(c) Containing a pesticide or other chemical in excess of the maximum amount permitted under state or federal law.

(3) A person in possession of milk described in subsection (2) shall dispose of that milk in the manner directed by the department.

(4) A milking barn or milking parlor shall be all of the following:

(a) Well lighted and ventilated.

(b) Of a size and arrangement adequate to provide for sanitary milking operations.

(c) Constructed with floors and gutters of concrete or other impervious material.

(d) Kept clean, with manure removed daily and stored out of reach of the animals that are subject to milking.

(e) Kept free of swine or fowl at all times.

(f) Constructed with a dust tight ceiling.

(5) The yard and loafing area of cows or goats shall be all of the following:

(a) Of ample size to prevent overcrowding.

(b) Drained to prevent the formation of standing pools.

(c) Kept as clean as is practicably possible.

(6) A person who obtains milk from a cow or goat shall do all of the following:

(a) Ensure that the udders and flanks of the animal are kept clean.

(b) Wash and wipe the udders and teats of the animal immediately before milking with a clean cloth or paper towel that is treated with a sanitizer solution.

(c) Wear clean outer clothing.

(d) Maintain clean and dry hands during milking.

(e) Refrain from handling the animal, milk containers, milking utensils and equipment at any time the person has an infected cut or open sore on either of his or her hands or arms.

(f) Milk last or with separate equipment those animals that secrete abnormal milk, and exclude that abnormal milk from the milk that will be offered for human consumption.

(g) Maintain and properly store milk stools, surcingles, and antikickers.

(h) Refrain from conducting an activity that raises dust in the milking area immediately before or during milking.

(i) Store feed and concentrates in a tightly covered container.

(j) Except for milk that is delivered to a processing plant within 2 hours after the milking, cool and store milk that is contained in cans and that will be used exclusively for cheese manufacturing at 60 degrees Fahrenheit or lower at the farm within 2 hours after the milking.

(k) Cool milk that is stored in a dairy farm bulk tank to 45 degrees Fahrenheit or less within 2 hours after milking. After reaching a temperature of 45 degrees or less, the milk may be maintained at a temperature of not more than 50 degrees Fahrenheit.

(7) A milkhouse or milkroom shall be all of the following:

(a) Well lighted and ventilated.

(b) Located in convenient proximity to a milking barn or milking parlor.

(c) Constructed in accordance with applicable building codes, with each of the following:

(*i*) A floor of concrete or other impervious material, graded to provide appropriate drainage.

(*ii*) Walls and ceiling of a smooth, readily cleanable material.

(*iii*) A platform or slab constructed of concrete or other impervious material at the exterior of the milkhouse or milkroom, centered beneath a suitable opening, fitted with a tight, self-closing door, located on the exterior wall for milkhouse or milkroom connections.

(*iv*) A truck approach to the milkhouse or milkroom, properly graded and surfaced to prevent mud or pooling of water at the milk loading point.

(d) Equipped with a wash and rinse vat, utensil rack, and milk cooling facilities, for the handling and cooling of milk, and for the washing, handling, and storage of milking utensils and equipment.

(e) Free of any product that the department determines is likely to contaminate milk or create a public health hazard.

(f) Equipped with a supply of hot water adequate for cleaning milk utensils and equipment.

(g) Designed without a direct opening, and with a solid, tight-fitting, self-closing door, at any entrance to a barn, stable, or milking parlor.

(h) Designed with screens at all outside openings, unless another means is provided to prevent the entrance of insects or rodents into the milkhouse or milkroom.

(8) A dairy farm bulk tank shall be located in a milkhouse or milkroom in a manner that allows access to all areas of the tank for cleaning and servicing. A dairy farm bulk tank shall not be placed over a floor drain or under a ventilator or unprotected light fixture.

(9) The owner or operator of a milkhouse or milkroom shall ensure all of the following:

(a) That the milkhouse or milkroom is clean and free of contaminants, animals, and fowl.

(b) That a pesticide is not stored in the milkhouse or milkroom.

(c) That any pesticide used in or near the milkhouse or milkroom is used in accordance with label instructions to prevent the contamination of milk or equipment.

(d) That each utensil, milk can, milking machine, pipeline system associated with a milking machine, and other equipment used in the handling of milk is maintained in good condition, free from rust, open seams, milkstone, and any unsanitary condition.

(e) That each utensil and item of equipment used in the handling of milk is of a smooth, noncorrosive material, washed, rinsed, and drained after each milking, stored in an appropriate manner, and sanitized immediately before use with a sanitizer approved by the department.

(f) That each dairy farm tank used on the premises is constructed of a material or materials approved by the department, and installed in accordance with department regulations.

(g) That each item that is designed for a single use is properly stored, and is not reused.

(h) That the dairy farm water supply complies with the safe drinking water act, Act No. 399 of the Public Acts of 1976, being sections 325.1001 to 325.1023 of the Michigan Compiled Laws, or, if the water supply is not new or reconstructed after the effective date of the amendatory act that added this subdivision, the water supply is annually tested by a laboratory approved by the department and found to be of safe and satisfactory quality, and in compliance with guidelines established by the department of public health.

(i) That waste products are disposed of in a manner that will not pollute the soil surface, contaminate a feed, milk, or water supply, or be exposed to insects.

Sec. 2b. (1) A licensed bulk milk hauler shall collect samples of milk from each load of milk he or she receives for transport pursuant to the fluid milk act of 1965, Act No. 233 of the Public Acts of 1965, being sections 288.21 to 288.29a of the Michigan Compiled Laws, and at least once each 45 days shall deliver collected samples to a dairy plant or receiving station. The dairy plant or receiving station, or a laboratory selected by the dairy plant or receiving station that is approved by the department, shall test the milk for each of the following in accordance with the latest edition of the standard methods for dairy product examination approved by the department:

(a) The presence of bacteria by standard plate count or plate-loop count.

(b) The presence of a drug residue using the bacillus stearothermophilis disc-assay method or an equivalent test approved by the department.

(c) The presence of an abnormality using any of the following tests:

(*i*) The Wisconsin mastitis test, using a test value approved by the department.

(*ii*) A direct microscopic somatic cell count.

(*iii*) An electronic somatic cell count.

(2) The dairy plant or receiving station responsible for a test described in this section shall deliver a copy of the test result to the department within 10 days after the dairy plant or receiving station receives the test result. The dairy plant or receiving station shall maintain an original or copy of the test result for at least 1 year. If the result of a test conducted on a milk sample under this section exceeds a test norm approved by the department, the laboratory shall conduct a somatic cell count of the milk sample, and the results of the somatic cell count shall be the official count for that milk sample.

(3) Raw milk shall not be processed or made available for human consumption under any of the following circumstances:

(a) The bacterial estimate for that milk that is not used to make cheese exceeds 500,000 per milliliter.

(b) The bacterial estimate for that milk that is used to make cheese exceeds 750,000 per milliliter.

(c) The milk contains drug residue at a level that exceeds department limits for drug residue content.

(d) The abnormal milk-somatic count for that milk exceeds 1,000,000 cells per milliliter.

(4) If a test under this section indicates the presence of a drug residue at a level that exceeds department limits for drug residue content, the person who provided the milk for testing shall notify the producer of that milk and the department of the test result. Upon receipt of a notice under this subsection, the producer of that milk and any processor of that milk shall ensure that the milk is not made available for human consumption, and a processor shall not purchase additional milk from that producer until the department determines that the producer has eliminated the cause of the excessive drug residue level.

(5) A milk processor who receives notice that a producer's milk is abnormal or that a producer's milk contains bacteria at a level exceeding department limits for bacteria shall do all of the following:

(a) Within 7 days after receipt of the notice inspect the milk producer's facility and attempt to determine the cause or causes of the excess bacterial content or abnormality.

(b) If the milk processor determines that the producer's milk is abnormal or contains bacteria at a level exceeding department limits for bacteria in 2 of the 4 most recent tests of the producer's milk, notify the department and the producer of that determination.

(c) Obtain a subsequent sample of the producer's milk not less than 3 days or more than 21 days after the department inspects the producer's facility pursuant to subsection (6).

(d) If the sample described in subdivision (c) is abnormal or contains bacteria at a level exceeding department limits, notify the department, and refrain from obtaining any further milk from the producer absent approval of the department or the department's designee.

(6) Immediately following receipt of notice described in subsection (5)(d), the department shall inspect a milk producer's facility and attempt to determine and remedy the cause of an abnormality or excessive bacteria. The department shall provide the milk producer with a written warning notice of intent to suspend permit, and the notice shall remain in effect for the period during which 2 of the 4 most recent samples collected under this section remain abnormal or contain bacteria at a level exceeding department limits.

(7) If a dairy farm is not shipping milk in accordance with this act on the effective date of the amendatory act that amended this section, the dairy farm shall not ship milk for human consumption until the occurrence of each of the following:

(a) The dairy farm notifies the department of its intent to become a milk shipper.

(b) The department inspects the dairy farm and completes a written report verifying that the dairy farm is in substantial compliance with this act.

(c) The department issues to the dairy farm a permit without charge.

(8) A representative of a dairy plant or receiving station shall do each of the following:

(a) At least once annually, inspect all farms shipping milk to that dairy plant or receiving station.

(b) For each inspection described in subdivision (a), complete an inspection form approved by the department that identifies all minimum requirements for milk manufacturing.

(c) Deliver a copy of the completed inspection form to the owner or operator of the inspected farm, and file a copy of that form with the records of the dairy plant or receiving station.

(d) If an inspection under this subsection establishes the existence of a condition that adversely affects milk quality, conduct a subsequent inspection not later than 30 days after the original inspection.

(9) If adverse conditions continue after an inspection described in subsection (8)(d), permit suspension may occur.

Sec. 2c. The department may examine test results and inspect dairy farms as frequently as the department determines necessary to assure compliance with this act. Upon receipt of a written request from a person who purchases milk produced at a dairy farm subject to this act, the department shall provide that person with a copy of the department's inspection reports for the dairy farm.

