



HOUSE BILL No. 5582

May 25 1994 Introduced by Rep Gnodtke and referred to the Committee on Agriculture and Forestry

A bill to amend sections 1 and 2e of Act No 222 of the Public Acts of 1913 entitled as amended

Manufacturing milk act,
as amended by Act No 134 of the Public Acts of 1993, being sections 288 101 and 288 102e of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 1 and 2e of Act No 222 of the Public
2 Acts of 1913 as amended by Act No 134 of the Public Acts of
3 1993, being sections 288 101 and 288 102e of the Michigan
4 Compiled Laws, are amended to read as follows

5 Sec 1 (1) This act shall be known and may be cited as the
6 'manufacturing milk act'

7 (2) As used in this act

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

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

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

8 (d) 'Dairy product' means milk or cream

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

10 (f) 'Dry milk product' means a product resulting from the
11 drying of milk or a milk product

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

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

15 (1) The fresh, clean, lacteal secretion obtained by the com-
16 plete milking of 1 or more healthy cows, properly fed and kept,
17 excluding a lacteal secretion obtained within 15 days before and
18 5 days after calving, that contains not less than 8 25% of milk
19 solids not fat, and not less than 3 25% of milk fat

20 (2) The lacteal secretion, practically free from colostrum,
21 obtained by the complete milking of 1 or more healthy goats

22 (1) "Milk product" or "manufactured dairy product" means
23 butter, dry skim milk, dry cream, milk casein, ice cream, malted
24 or milk sugar, infant formula manufactured with dairy ingredi-
25 ents, or other form of processed dairy product

26 (j) 'Person' means an individual, partnership, cooperative,
27 association, or corporation

1 (K) RBST MEANS RECOMBINANT BOVINE SOMATOTROPIN A
2 RECOMBINANT BOVINE GROWTH HORMONE USED WITH LACTATING DAIRY COWS
3 TO INCREASE MILK PRODUCTION

4 (l) ~~(k)~~ 'Sterilization' means the complete destruction of
5 living organisms by 1 of the following methods

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

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

12 (iii) Employing a process described in ~~subdivision~~
13 SUBPARAGRAPH (i) or (ii) and following packaging of the steril-
14 ized product applying a heat treatment approved by the
15 department

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

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

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

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

26 (d) Construct a drainage system that provides for rapid,
27 nonhazardous water drainage from the plant driveways, adjacent

1 traffic areas and surface water sites located on plant property
2 in a manner that prevents the development of a nuisance

3 (e) Ensure that each plant structure is of sound construc-
4 tion and kept in good repair to prevent the entering or harboring
5 of rodents, birds, insects, vermin, dogs, and cats

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

9 (g) Ensure that all openings to the outdoors, including
10 doors, windows, skylights, and transoms are effectively main-
11 tained and protected or screened against the entrance of insects,
12 rodents, birds, dust, and dirt

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

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

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

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

24 (l) Refinish a surface described in subdivision (k) as fre-
25 quently as necessary to maintain a smooth finish

26 (m) Ensure that the floor of each room in which a milk or
27 dairy product is processed, manufactured, packaged, handled or

1 stored or in which a dairy utensil is washed or stored is each
2 of the following

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

5 (ii) Maintained in good repair

6 (iii) Graded to prevent the forming of standing water or
7 milk

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

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

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

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

20 (q) Ensure that each room and compartment has adequate heat-
21 ing, air conditioning, and ventilation to maintain sanitary con-
22 ditions, and provide exhaust or inlet fans, vents, hoods, and
23 temperature and humidity control facilities as needed to minimize
24 or eliminate undesirable room temperatures, odors, moisture, con-
25 densation, or mold

26 (r) Install adequate air filtering devices on air inlet fans
27 to prevent the entrance of dirt and dust, and ensure that each

1 exhaust outlet is screened or provided with self-closing louvres
2 to prevent the entrance of insects when not in use

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

5 (t) Ensure that each room and compartment in which a raw
6 dairy material, packaging, ingredient, supply, or dairy product
7 is manufactured, handled, packaged, or stored is designed, con-
8 structed, and maintained to assure a stable and appropriate tem-
9 perature and clean operating conditions

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

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

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

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

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

22 (iii) With shelves that are clean and dry

23 (iv) With equipment for the collection and disposal of
24 condensate

25 (x) Maintain a supply room used for the storing of packaging
26 materials and miscellaneous ingredients in a clean, dry

1 condition free from insects, rodents, and mold and maintained in
2 good repair

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

7 (z) Label, segregate, and store insecticides, rodenticides,
8 cleaning compounds, and other nonfood products in a separate
9 supply room or cabinet away from milk, dairy products, ingredi-
10 ents, or packaging supplies

11 (aa) Separate a boilerroom and a shoproom from other rooms
12 where milk and dairy products are processed, packaged, handled,
13 or stored, and keep a boiler room and a shop room orderly and
14 reasonably clean