Sec. 2d. (1) A producer who fails to meet minimum quality standards or correct insanitary farm conditions after a dairy plant, receiving station operator, or the department intervenes under this act is prohibited from selling milk for human consumption. After being excluded, that producer may sell milk for human consumption only if the department determines that the conditions that caused the noncompliance have been corrected.

(2) A person shall not accept milk from a producer prohibited from selling milk under this section unless the department has determined that the condition causing the prohibition against that producer has been remedied.

Sec. 2e. (1) The owner or operator of a plant receiving milk for manufacture into a dairy product shall do each of the following:

(a) Maintain premises in a clean and orderly condition.

(b) Prevent the emission of an odor, smoke, or pollutant that exceeds department guidelines.

(c) Construct plant driveways and adjacent vehicular traffic areas using concrete, asphalt, or other material approved by the department for minimizing dust and mud, and maintain those sites pursuant to department guidelines.

(d) Construct a drainage system that provides for rapid, nonhazardous water drainage from the plant, driveways, adjacent traffic areas, and surface water sites located on plant property, in a manner that prevents the development of a nuisance.

(e) Ensure that each plant structure is of sound construction and kept in good repair to prevent the entering or harboring of rodents, birds, insects, vermin, dogs, and cats.

(f) Ensure that all exterior wall openings for pipes are effectively sealed around the pipes or fitted with tight metal collars.

(g) Ensure that all openings to the outdoors, including doors, windows, skylights, and transoms are effectively maintained and protected or screened against the entrance of insects, rodents, birds, dust, and dirt.

(h) Ensure that all exterior doors fit properly and that all hinged, exterior screen doors open outward.

(i) Ensure that all conveyor and other exterior openings are effectively maintained and protected by the use of doors, screens, flaps, fans, or tunnels to prevent the entrance of insects, rodents, birds, dust, and dirt.

(j) Cover exterior sanitary pipelines when not in use.

(k) Ensure that wall, ceiling, partition, and post surfaces of each room in which a milk or dairy product is stored, or in which a dairy utensil is washed or stored, are smoothly finished in a light colored material impervious to moisture.

(*l*) Refinish a surface described in subdivision (k) as frequently as necessary to maintain a smooth finish.

(m) Ensure that the floor of each room in which a milk or dairy product is processed, manufactured, packaged, handled or stored, or in which a dairy utensil is washed or stored, is each of the following:

(*i*) Except as provided in subdivision (n), constructed of an impervious material approved by the department.

(*ii*) Maintained in good repair.

(*iii*) Graded to prevent the forming of standing water or milk.

(*iv*) Equipped with drains containing properly constructed and maintained traps, and designed to prevent sewage backup into drain lines and the floor of the plant.

(n) Store new containers, supplies, and certain packaged products in a room or rooms with floors described in subdivision (*l*), or upon department approval, in a room or rooms with a clean, smooth wood floor.

(o) Equip the plant with adequate and well-distributed lighting.

(p) Protect from potential broken glass contamination all milk or dairy products located beneath a suspended light bulb, fixture, window, or other glass.

(q) Ensure that each room and compartment has adequate heating, air conditioning, and ventilation to maintain sanitary conditions, and provide exhaust or inlet fans, vents, hoods, and temperature and humidity control facilities as needed to minimize or eliminate undesirable room temperatures, odors, moisture, condensation, or mold.

(r) Install adequate air filtering devices on air inlet fans to prevent the entrance of dirt and dust, and ensure that each exhaust outlet is screened or provided with self-closing louvres to prevent the entrance of insects when not in use.

(s) Clean and maintain in good repair each ventilation system.

(t) Ensure that each room and compartment in which a raw dairy material, packaging, ingredient, supply, or dairy product is manufactured, handled, packaged, or stored is designed, constructed, and maintained to assure a stable and appropriate temperature and clean operating conditions.

(u) Separate a processing room from a bulk milk receiving room by walls or partitions and a solid, tight-fitting, self-closing door.

(v) Keep processing rooms free from equipment not regularly used.

(w) Maintain coolers and freezers containing milk or dairy products as follows:

(*i*) At temperature and humidity levels that protect cooler or freezer contents and minimize mold growth on or within the cooler or freezer.

(*ii*) In a condition that protects cooler or freezer contents from rodents, insects, and vermin.

(*iii*) With shelves that are clean and dry.

(*iv*) With equipment for the collection and disposal of condensate.

(x) Maintain a supply room used for the storing of packaging materials and miscellaneous ingredients in a clean, dry condition, free from insects, rodents, and mold and maintained in good repair.

(y) Protect items stored in a supply room from dust, dirt, or other extraneous matter and arrange those items on racks, shelves, or pallets to permit cleaning and inspection of the room and access to the items.

(z) Label, segregate, and store insecticides, rodenticides, cleaning compounds, and other nonfood products in a separate supply room or cabinet away from milk, dairy products, ingredients, or packaging supplies.

(aa) Separate a boiler room and a shop room from other rooms where milk and dairy products are processed, packaged, handled, or stored, and keep a boiler room and a shop room orderly and reasonably clean.

(bb) Maintain conveniently located and adequate toilet facilities that comply with the following:

(*i*) Toilet rooms shall not open directly into any room in which milk or dairy products are processed, packaged, or stored.

(*ii*) Toilet room doors shall be self-closing and toilet room ventilation shall be provided by mechanical means or screened openings to the outside air.

(*iii*) Toilet room fixtures shall be kept clean and in good repair.

(cc) Furnish each employee with a locker or other suitable facility that is kept clean and orderly.

(dd) Conspicuously post signs in each toilet and locker room directing employees to wash their hands before returning to work.

(ee) Maintain and adequately equip a laboratory consistent with the size and type of plant and the volume of dairy products manufactured and staff that laboratory with personnel qualified and trained for quality control and analytical testing.

(ff) Maintain a central laboratory serving more than 1 plant only if that laboratory is approved by the department and is conveniently located to the dairy plants.

(gg) Provide adequate sanitary starter facilities for the handling of starter cultures.

(hh) Provide an adequate supply of both hot and cold water of safe and sanitary quality, protected against contamination and pollution, with adequate facilities for proper distribution of water throughout the plant. Upon department approval, water from other facilities may be used for boiler feed water and condenser water if water lines are completely separated from the plant water supply, and the equipment constructed and controlled to preclude contamination of product contact surfaces.

(ii) Prevent any cross connection between safe water supply and either an unsafe or questionable water supply, or another source through which contamination of the safe water supply is possible.

(jj) Retain a laboratory approved by the department to conduct a bacteriological examination of the sanitary water supply at least twice a year, or after any construction or repair of the water supply system, and file the results of each test in the manner directed by the department.

(kk) Ensure that the location, construction, and operation of a well complies with the safe drinking water act, Act No. 399 of the Public Acts of 1976, being sections 325.1001 to 325.1023 of the Michigan Compiled Laws.

(*ll*) Provide conveniently located drinking water facilities of a sanitary type in the plant.

(mm) Provide convenient hand washing facilities, including hot and cold running water, soap or other detergents, sanitary single-service towels or air dryers and covered trash containers for used towels or other wastes, and locate those facilities in or adjacent to toilet and dressing rooms and convenient to the areas where milk and milk products are handled, processed or stored, or where equipment is cleaned, sanitized, and stored.

(nn) Prohibit handwashing in vats used for the cleaning of equipment or utensils.

(oo) Supply steam in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment, and ensure each of the following:

(*i*) That culinary steam used in direct contact with milk or dairy products complies with standards established or approved by the department and is free from harmful substances or extraneous material.

(*ii*) That only nontoxic boiler compounds are used.

(*iii*) That steam traps, strainers, and condensate traps are used as necessary to ensure a safe steam supply.

(pp) Ensure that air under pressure that comes in contact with milk or milk products or any product contact surface complies with standards established or approved by the department, and that the air under pressure at the point of application is free from volatile substances, volatiles which may impart any flavor or odor to the products, and extraneous or harmful substances.

(qq) Properly dispose of wastes from the plant and premises, and ensure that the plant sewer system has sufficient capacity to readily remove all wastes from the various processing and plant operations so as not to contaminate products or equipment or create a nuisance or public health hazard.

(rr) Ensure that containers used for the collection and holding of wastes are constructed of metal, plastic, or other equally impervious material and kept covered with tight-fitting lids, and ensure that solid wastes are disposed of regularly and the containers and surroundings kept reasonably clean.

(ss) In accordance with department rules, periodically inspect and analyze milk products being processed at the plant during each process.

(2) The owner or operator of a plant receiving milk for manufacture into a milk product shall do all of the following:

(a) Ensure that the equipment and utensils used for the processing of milk and milk products are constructed to be readily demountable when the department determines necessary for cleaning and sanitizing.

(b) Ensure that the product contact surfaces of all equipment and utensils including holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings, and any specialized equipment is constructed of stainless steel, or other equally corrosion-resistant material.

(c) Ensure that nonmetallic parts other than glass having product contact surfaces meet sanitary standards for plastic or rubber and rubberlike materials established or approved by the department.

(d) Ensure that all equipment and piping is designed and installed to be easily accessible for cleaning, kept in good repair, and free from cracks and corroded surfaces.

(e) Ensure that new or rearranged equipment is kept away from any wall or spaced in a manner that facilitates proper cleaning and good housekeeping.

(f) Except for piping approved by the department, ensure that all parts or interior surfaces of equipment, pipes, or fittings, including valves and connections, are accessible for inspection.

(g) Ensure that milk and milk products pumps are of sanitary type and easily dismantled for cleaning or of construction approved by the department to allow effective cleaning in place.

(h) Ensure that all cleaned-in-place systems comply with sanitary standards established or approved by the department for permanently installed sanitary product, pipelines, and cleaning systems.

(i) Ensure that weigh cans and receiving tanks meet sanitary standards established or approved by the department, are easily accessible for interior or exterior cleaning, and are elevated above the floor and protected sufficiently with the necessary covers to prevent contamination from splash, condensate, and drippage.

(j) Ensure that each can washer has sufficient capacity and ability to discharge a clean, dry can and cover and is kept properly timed in accordance with the instructions of the manufacturer.

(k) Ensure that each water and steam line supplying a can washer maintains a reasonably uniform pressure and if necessary is equipped with pressure regulating valves.

(*l*) Ensure that product storage tanks or vats comply with all of the following:

(*i*) Each tank or vat is fully enclosed or tightly covered, and well insulated.

(*ii*) The entire interior surface, agitator, and all appurtenances of each tank or vat are accessible for thorough cleaning and inspection.

(*iii*) Any opening at the top of each tank or vat, including the entrance of the shaft, is suitably protected against the entrance of dust, moisture, insects, oil, or grease.

(*iv*) Sight glasses, if used, are sound, clear, and in good repair.

(*v*) A vat with hinged covers is designed so that moisture or dust on the surface cannot enter the vat when the covers are raised.

(*vi*) Storage tanks or vats equipped with air agitation contain a properly installed air agitation system approved by the department.

(*vii*) Storage tanks and vats intended to hold milk products for longer than 8 hours are equipped with adequate refrigeration or adequate insulation.

(*viii*) Each storage tank or vat is equipped with thermometers in good operating order.

(m) Ensure that all product contact surfaces of separators are free from rust and pits and if practicable are of stainless steel or other equally noncorrosive metals.

(n) Ensure that each batch pasteurizer has a temperature indicator and recording device and conforms to department specifications.

(o) Ensure that high temperature, short-time pasteurization equipment is sealed by the department and complies with the following, as applicable:

(*i*) Provide long-stem indicating thermometers that are accurate within 0.5 degree Fahrenheit for the applicable temperature range, for checking the temperature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers. In accordance with manufacturer recommendations, install, in each high temperature, short-time pasteurizer a short-stem indicating thermometer that is accurate within 0.5 degree Fahrenheit for the applicable temperature range.

(*ii*) Install in each storage tank for which the department requires a temperature reading a thermometer that is accurate within 2.0 degrees Fahrenheit.

(*iii*) Install air-space indicating thermometers that are accurate within 1.0 degree Fahrenheit for the proper temperature range at least 1 inch above the surface of the products pasteurized in a vat to ensure that foam in the vat or air above the product pasteurized receives the minimum temperature treatment required by the department.

(*iv*) Provide each batch pasteurizer with recording thermometers that are accurate within 1.0 degree Fahrenheit for the proper temperature range.

(*v*) Use recording thermometers accurate within 2.0 degrees Fahrenheit if the department determines that a record of temperature or time of cooling and holding is of significant importance.

(*vi*) Equip surface coolers with leakproof gaskets and connections, and with hinged or removable covers for the protection of the product, and ensure that the edges of the covers are designed to divert condensate on nonproduct contact surfaces away from product contact surfaces.

(*vii*) Ensure that plate-type heat exchangers meet sanitary standards established or approved by the department, and comply with each of the following:

(A) All gaskets are tight and kept in good repair.

(B) Plates are opened at sufficiently frequent intervals to determine if the equipment is clean and in satisfactory condition.

(p) Ensure compliance with each of the following:

(*i*) Internal return tubular heat exchangers meet sanitary standards established or approved by the department.

(*ii*) Pumps used for milk and milk products are of the sanitary type and constructed to meet sanitary standards established or approved by the department.

(*iii*) Unless a pump is specifically designed for effective cleaning in place, pumps are disassembled and cleaned after use.

(*iv*) Homogenizers and high pressure pumps of the plunger type meet sanitary standards established or approved by the department.

(*v*) New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, meet sanitary standards established or approved by the department.

(*vi*) A vacuum chamber, if used, meets all of the following requirements:

(A) Made of stainless steel or other equally noncorrosive material.

(B) Constructed to facilitate cleaning with all product contact surfaces accessible for inspection.

(C) Equipped with a vacuum breaker and a check valve at the product discharge line.

(D) Uses only steam that meets the requirements set by the department for culinary steam.

(E) Regulates incoming steam supply by an automatic valve that cuts off the steam supply if the flow diversion valve of the high temperature short-time pasteurizer is not in the forward flow position.

(F) Uses only condensers equipped with a water level control and an automatic safety shutoff valve.

(3) A person employed by a plant receiving milk for manufacture into a milk product shall comply with all of the following, if applicable:

(a) Wash his or her hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling his or her hands.

(b) Keep his or her hands clean and follow good hygienic practices while on duty.

(c) Refrain from using tobacco in any form in each room and compartment where any milk, milk product, or other supplies are prepared, stored, or otherwise handled.

(d) Wear clean, white, or light-colored washable outer garments or apron and a cap or hairnet while engaged in receiving, testing, processing milk or milk products, packaging, or handling milk products.

(e) If afflicted with a communicable disease, do not enter any room or compartment where milk and milk products are prepared, manufactured, or otherwise handled.

(f) If he or she has a discharging or infected wound, sore, or lesion on hands, arms, or other exposed portion of the body, do not work in any dairy processing rooms or in any capacity resulting in contact with the processing or handling of milk products.

(g) Each employee whose work brings him or her in contact with the processing or handling of milk products, containers, or equipment shall have a medical and physical examination by a physician licensed under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws, or by a local health department at the time of employment.

(h) A person returning to work at a plant described in this subsection following illness from a communicable disease shall provide the owner or operator of that plant a certificate from a physician to establish proof of complete recovery.

(4) A plant described in subsection (3) shall maintain on plant premises a medical certificate attesting the fact that when last examined, an employee who had a communicable disease was free from that communicable disease.

(5) A dairy farm shall ensure that each new farm bulk tank meets the department's sanitary standards for construction, and is installed in accordance with department specifications.

(6) A licensed bulk milk hauler shall do each of the following:

(a) Ensure that each milk can used in transporting milk from dairy farm to plant is seamless with an umbrella lid for easy cleaning.

(b) Inspect, repair, and replace milk cans as necessary to prevent the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition.

(c) Ensure that vehicles used for the transportation of milk contained in cans comply with each of the following:

(*i*) Each vehicle is enclosed, constructed, and operated to protect the product from extreme temperature, dust, or other adverse conditions, and kept clean.

(*ii*) If more than 1 tier of cans is carried, the vehicle contains decking boards or racks.

(*iii*) Each vehicle contains cans, or bulk tanks that are used solely for the transportation of milk from the farm to the plant, and for no other purpose.

(d) Ensure that the exterior shell of each farm bulk milk pickup tank is clean and free from open seams or cracks.

(e) Ensure that the interior shell of each farm bulk milk pickup tank is stainless steel and constructed to prevent buckling, sagging, or complete drainage.

(f) Ensure that all product contact surfaces are smooth, easily cleaned, and maintained in good repair.

(g) Fully enclose the pump and hose cabinet with tight fitting doors and provide inlet and outlet dust covers to give adequate protection from road dust.

(h) Ensure that each new and replacement farm bulk pickup tank truck complies with sanitary standards established or approved by the department.

(7) The owner or operator of a milk plant shall do all of the following:

(a) Make available enclosed or covered facilities for washing and sanitizing of milk pickup tank trucks, piping and accessories, at central locations or at sites that receive or ship milk or milk products in milk transport tanks.

(b) Transfer milk under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing, and cap the sanitary piping and tubing when not in use.

(c) Hold and process milk under conditions and at temperatures that will avoid contamination and rapid deterioration.

(d) Refrain from using drip milk from can washers or any other source for the manufacture of milk products.

(e) Maintain milk in bulk storage tanks within the dairy plant in a manner that minimizes bacterial increase and, except when authorized by the department, maintain that milk at 45 degrees Fahrenheit, or lower, until processing begins.

(f) Ensure that the bacteriological content of commingled milk in storage tanks is 1 million or less total bacteria per milliliter.

(g) Ensure the proper pasteurization of each particle of milk or milk product.

(h) Test samples of milk or a milk product for phosphatase by the method prescribed by the department.

(i) Take all necessary precautions to prevent contamination or adulteration of the milk or milk products during manufacturing.

(j) Make available for department inspection all substances and ingredients used in the processing or manufacturing of any milk product and ensure that those substances and ingredients are wholesome and practically free from impurities.

(k) Ensure that milk or milk products comply with the federal food, drug, and cosmetic act, chapter 675, 52 Stat. 1040, 21 U.S.C. 301, 321, 331 to 333, 334 to 337, 341 to 343-1, 344 to 346a, 347, 348 to 353, 355 to 360, 360b to 360dd, 360hh to 360ss, 361 to 363, 371 to 376, 378 to 379d, 381 to 382, and 391 to 394.

(*l*) Maintain the equipment, sanitary piping, and utensils used in receiving and processing of the milk, and manufacturing and handling of the product in a sanitary condition.

(m) Ensure that sanitary seal assemblies are kept clean, and are removable on all agitators, pumps, and vats, and inspect those assemblies at regular intervals.

(n) Except as otherwise provided in this act, dismantle all equipment not designed for CIP cleaning after each day's use for thorough cleaning using dairy cleaners, detergents, sanitizing agents or other similar materials that will not contaminate or adversely affect the products.

(o) Refrain from using steel wool or metal sponges in the cleaning of any dairy equipment or utensils.

(p) Immediately prior to use, subject all product contact surfaces to an effective sanitizing treatment except where dry cleaning is permitted.

(q) Store utensils and portable equipment used in processing and manufacturing operations above the floor in clean, dry locations and in a self-draining position on racks constructed of impervious corrosion resistant material.

(r) Use CIP cleaning, including spray-ball systems, only on equipment and pipeline systems which have been designed and engineered for that purpose, and employ careful attention to the proper procedures to assure satisfactory cleaning.

(s) Ensure that all CIP installations and cleaning procedures are in accordance with standards established or approved by the department, and post and follow the established cleaning procedure.

(t) Following the circulation of the cleaning solution, thoroughly rinse and examine the equipment and lines for effectiveness of cleaning, and ensure that all caps, ends, pumps, plates, and tee ends are opened or removed and brushed clean.

(u) Immediately before starting the product flow after the cleaning procedure described in subdivision (s), treat the product contact surfaces with a bactericidal.

(v) Clean, sanitize, and dry milk cans and lids before returning to producers, and inspect, repair, or replace cans and lids to substantially exclude from use cans and lids showing open seams, cracks, rust, milkstone, or any unsanitary condition.

(w) Maintain washers in a clean and satisfactory operating condition and keep each washer free from accumulation of scale or debris that may adversely affect the efficiency of the washer.

(x) Provide a covered or enclosed wash dock and a cleaning and sanitizing facility at each site that receives or ships milk in tanks.

(y) Clean and sanitize milk pickup or transport tanks, sanitary piping, fittings, and pumps at least once each day, after use, and if those items are not to be used immediately after the emptying of a load of milk, promptly wash those items after use and give bactericidal treatment immediately before use.

(z) Identify each tank that is washed and sanitized by attaching a tag to the outlet valve, bearing all of the following information:

(*i*) Plant and specific location where cleaned.

(*ii*) Date and time of washing and sanitizing.

(*iii*) The name of each person who washed and name of each person who sanitized the tank.

(aa) Maintain on the tank the tag attached pursuant to subdivision (z) until the tank is again washed and sanitized, and ensure the receiving plant retains the tag for at least 15 days or as the department may direct.

(bb) Wash all windows, glass, partitions, skylights, walls, ceilings, and doors as often as necessary to keep them clean and replace cracked or broken glass promptly.

(cc) Wipe or vacuum shelves and ledges as often as necessary to keep them free from dust and debris, and properly dispose of the material picked up by a vacuum cleaner to destroy any insect that may be present.

(dd) In addition to any commercial pest control service, if one is utilized, designate an employee to perform a regularly scheduled insect and rodent control program.

(ee) Properly label, handle, store, and use poisonous substances, insecticides, and rodenticides in such a manner as not to create a public health hazard.

(ff) Maintain plant records, make those records available at all reasonable times for department inspection, and in accordance with each of the following send producer quality tests contained in those records to the department within 10 days of the completion of those tests:

(*i*) Retain for 12 months sediment and bacterial test results on raw milk from each producer.

(*ii*) Retain for a period of 12 months routine test results and a monthly summary of all producers showing number and percent of total in each class.

(*iii*) Retain for 12 months retest results, if an initial test places milk in probationary status.

(*iv*) Retain for 12 months rejections of raw milk over the no. 3 sediment standard for quality as established by the United States department of agriculture.

(*v*) Retain for 6 months pasteurization recorder charts.

(*vi*) Retain for at least 6 months CIP recording charts.

(*vii*) Retain the most recent copy of an employee's employee health certificate until the employee is no longer employed by the plant.

(gg) Package milk and milk products in department approved containers and packaging materials that do or are each of the following:

(*i*) Cover and protect the quality of the contents during storage and handling under normal conditions.

(*ii*) As uniform in weight and shape within each product size or style as is practical.

(*iii*) Provide low permeability to air and vapor to prevent the formation of mold growth and surface oxidation.

(*iv*) Contain a wrapper resistant to puncturing, tearing, cracking, or breaking under normal conditions of handling, shipping, and storage.

(*v*) Sealed in conformity with the instructions of the manufacturer.

(hh) Conduct the packaging of each milk product or the cutting and repackaging of each dairy product under sanitary conditions prescribed by the department, and ensure that each packaging room, item of equipment, and packaging material is practically free from mold and bacterial contamination by testing the level of contamination in a manner approved by the department.

(ii) Legibly mark each commercial bulk package containing milk products manufactured under this act with the name of the product, net weight, name and address of processor, manufacturer, or distributor and with any other identifying information required by the department.

(jj) Dry store a product requiring dry storage at least 18 inches from any wall in an aisle, row, or section and lot, in an orderly manner rendering the product easily accessible for inspection.

(kk) Regularly clean each room used for product storage, and ensure that each stored product is free of any other foreign products, mold, absorbed odors, or vermin or insect infestation.

(*ll*) Maintain control of humidity and temperature in each storage room at all times to prevent conditions detrimental to a stored product and container.

(mm) Store a finished product requiring refrigeration on shelves, dunnage, or pallets at a temperature that will best maintain the initial quality of the product, and ensure that the product is not exposed to any substance from which the product may absorb a foreign odor or be contaminated by drippage or condensation.

(7) The owner or operator of a plant manufacturing, processing, or packaging instant nonfat dry milk, nonfat dry milk, dry whole milk, dry buttermilk, dry whey, or other dry milk products shall do all of the following:

(a) Ensure that each storage room for the dry storage of a product is all of the following:

(*i*) Adequate in size.

(*ii*) Maintained in good repair and kept clean, orderly, free from rodents, insects, and mold.

(*iii*) Adequately lighted and ventilated.

(*iv*) Free from structural defects and inaccessible areas which may harbor insects.

(b) Provide a separate room or area constructed in compliance with subsection (1) and comply with all of the following for filling bulk bins, drums, bags, or other bulk containers.

(*i*) Keep the number of control panels and switchboxes in the room or area to a minimum and mount each control panel a sufficient distance from walls mounted in a wall with tightfitting removable doors to facilitate cleaning.

(*ii*) Provide an exhaust system adequate to minimize the accumulation of product dust within the room or area.

(*iii*) If needed, provide and maintain a dust collector to keep roofs and outside areas free of dry product.

(*iv*) Keep only packaging materials that are used within a day's operation in the packaging area.

(*v*) Keep packaging materials on metal racks or tables at least 6 inches above the floor, and prohibit the presence of unnecessary fixtures, equipment, or areas of inaccessible space which may collect dust and harbor insects in the packaging room.

(c) Provide either of the following:

(*i*) A separate room for the transfer of bulk dry milk products from bags, bins, or drums to hoppers and conveyors leading to fillers that meets the requirements for construction and facilities of a bulk packaging plant.

(*ii*) An area or facility for the transfer of dry milk products from portable bulk bins, if gasketed surfaces or direct connections are present and substantially eliminate the escape of product into the area.

(d) Provide a separate room for the filling of small packages that meets the same requirements for construction and facilities of a bulk packaging plant.

(e) Ensure that each preheater is of stainless steel or other equally corrosion resistant material, and is cleanable, accessible for inspection and equipped with suitable automatic temperature controls.

(f) Ensure that each hotwell is enclosed or covered and equipped with indicating thermometers either within the hotwell or in the hot milk inlet line to the hotwell, and ensure that a hotwell used for holding high heat products has a recorder.

(g) Equip each open-type evaporator or vacuum pans with an automatic condenser water level control, barometric leg, or ensure that the evaporator or pan is constructed to prevent water from entering the product, and meets standards established or approved by the department.

(h) If surge tanks are used for hot milk and temperatures of product including foam being held in the surge tank during processing is not maintained at a minimum of 145 degrees Fahrenheit, install 2 or more surge tanks with connections to permit flushing and cleaning during operation, and flush and clean each tank at least once every 4 hours during operation to prevent the buildup of bacterial levels or toxins.

(i) Provide surge tank covers easily removable for cleaning and use a surge tank cover at all times a surge tank is in use.

(j) Provide high pressure lines approved by the department that may be cleaned in place and are of such construction that deadends, valves and high pressure pumps can be disassembled for hand cleaning.

(k) Provide spray dryers of continuous discharge type that have all of the following:

(*i*) Product contact surfaces of stainless steel or other equally corrosion resistant material.

(*ii*) Joints and seams on the product contact surfaces that are welded and ground smooth.

(*iii*) A design that facilitates ease in cleaning and inspection.

(*iv*) Sight glasses or ports of sufficient size located at strategic positions.

(*v*) Air intake filters and air intake and exhaust recording thermometers.

(*vi*) A filter system consisting of filtering media or devices that will effectively, and in accordance with good manufacturing practices, prevent the entrance of foreign substances into the drying chamber.

(*l*) Clean the filtering system and replace component parts of a dryer as often as necessary to maintain a clean and adequate air supply, and take precautions to assure complete combustion in gas fired dryers.

(m) Ensure that air is drawn into the dryer from sources free from odors and smoke, dust, or dirt.

(n) Ensure that the drums of a roller dryer are smooth, readily cleanable and free of pits and rust.

(o) Maintain dryer knives in a manner that prevents scoring of the dryer drums.

(p) Ensure that a dryer has each of the following:

(*i*) End boards that are readily cleanable, have an impervious surface, and a means of adjustment to prevent leakage and accumulation of milk solids.

(*ii*) A stack, hood, the drip pan inside of the hood and related shields constructed of stainless steel and readily cleanable.

(*iii*) A lower edge of the hood constructed to prevent condensate from entering the product zone.

(*iv*) A hood located in compliance with department guidelines.

(*v*) A stack that remains closed when the dryer is not in operation, and removes all vapors when the dryer is in operation.

(*vi*) Augers of stainless steel or of plated metal approved by the department, and readily cleanable.

(*vii*) Auger troughs and related shields of stainless steel that are readily cleanable.

(q) Provide a filtering system approved by the department to prevent dust, dirt, and all air entering the dryer from entering the drying room.

(r) Clean the filtering system and replace component parts as often as necessary to maintain a clean and adequate air supply.

(s) Make all dryer adjustments and ensure that the dryer is operating normally before collecting food grade powder from the dryer.

(t) Ensure that collectors are made of stainless steel or equally noncorrosive material and constructed to facilitate cleaning and inspection.

(u) Ensure that filter sack collectors, if used, are in good condition and that the system is constructed to render all parts accessible for cleaning and inspection.

(*v*) Ensure that conveyors are of stainless steel or equally corrosion resistant material and constructed to facilitate thorough cleaning and inspection.

(w) Provide cooling equipment with sufficient capacity to cool the product to 110 degrees Fahrenheit or lower immediately after the product's removal from dryer and prior to packaging.

(x) If bulk bins are used, cool the product to at least 90 degrees Fahrenheit and no more than 110 degrees Fahrenheit.

(y) Provide a suitable dry air supply with effective filtering when air cooling and conveying is used.

(z) Ensure that all special equipment, including instantizing systems, flakers, pulverizers, and hammer mills used to process dry milk products are of sanitary construction and that all parts are accessible for cleaning and inspection.

(aa) Ensure that all newly installed sifters used for dry milk and dry milk products meet standards established or approved by the department and that all other sifters are constructed of stainless steel or other equally noncorrosive material and are of sanitary construction and accessible for cleaning and inspection.

(bb) Ensure that the mesh size of sifter screen used for various dry milk products are those recommended in the appendix of the 3-A standards approved by the department for sifters that are approved by the department.

(cc) Ensure that bulk bins are constructed of stainless steel, aluminum, or other equally corrosion resistant materials, free from cracks and seams, and have an interior surface and all product contact surfaces that are smooth and easily cleanable.

(dd) If automatic sampling devices are used, ensure that they are constructed in a manner that prevents contamination of the product, with all parts readily accessible for cleaning.

(ee) Ensure that the product contact surfaces of dump hoppers, screens, mixers, and conveyors used for transferring dry products from bulk containers to fillers for small packages or containers are of stainless steel or equally corrosion resistant material designed to prevent contamination, and have all parts accessible for cleaning.

(ff) Ensure that a dump hopper is at a height above floor level to prevent foreign material or spilled product from entering the hopper.

(gg) Ensure that all filling and packaging equipment is of sanitary construction and all parts, including valves and filler heads, are accessible for cleaning.

(hh) Ensure that each plant handling dry milk products is equipped with a heavy duty industrial vacuum cleaner, and establish a vacuuming schedule approved by the department.

(ii) Provide persons with clean clothing and shoe covers exclusively for the purpose of cleaning the interior of the dryer when it is necessary to enter the dryer to perform the cleaning operation.

(jj) Pasteurize all milk, buttermilk, and whey used in the manufacture of dry milk products at the plant where dried, except that condensed whey and acidified buttermilk containing 40% or more solids may be transported to another plant for drying without repasteurization.

(kk) Pasteurize milk or skim milk to be used in the manufacture of nonfat dry milk prior to condensing.

(8) A person may transport to a drying plant condensed skim made from pasteurized skim milk, and the condensed skim shall be effectively repasteurized at the drying plant, prior to drying, at not less than 175 degrees Fahrenheit for 25 seconds or the equivalent period in bacterial destruction approved by the department.

(9) A person shall pasteurize all buttermilk or substance from which the cream is derived prior to condensing at a temperature of 185 degrees Fahrenheit for 15 seconds or the equivalent period in bacterial destruction approved by the department.

(10) A person shall pasteurize all cheese whey or milk from which the cheese whey is derived prior to condensing at a temperature of 161 degrees Fahrenheit for 15 seconds or the equivalent period in bacterial destruction approved by the department.

(11) A person shall use surge tanks or balance tanks between evaporators and a dryer only to hold the minimum amount of condensed product necessary for a uniform flow to the dryers, and shall do each of the following:

(a) Ensure each tank holds the condensed product at temperatures below 145 degrees Fahrenheit.

(b) Completely empty and wash each tank after each 4 hours of operation or less.

(c) Provide alternate tanks to permit continuous operation during washing of tanks.

(12) Production of a condensed product that exceeds the amount a dryer will take continuously from pans may be bypassed through a cooler into a storage tank at not more than 50 degrees Fahrenheit, and held at that temperature until a dryer is available.

(13) A person shall make product cut-off points at least every 24 hours and completely empty, wash, and sanitize a storage tank before reusing the tank.

(14) A person shall operate a dryer at not more than the manufacturer's recommended capacity for the highest quality dry product and may remodel or redesign a dryer after installation upon department approval. A person shall remove dry products from the drying chamber upon completion of each drying cycle.

(15) Before packaging and immediately following removal of a dry product from the drying chamber, a person shall cool the dry product to a temperature not exceeding 110 degrees Fahrenheit.

(16) A packager of a dry milk product shall ensure that each package or container used for the packaging of a dry milk product is of a clean, sound, commercially accepted material that will protect the packaged contents to the department's satisfaction. A dry milk product packager shall not package a dry milk product in a container previously used for nonfood items or food deleterious to the milk product.

(17) A dry milk packager shall ensure all of the following:

(a) That empty containers are protected at all times from possible contamination.

(b) That a lined container is not lined more than 1 hour before the container is filled.

(c) That precaution is taken during the filling operation to adequately minimize product dust and spillage.

(d) That when necessary, a mechanical shaker is provided.

(e) That the tapping or pounding of containers does not occur.

(f) That a container is closed immediately after filling.

(g) That a container's exterior is vacuumed or brushed when necessary to render it practically free of product remnants before that container is removed from the filling site.

(h) That each dryer, conveyor, sifter, and storage bin is clean and maintained in a sanitary condition.

(i) That in addition to a commercial pest control service, if any, a person designated by the packager implements a regularly scheduled insect and rodent control program approved by the department.

(18) A person conducting a dry milk product repackaging operation shall do all of the following:

(a) Ensure that repackaging occurs in a sanitary manner and take all precautions to prevent contamination and minimize dust.

(b) Ensure that all exterior surfaces of each individual container are practically free of product before the container is wrapped or packaged in shipping containers.

(c) Keep the floor of each packaging site free of dust accumulation, waste, cartons, liners, or other refuse.

(d) Vacuum conveyors, packaging and cartonmaking equipment throughout each packaging day to prevent the accumulation of dust.

(e) Prohibit bottles or glass material of any kind in the repackaging or hopper room.

(f) Ensure that the inlet openings of all hoppers and bins are of a size approved by the department, screened, and placed at least 6 inches above the floor level.

(g) Clean the packaging site and all packaging equipment as often as necessary to maintain a sanitary operation, and thoroughly examine and clean points of equipment where residues of the dry product may accumulate.

(h) Thoroughly clean windows, doors, walls, light fixtures, and ledges of the packaging site as frequently as necessary to maintain department standards of cleanliness and sanitation.

(i) Identify and dispose of waste dry milk products at the fillers in a manner that ensures that the waste dry milk product is not used for human consumption.

(19) A person packaging a dry milk product shall do all of the following:

(a) Store or arrange the packaged dry milk product in aisles, rows, or sections and lots at least 18 inches from any wall and in an orderly manner that allows easy access for inspection or for cleaning of the site.

(b) Place all bags and small containers of product on pallets elevated approximately 6 inches from the floor.

(c) Keep the storage site clean and dry and all openings to the storage site protected against insects and rodents.

(d) Arrange all supplies on dunnage or pallets in an orderly manner for accessibility and cleaning of the storage site.

(e) Keep supplies enclosed in their original wrapping material until used.

(f) Keep supplies removed from their original containers in an enclosed metal cabinet, bin, or on shelving, and protected from powder and dust or other contamination.

(g) Vacuum the storage site as often as necessary to preserve cleanliness and order.

(h) Take all necessary precautions throughout the entire operation to prevent the adulteration of 1 product with another.

Sec. 2f. (1) The department shall sample and test all instant nonfat dry milk offered for sale to the public at least once each month to assure that the product meets the requirements of this act.

(2) A dry milk plant shall ensure that each product sublot of approximately 4,000 pounds is tested and analyzed prior to being packaged or offered for sale. A product not meeting the requirements of this act and department specifications for extra grade instant nonfat dry milk shall not be offered for sale as extra grade instant nonfat dry milk.

(3) The flavor and odor of extra grade instant nonfat dry milk shall conform to department standards.

(4) Extra grade instant nonfat dry milk shall comply with all of the following:

(a) The standard bacterial estimate plate count is not more than 30,000 per gram.

(b) The coliform count is not more than 10 per gram.

(c) The milk fat is not more than 1.25%.

(d) The moisture is not more than 4.5%.

(e) Scorched particles are not more than 15 milligrams.

(f) The solubility index is not more than 1 milligram.

(g) The titratable acidity is not more than 0.15%.

(h) The dispersibility is not less than 85% by the modified Moats-Dabbah method established by the association of applied chemists and approved by the department, or any other method approved by the department.

(i) The direct microscopic clump count is not more than 75,000,000 per gram.

(4) A plant manufacturing, processing, and packaging butter and related products shall comply with all of the following:

(a) Contain coolers and freezers that are each of the following:

(*i*) Equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good manufacturing practices for the applicable product, to protect the quality and condition of the products during storage or processing.

(*ii*) Kept clean, orderly, free from insects, rodents, and mold.

(*iii*) Maintained in good repair.

(*iv*) Adequately lighted.

(*v*) Capable of maintaining proper circulation of air at all times.

(*vi*) Constructed to allow thorough cleaning of the floors, walls, and ceilings.

(b) Contain properly constructed and sanitary churn rooms equipped to keep air free from odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

(c) Provide an atmosphere with no more than 10 mold colonies per cubic foot of air that is free of dust or other airborne contamination and maintained at a reasonable room temperature.

(d) If the plant has a continuous churn, ensure that all product contact surfaces of the churn are of noncorrosive material readily accessible for cleaning and inspection, and all nonmetallic product contact surfaces comply with standards established or approved by the department.

(e) If the plant has a conventional churn, ensure that the churn has tight seals around each door, and is constructed of aluminum, stainless steel, or an equally corrosion resistant material, free from cracks, in good repair, and all gasket material is fat resistant, nontoxic and reasonably durable.

(f) Ensure that bulk butter trucks, boats and packers are constructed of aluminum, stainless steel or an equally corrosion resistant material, are free from cracks and seams, and have surfaces that are smooth and easily cleanable.

(g) Ensure that shavers, shredders or melting machines used for the rapid melting of butter or frozen or plastic cream are constructed of stainless steel or an equally corrosion resistant material that is sanitary and readily cleanable.

(h) Ensure that all printing equipment is designed to readily allow cleaning of product contact surfaces, and that all product contact surfaces except conveyors are constructed of aluminum, stainless steel or equally corrosion resistant material that meets department standards.

(i) Ensure that conveyors are constructed of material that can be properly cleaned and maintained in a manner satisfactory to the department.

(j) Ensure that each brine tank used for the treating of parchment liners is constructed of noncorrosive material, has an adequate and safe means of heating the salt solution for the treatment of the liners, and has a satisfactory drainage outlet.

(k) Ensure that each bulk starter vat is both of the following:

(*i*) Constructed of stainless steel or an equally corrosion resistant material, in accordance with standards established or approved by the department.

(*ii*) In good repair, equipped with tight-fitting lids, and containing effective temperature controls.

Sec. 3a. Before operating a dairy plant, a person, owning or intending to operate a dairy plant that is not licensed by the department under other laws regulating dairy plants shall obtain a license from the director of the department of agriculture. The person shall complete an application form furnished by the director that requires the person to identify the ownership and location of the dairy plant and provide other information required by the director. The director may issue a temporary license. At the time of application, the person shall pay to the director an annual license fee of $50.00 for each plant the person operates or intends to operate, and within 130 days after the close of the person's fiscal year, pay a renewal fee of $50.00 for each plant the person operates.

Sec. 3b. Upon receipt of an application under section 3a for an unlicensed dairy plant or for a dairy plant previously denied a license under this act, the department shall investigate the sanitary conditions of the plant or place of business. The director shall not issue a license under this act upon determining that the sanitary conditions of the applicant's plant or place of business do not comply with this act, rules and regulations promulgated under this act, or a law that regulates the dairy business. The director may revoke a license issued under this act upon determining after a hearing that the licensee has violated this act, a rule or regulation promulgated under this act, or a law that regulates the dairy business. A person whose license has been revoked or refused shall immediately discontinue operation of the business for which the license was issued or applied for, and that person is not eligible for a license until the director determines that the violation has been remedied.

Sec. 3c. (1) Before revoking a license the department shall provide the affected licensee with a written notice that identifies all of the following:

(a) The intent to revoke.

(b) The grounds upon which the intended revocation is based.

(c) The time and place of hearing.

(2) The department shall personally serve or mail by certified mail to the licensee the notice at least 10 days before the date set for the hearing. The hearing shall be conducted in a manner prescribed by the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 3d. (1) A person shall not receive from a farm bulk milk tank and transport in a farm pickup milk tank milk regulated by this act unless that person is licensed by the department under this section or under section 2 of the Fluid milk act of 1965, Act No. 233 of the Public Acts of 1965, being section 288.22 of the Michigan Compiled Laws. At the time of application, the person shall pay a license fee of $10.00 and complete an application form provided by the department. The person shall renew the license and pay a $10.00 fee annually on July 1 and apply for the renewal at least 10 days before July 1. The department shall examine each applicant for a license and determine each applicant's qualifications to evaluate milk in a farm bulk milk tank, to accurately measure milk in a farm bulk milk tank, to obtain representative samples of milk from a farm bulk milk tank, to properly handle and deliver milk samples, and to receive and transport milk. A person who fails to agitate milk in the farm bulk milk tank before taking a sample for delivery to the milk plant or to the department, who fails to take the sample for analysis in accordance with departmental rules, who receives or transports milk that exceeds 50 degrees Fahrenheit, or who fails to accurately report the weight or temperature of milk received from a farm milk tank, is in violation of this act and section 2 of Act No. 233 of the Public Acts of 1965 and is subject to license revocation or suspension.

(2) As used in this section, "person" means a natural person engaged in receiving or transporting milk from farm bulk milk tanks in his or her own farm pickup milk tank or the farm milk pickup tank of another.

Sec. 3e. Each person purchasing milk for resale or manufacture into another product shall pay the milk's producer and, on a monthly or more frequent basis, shall tender payment on or before the fifteenth day of the month for milk received prior to the first day of that month. The director shall revoke or refuse a license required by this act for a violation of this section.

Sec. 3j. (1) If 1 of the following security devices is filed with the director of the department, the department shall issue to a dairy plant that produces manufactured dairy products a license authorized under this act, and shall revoke or deny a license if the licensee or license applicant fails to provide 1 of the following security devices upon the department's request:

(a) Beginning April 27, 1982, a current certified, audited financial statement prepared by a certified public accountant, and new year end certified audits within 120 days of the licensee's year end that verify the licensee's ability to meet the ratio of 1:2:1 for minimum liquidity requirements of current assets to current liabilities.

(b) Any of the following for the benefit of producers who may be damaged by a default in payment:

(*i*) A bond issued by a surety company authorized to do business in this state and conditioned upon the faithful and proper discharge of the duty to pay a producer, when payment is due, for milk received by the dairy plant.

(*ii*) Cash, in an amount not to exceed the value of the greatest milk receipts the dairy plant received within a consecutive 30 day period during that dairy plant's most recent fiscal year, or the greatest milk receipts that the dairy plant is anticipated to receive during a 30 day period within the licensing period, whichever is greater.

(*iii*) Other security acceptable to the department, including, but not limited to, an irrevocable letter of credit, less any amount the dairy plant owes the producer payable to the department.

(c) An agreement in which the dairy plant prepays for its milk supply by providing cash payments before or at the time of delivery.

(2) Upon issuing, renewing, or altering a license the director of the department shall notify each dairy product producer delivering dairy products to the licensed dairy plant of the financial basis upon which the license was issued, renewed, or altered. The notice shall state the type and amount of security provided pursuant to this section.

(3) A dairy plant that produces manufactured dairy products shall not receive dairy products that will increase the amount due and accrued from the dairy plant to an amount greater than the amount represented as a basis for the issuance of the license, without first notifying the department.

(4) This section does not apply to the sale of dairy products or manufactured dairy products in interstate commerce to an out of state purchaser not licensed pursuant to this act. The protection provided by this section is available to a producer in another state selling dairy products to a licensee in this state.

(5) Financial and product information filed by a dairy plant that produces manufactured dairy products is not subject to disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(6) Upon receipt of a written request, the department shall provide an individual dairy product producer or an agent of the producer a copy of the certified audited financial statement of the dairy plant that produces the dairy products of that producer.

(7) An individual dairy product producer or an agent of the producer may file a written complaint with the department requesting an audit of the ability of the dairy plant that produces the dairy products of the individual producer to meet the minimum liquidity requirements pursuant to subsection (1)(a). The complaint shall be accompanied by a certified check in the amount of $100.00 and a signed document guaranteeing full payment for an audit if required under subsection (8). Upon receipt of the complaint and check, the department shall notify the appropriate dairy plant and present to the dairy plant the choice of either having an independent audit conducted, or voluntarily changing the security arrangement to either of the alternatives provided for in subsection (1)(b) or (c).

(8) A dairy plant that requests an independent audit under subsection (7) shall bear the cost of that audit if the audit establishes to the department's satisfaction the dairy plant's inability to meet minimum liquidity requirements described in subsection (1)(a). The complainant shall bear the cost of the audit if the audit establishes to the department's satisfaction that the dairy plant meets the minimum liquidity requirements described in subsection (1)(a).

(9) If the dairy plant fails to meet the minimum liquidity requirements described in subsection (1)(a), the department shall return to the complainant the fee described in subsection (7), and suspend or revoke the dairy plant's license in compliance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. The department may reinstate a suspended license, or reissue a revoked license, if the dairy plant complies with subsection (1)(b) or (c). If the department determines that the dairy plant meets the minimum liquidity requirements described in subsection (1)(a), the $100.00 shall be forfeited to the dairy plant.

(10) A licensee may request a change in its security arrangement at any time if all requirements for the new security arrangement have been met and all producers doing business with the licensee have been duly notified.

Sec. 3k. (1) A person injured by the breach of an obligation secured pursuant to section 3j may file with the department a verified proof of claim or other evidence of default. Upon receipt of a verified proof of claim or other evidence of default, the department may issue an order requiring each interested creditor to file a verified proof of claim before a certain date, or be barred from participating in any recovery made by the department. The department shall provide notice of the entry of an order by posting a copy of the order on the premises described in the license, and by publication in accordance with the Michigan court rules that govern service of process by publication. Publication shall be completed at least 30 days before the final date for the filing of claims. The department shall make the necessary audit, and issue an order allowing or disallowing each claim presented. Within 30 days of that order, the department shall send to the principal and surety by certified mail, notice of allowance or disallowance and request for the payment. The department may demand, collect, and receive from the licensee or from the surety or sureties of the licensee, the amount determined to be necessary to satisfy the claims. The department may request that the department of attorney general commence an action for that purpose in the court of appropriate jurisdiction. Upon receipt of money paid in partial or complete satisfaction of a claim as provided in this section, the department shall make distribution to the claimant in accordance with the order allowing the claim, in full or proportionally, as the case may be.

(2) This section does not affect or impair any other lien, security, or priority for the claim or judgment.

Sec. 4b. A person engaged in the distribution and sale of milk or cream in bottles, cans, boxes or other containers may mark and designate each bottle, can, box, or other container with that person's name or other mark or device and shall do each of the following:

(a) File a description of the name, mark, or other device with the department and with the county clerk of the county in which that person's principal place of business is situated.

(b) Pay $1.00 to the department and $1.00 to the county clerk described in subdivision (a) for each name, mark, or other device described in compliance with subdivision (a).

(c) Cause a description of the name, mark or other device to be printed once a week for 3 consecutive weeks in a newspaper published in the county in which that person's principal place of business is situated.

(2) Upon compliance with subsection (1), a person is presumed to be the proprietor of the name, mark or device and of every bottle, can, box or other container upon which that person's name, mark or device is produced pursuant to this act.

Sec. 4c. (1) A person who complies with section 4b may sell or assign that person's name, mark or device, and the purchaser or assignee has all the rights, immunities, and obligations conferred by this act upon the seller or assignor in relation to items bearing the name, mark, or device, if the purchaser or assignee does both of the following:

(a) Files with the department and the office of the clerk of the county in which that person's principal place of business is situated a certificate of the sale or assignment.

(b) Causes the certificate described in subdivision (a) to be printed once a week for 3 consecutive weeks successively in a newspaper published in the county described in subdivision (a).

(2) All records, books and papers of every nature pertaining to this section and to section 4b in the possession of the secretary of state shall be turned over to the director of the department and preserved by the department.

Sec. 4d. A person shall not do any of the following:

(a) Sell or offer for sale milk or cream in a bottle, can or other container bearing the name, mark or device belonging to another person, absent the authorization of that other person.

(b) Deface, erase, obliterate, cover up, or otherwise remove or conceal a name, mark or device on a container described in subdivision (a).

(c) Sell, buy, give, take or otherwise dispose of or traffic in containers described in subdivision (a) without the written consent of each person possessing the legal right to use the name, mark, or device on those containers.

Sec. 4e. A person shall not destroy, secrete or withhold bottles, cans or cases of another person. A person who violates this section is subject to treble damages in addition to all other civil remedies, and is guilty of a misdemeanor.

Sec. 5. A person who is not a common carrier and who receives from a common carrier milk, cream, or other milk product intended for human consumption and contained in returnable cans, bottles or other vessels shall thoroughly wash and clean each can, bottle, and other vessel before return shipment.

Sec. 5a. (1) A plant that processes milk or cream into the finished product shall pasteurize the milk or cream at the processing site. The cream for buttermaking shall be pasteurized using any of the following methods:

(a) At a temperature of not less than 165 degrees Fahrenheit and held at that temperature continuously in a vat for not less than 30 minutes.

(b) By high temperature, short-time method at a minimum temperature of not less than 185 degrees Fahrenheit for not less than 15 seconds.

(c) By any other time and temperature combination equivalent to (a) or (b) and approved by the department.

(2) The department may require additional heat treatment above the minimum pasteurization requirements of this subsection to ensure improved keeping quality characteristics.

(3) A plant shall provide adequate pasteurization controls and set a diversion valve to divert a product at not less than 185 degrees Fahrenheit with a 15-second holding time or the equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, the plant shall close and keep closed vat covers prior to and during the holding and cooling periods, and ensure that vat air space temperature reaches the minimum temperature required under this section before holding time starts.

(4) A plant that processes milk or cream for plastic or frozen cream shall pasteurize cream in the same manner as described in subsections (1) and (3), except that the temperature for the vat method shall be not less than 170 degrees Fahrenheit for at least 30 minutes, the temperature for the high temperature short-time method shall not be less than 190 degrees Fahrenheit for at least 15 seconds, and the temperature and holding time shall be as otherwise required by the department to assure adequate pasteurization and comparable keeping quality characteristics.

(5) The department may inspect all ingredients used in the manufacture of butter and related products to ensure each ingredient is wholesome and practically free from impurities. The department may require a plant to provide chlorinating facilities for butter wash water, and each plant shall take all other necessary precautions to prevent contamination of products.

(6) In the packaging of butter and related products, a plant shall use commercially acceptable containers or packaging material that will protect the quality of the contents to the department's satisfaction. All cups or tubs containing 2 pounds or less shall have tops or covers which extend over the lip of the container to protect the product from contamination during subsequent handling.

(7) A plant shall protect supplies of parchment liners, wrappers, and other packaging material against dust, mold, and other possible contamination, and do each of the following:

(a) Prior to use, completely immerse parchment liners or bulk butter packages in a boiling salt solution within a stainless steel or other equally noncorrosive material for not less than 30 minutes.

(b) Ensure that the solution described in subdivision (a) consists of at least 15 pounds of salt for every 85 pounds of water, and is strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

(c) Treat or handle liners such as polyethylene and each lined butter container in such a manner as to prevent contamination of the liner prior to filling.

(d) Print and package consumer size containers of butter under sanitary conditions.

(e) Legibly mark commercial bulk shipping containers with the name of the product, net weight, name and address of manufacturer, processor or distributor, or an assigned plant identification number or any other identification that the department may require.

(f) Mark packages of plastic or frozen cream with the percent of milkfat.

(g) Except as provided in subdivisions (i) through (k), keep all products under refrigeration at temperatures of 40 degrees Fahrenheit, or lower after packaging and until ready for shipment.

(h) Ensure that the products are not placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

(i) If plastic cream or frozen cream is to be quick-frozen, place the product in quick freezer rooms immediately after packaging, and ensure rapid and complete freezing within 24 hours by doing all of the following:

(*i*) Pile or space the packages in a manner that allows air to freely circulate among and around the packages.

(*ii*) Maintain the rooms at -10 degrees Fahrenheit, or lower.

(*iii*) Equip each room to provide sufficient high-velocity air circulation for rapid freezing.

(*iv*) After the products have been completely frozen, retain them in the quick freezer or transfer them to a freezer storage room for continued storage.

(j) Maintain each freezer storage room at a temperature of 0 degrees Fahrenheit or lower and ensure each freezer storage room has adequate air circulation.

(k) Place butter intended to be held more than 30 days in a freezer storage room immediately after packaging, and if that butter is not frozen before being placed in the freezer, arrange each unfrozen butter package in a manner that permits rapid freezing, and keep each package in that arrangement until frozen.

(8) A plant that manufactures or processes cheese shall do all of the following:

(a) Equip and maintain starter rooms or areas for the propagation and handling of starter cultures.

(b) Prevent contamination of starter cultures, starter rooms and equipment, and the air within each starter room.

(c) Ensure that the room in which cheese is manufactured is of adequate size, with all of the following:

(*i*) Vats adequately spaced to permit movement around each vat.

(*ii*) Presses for proper cleaning and satisfactory working conditions.

(*iii*) Adequate ventilation.

(d) If cheese is to be coated or saturated with paraffin, provide a drying room of adequate size to accommodate the maximum amount of cheese that the plant can produce at its peak of operation, and ensure that the drying room has adequate shelving and air circulation for proper drying, and suitable temperature and humidity controls.

(e) For production of rind cheese, provide a separate room or compartment for paraffining and boxing the cheese, and ensure that the room or compartment is of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

(f) For rindless blocks, provide a suitable space for wrapping and boxing of the cheese and ensure that the area is free from dust, condensation, mold or other conditions that may contaminate the surface of the cheese or contribute to an unsatisfactory packaging of the cheese.

(g) Maintain clean coolers or curing rooms where cheese is held for curing or storage and ensure each of the following:

(*i*) That the proper uniform temperature and humidity are kept to adequately protect the cheese.

(*ii*) That proper circulation of air is maintained at all times.

(*iii*) That the coolers or rooms are free from rodents, insects, and pests.

(*iv*) That shelves are kept clean and dry.

(h) If small packages of cheese are cut and wrapped, provide a separate room for the cleaning and preparation of the bulk cheese, a separate room for the cutting and wrapping operation, and ensure that the rooms are well lighted, ventilated, provided with filtered air, and engineered to move air outward.

(i) If bulk starter vats are used, ensure that each is constructed of stainless steel or an equally corrosion resistant material, is in good repair, equipped with a tight-fitting lid, and contains adequate temperature controls such as valves, indicating and recording thermometers.

(j) Ensure that each new bulk starter vat that is used is constructed according to standards established or approved by the department.

(k) Ensure that each vat used for making cheese is of metal construction and meets each of the following requirements:

(*i*) The vat has adequate jacket capacity for uniform heating.

(*ii*) The inner liner of the vat is a minimum 16-gauge stainless steel or other equally corrosion resistant material, properly pitched from side to center and from rear to front for adequate drainage.

(*iii*) The liner of the vat is smooth, free from excessive dents or creases, and extends over the edge of the outer jacket.

(*iv*) The outer jacket of the vat, if metal, is constructed of stainless steel or other material that can be kept clean and sanitary.

(*v*) The junction of the liner and outer jackets of the vat is constructed to prevent milk or cheese from entering the inner jacket.

(*vi*) The vat is equipped with a suitable sanitary outlet valve.

(*vii*) Each vat is equipped with effective valves that are properly maintained to control the application of heat to the vat.

(*l*) Ensure that mechanical agitators are of sanitary construction and contain each of the following:

(*i*) A carriage and track constructed to prevent the dropping of dirt or grease into the vat.

(*ii*) Metal blades, forks, or stirrers constructed of stainless steel or of material approved by the department and free from rough or sharp edges or any surface that may scratch the equipment or remove metal particles.

(m) Ensure that curd mill knives, hand rakes, shovels, paddles, strainers, and miscellaneous equipment are stainless steel or constructed of a material approved by the department.

(n) Ensure that the product contact surfaces of a curd mill, including the wires in curd knives, are stainless steel, and that each piece of equipment is constructed so that it may be kept clean.

(o) Ensure that curd knives are kept tight and replaced when necessary.

(p) Ensure that each hoop, form and follower is constructed of stainless steel or heavy tinned steel, and that a tinned hoop, form, or follower is kept tinned and free from rust.

(q) Ensure that each hoop, form, and follower is kept in good repair, and that drums or other special forms used to press and store cheese are clean and sanitary.

(r) Ensure that each cheese press is constructed of stainless steel with all of the following:

(*i*) All joints welded and all surfaces, seams, and openings readily cleanable.

(*ii*) A continuous pressure device.

(*iii*) Press cloths maintained in good repair and in a sanitary condition.

(s) Ensure that single-service cheese press cloths are used only once.

(t) Ensure that the press used to heat seal the wrapper applied to rindless cheese shall have square interior corners, reasonably smooth interior surface and have controls that shall provide uniform pressure and heat equally to all surfaces.

(u) Ensure that each paraffin metal tank is adequate in size, has wood rather than metal racks to support cheese, and has heat controls and an indicating thermometer.

(v) Ensure that paraffin tank cheese wax is kept clean.

(9) A plant that manufactures or processes cheese shall pasteurize milk to be used for making cheese by subjecting every particle of the milk to a minimum temperature of 161 degrees Fahrenheit for not less than 15 seconds. A plant that manufactures or processes cheese shall equip high temperature short-time pasteurization units with the proper controls and equipment to assure pasteurization. Milk held more than 2 hours between time of receipt or pasteurization and culturing shall be cooled to 45 degrees Fahrenheit, or lower until the time of culturing.

(10) A plant that manufactures or processes cheese and engages in vat pasteurization shall use only equipment meeting department specifications.

(11) A plant that manufactures or processes cheese shall do all of the following:

(a) Provide adequate sanitary facilities for the disposal of whey, and take precautions to minimize flies, insects, and the development of objectionable odors at disposal sites.

(b) Handle whey or whey products intended for human food at all times in a sanitary manner in accordance with the procedures specified in this act for handling milk and milk products.

(c) Conduct the packaging of rindless cheese or the cutting and repackaging of all styles of bulk cheese under rigid sanitary conditions, and ensure that the atmosphere of the packaging rooms, the equipment and the packaging material are free from mold and bacterial contamination.

(d) Legibly mark each bulk cheese with the name of the product, code or date of manufacture, name and address of manufacturer, and vat number or code number of the manufacturer.

(e) Legibly mark each consumer-sized container with the name and address of the manufacturer, packer, or distributor, net weight of the contents, name of product and any other information required by the department.

(f) Ensure that conveyors are constructed of material approved by the department and maintained in good repair.

(g) Ensure that the grinders or shredders used in the preparation of trimmed and cleaned natural cheese for cookers are adequate in size, with product contact surfaces of corrosion resistant material, and constructed to prevent contamination of the cheese and allow thorough cleaning of all parts and product contact surfaces.

(h) Ensure that each cooker is all of the following:

(*i*) Steam jacketed or of direct steam type.

(*ii*) Constructed of stainless steel or other equally corrosion resistant material with all product contact surfaces readily accessible for cleaning.

(*iii*) Equipped with an indicating thermometer.

(*iv*) Equipped with a temperature recording device.

(*v*) Equipped with a recording thermometer stem placed in the cooker if time charts satisfactory to the department are used or placed in the hotwell or filler hopper.

(i) Ensure that steam check valves on direct steam type cookers are mounted flush with cooker wall, constructed of stainless steel, and designed to prevent the backup of product into the steam line, or ensure that each steam line is constructed of stainless steel pipes and fittings that can be readily cleaned.

(j) If direct steam is applied to the product, ensure that only culinary steam is used.

(k) Ensure each of the following:

(*i*) That except for sight ports, the hoppers of all fillers are covered.

(*ii*) That if the department determines necessary, the hopper has an agitator to prevent buildup on side walls.

(*iii*) That the filler valves and head are kept in good repair and capable of accurate measurements.

(*iv*) That natural cheese is cleaned free of all nonedible portions.

(*v*) That paraffin, wrappings, rind surface, mold, or unclean areas or any other part of natural cheese that is by department standards unwholesome or unappetizing is removed.

(*vi*) That each batch of cheese within a cooker, including optional ingredients, is thoroughly commingled and pasteurized at a temperature of at least 161 degrees Fahrenheit for not less than 30 seconds.

(*vii*) That cheese particles or ingredients do not enter the cooker batch after the cooker batch of cheese has reached the final heating temperature.

(*viii*) After holding for the required period of time, that the hot cheese is emptied from the cooker as quickly as possible.

(*ix*) That containers either lined or unlined are assembled and stored in a sanitary manner to prevent contamination.

(*x*) That filler crews handle containers with extreme care and observance of personal cleanliness.

(*xi*) That preforming and assembling of pouch liners and containers are kept to a minimum and the supply rotated to limit the length of time a product is exposed to possible contamination prior to filling.

(12) Hot fluid cheese from cookers may be held in hotwells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. A plant that manufactures or processes cheese shall ensure all of the following:

(a) That filler valves effectively measure the desired amount of product into a pouch or container in a sanitary manner and shall cut off sharply without drip or drag of cheese across the opening.

(b) That an effective system is used to maintain accurate and precise weight control.

(c) That damaged or unsatisfactory packages are removed from production, and that cheese is, at the plant's option, salvaged into sanitary containers, and added back to the cookers.

(d) That pouches, liners, or containers having product contact surfaces after filling are folded or closed and sealed in a sanitary manner approved by the department to prevent contamination.

(e) That in addition to other required labeling, each container is coded in a manner as to be easily identified as to date of manufacture by lot or sublot number.

(13) A plant that manufactures, processes, or packages evaporated, condensed, or sterilized milk products shall ensure that the equipment and utensils used for processing and packaging evaporated, condensed, or sterilized milk products comply with section 2e(2) and each of the following requirements:

(a) All equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids meets the requirements established or approved by the department.

(b) Gravity and vacuum-type fillers are of sanitary design and except as provided in subdivision (c) all product contact surfaces, if metal, are made of stainless steel or an equally corrosion resistant material approved by the department.

(c) The department may approve certain evaporated milk fillers having brass parts if those brass parts are free from corroded surfaces and kept in good repair.

(d) Nonmetallic product contact surfaces meet standards established or approved by the department.

(e) Fillers are designed to prevent contamination of, or detraction from the quality of the product being packaged.

(f) Batch, or continuous in-container sterilizers are equipped with accurate temperature controls and effective valves for regulating the sterilization process and the equipment is maintained to assure control of the length of time of processing, and to minimize the number of damaged containers.

(14) If applicable, a plant described in subsection (13) shall use homogenizers to reduce the size of fat particles and to evenly disperse those particles in the product, and ensure that each homogenizer meets standards established or approved by the department.

(15) Pasteurization shall be performed by systems and equipment meeting the requirements identified in section 2e(2).

(16) A person shall fill and hermetically seal containers with product in a sanitary manner, and ensure that each container does not contaminate or detract from the quality of the product.

(17) A person shall ensure that bulk containers for unsterilized product meet department standards to protect a product in storage or transit. Each bulk container, including bulk tankers, shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

(18) A previously sterilized product shall be filled under conditions which prevent contamination of the product by living organisms or spores. Prior to being filled a container shall be sterilized and maintained in a sterile condition. A filled container shall be sealed in a manner that prevents contamination of the product.

Sec. 6. (1) Subject to subsection (4), a person who directly, through an agent, or as the agent of another person violates this act or R 285.407.1 to 285.407.6 of the Michigan administrative code, is guilty of a misdemeanor, punishable by a fine of not less than $50.00 or more than $500.00, or imprisonment for not more than 90 days, or both.

(2) In addition to the remedies provided by this act, the department may apply to the circuit court for, and the court has jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining a person from violating this act or a rule promulgated under this act, despite the existence of an adequate remedy at law.

(3) The director of the department shall impose upon a producer who violates this act by selling or offering for sale milk which has a positive reaction to a drug residue test performed pursuant to section 2b the following civil fines:

(a) First positive test for a drug residue within a 12-month period: $50.00.

(b) Second positive test for a drug residue within a 12-month period: $200.00.

(c) Third positive test for a drug residue within a 12-month period: $500.00.

(4) The provisions of subsection (1) apply to a producer who violates this act by selling or offering for sale milk that has a positive reaction to a drug residue test performed pursuant to section 2b only under the following circumstances:

(a) The producer fails to pay the civil fine required by subsection (3) within 10 days of the notification of the violation.

(b) The producer has been fined under subsection (3) 3 times within the preceding 12-month period.

(5) A person subject to a civil fine imposed under subsection (3) shall pay the fine to the department within 10 days after notification of the violation. The department shall deposit the civil fines under this section into the manufactured milk act fund created in section 6a.

Sec. 6a. (1) The manufactured milk act fund is created within the department of treasury, and shall be administered by the department of agriculture. The fund is capitalized by revenues collected under this act, and the fund shall additionally receive any gifts or contributions to the fund, and money as otherwise provided by law.

(2) The state treasurer shall direct investment of the fund, and credit interest and earnings of the fund to the fund. The state treasurer shall retain money in the fund at the close of the fiscal year and shall not return that money to the general fund.

(3) The department shall expend money in the fund solely to enforce this act.

Sec. 9. Each owner or operator of a station receiving milk for manufacturing, a creamery, cheese plant, milk condensing plant, or dairy manufacturing plant shall perform a sediment test of a delivery of milk of each producer at least once in each month. If a sediment test discloses that the tested milk is insanitary, the owner or operator described in this section shall condemn that milk pursuant to section 11, and test each subsequent delivery of milk by the producer for sediment until that owner or operator is satisfied that the milk delivered by such producer is not insanitary milk. The dairy plant shall maintain records of all tests for not less than 1 year.

Sec. 10. After performing a sediment test under this act, a person shall mark for identification sediment discs used in making sediment tests of milk and shall show to or provide the producer of the milk the sediment discs from which a sediment test was made.

Sec. 11. Each owner or operator of a station receiving milk for manufacturing, creamery, cheese plant, milk condensing plant, or other dairy manufacturing plant shall condemn all insanitary milk which is offered for sale by affixing to each container of the insanitary milk a condemnation tag provided by the department. In addition to attaching the condemnation tag to the container, the owner or operator described in this section may thoroughly mix into the insanitary milk a harmless, permanent, pronounced red coloring matter certified by the bureau of chemistry, United States department of agriculture, as harmless food color, which shall completely discolor the insanitary milk. A person shall not remove a condemnation tag attached to any container of condemned milk or cream, or transfer condemned milk to another container and sell or offer for sale the condemned milk for human consumption.

Sec. 17. The department may promulgate rules for the implementation and enforcement of this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Section 2. Sections 1a, 3, 3f, 3g, 4, 4a, 7, 8, and 12 of the manufacturing milk act, Act No. 222 of the Public Acts of 1913, being sections 288.101a, 288.103, 288.103f, 288.103g, 288.104, 288.104a, 288.107, 288.108, and 288.112 of the Michigan Compiled Laws, are repealed.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved ----------

Governor.