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

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

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

22 (iii) Toilet room fixtures shall be kept clean and in good
23 repair

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

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

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

8 (ff) Maintain a central laboratory serving more than 1 plant
9 only if that laboratory is approved by the department and is con-
10 veniently located to the dairy plants

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

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

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

25 (jj) Retain a laboratory approved by the department to con-
26 duct a bacteriological examination of the sanitary water supply
27 at least twice a year or after any construction or repair of the

1 water supply system, and file the results of each test in the
2 manner directed by the department

3 (kk) Ensure that the location, construction, and operation
4 of a well complies with the safe drinking water act, Act No 399
5 of the Public Acts of 1976, being sections 325 1001 to 325 1023
6 of the Michigan Compiled Laws

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

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

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

18 (oo) Supply steam in sufficient volume and pressure for sat-
19 isfactory operation of each applicable piece of equipment and
20 ensure each of the following

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

25 (ii) That only nontoxic boiler compounds are used

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

1 (pp) Ensure that air under pressure that comes in contact
2 with milk or milk products or any product contact surface com-
3 plies with standards established or approved by the department,
4 and that the air under pressure at the point of application is
5 free from volatile substances, volatiles which may impart any
6 flavor or odor to the products, and extraneous or harmful
7 substances

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

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

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

21 (TT) DETERMINE WHETHER MILK RECEIVED FOR MANUFACTURE INTO A
22 DAIRY PRODUCT HAS BEEN PRODUCED BY 1 OR MORE DAIRY COWS TREATED
23 WITH RBST

24 (UU) LABEL EACH DAIRY PRODUCT MANUFACTURED AT THE PLANT THAT
25 CONTAINS MILK FROM AN RBST TREATED DAIRY COW WITH A CONSPICUOUS
26 NOTICE THAT STATES THE FOLLOWING, IN SUBSTANTIALLY THE FOLLOWING
27 FORM

1 THIS PRODUCT WAS PRODUCED FROM 1 OR MORE DAIRY COWS TREATED
2 WITH RBST, A BOVINE GROWTH HORMONE USED WITH LACTATING DAIRY COWS
3 TO INCREASE MILK PRODUCTION

4 (2) The owner or operator of a plant receiving milk for man-
5 ufacture into a milk product shall do all of the following

6 (a) Ensure that the equipment and utensils used for the pro-
7 cessing of milk and milk products are constructed to be readily
8 demountable when the department determines necessary for cleaning
9 and sanitizing

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

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

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

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

25 (f) Except for piping approved by the department ensure
26 that all parts or interior surfaces of equipment, pipes, or

1 fittings, including valves and connections, are accessible for
2 inspection

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

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

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

16 (j) Ensure that each can washer has sufficient capacity and
17 ability to discharge a clean, dry can and cover and is kept prop-
18 erly timed in accordance with the instructions of the
19 manufacturer

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

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

25 (1) Each tank or vat is fully enclosed or tightly covered,
26 and well insulated

1 (11) The entire interior surface agitator and all
2 appurtenances of each tank or vat are accessible for thorough
3 cleaning and inspection

4 (111) Any opening at the top of each tank or vat, including
5 the entrance of the shaft, is suitably protected against the
6 entrance of dust, moisture, insects, oil, or grease

7 (1v) Sight glasses if used, are sound, clear, and in good
8 repair

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

12 (v1) Storage tanks or vats equipped with air agitation con-
13 tain a properly installed air agitation system approved by the
14 department

15 (v11) Storage tanks and vats intended to hold milk products
16 for longer than 8 hours are equipped with adequate refrigeration
17 or adequate insulation

18 (v111) Each storage tank or vat is equipped with thermome-
19 ters in good operating order

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

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

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

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

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

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

21 (iv) Provide each batch pasteurizer with recording thermome-
22 ters that are accurate within 1.0 degree Fahrenheit for the
23 proper temperature range

24 (v) Use recording thermometers accurate within 2.0 degrees
25 Fahrenheit if the department determines that a record of tempera-
26 ture or time of cooling and holding is of significant
27 importance

1 (vi) Equip surface coolers with leakproof gaskets and
2 connections, and with hinged or removable covers for the protec-
3 tion of the product and ensure that the edges of the covers are
4 designed to divert condensate on nonproduct contact surfaces away
5 from product contact surfaces

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

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

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

13 (p) Ensure compliance with each of the following

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

16 (ii) Pumps used for milk and milk products are of the sani-
17 tary type and constructed to meet sanitary standards established
18 or approved by the department

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

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

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

1 (v1) A vacuum chamber, if used meets all of the following
2 requirements

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

5 (B) Constructed to facilitate cleaning with all product con-
6 tact surfaces accessible for inspection

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

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

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

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

17 (Q) DETERMINE WHETHER MILK RECEIVED FOR MANUFACTURE INTO A
18 MILK PRODUCT HAS BEEN PRODUCED BY 1 OR MORE DAIRY COWS TREATED
19 WITH RBST

20 (R) LABEL EACH MILK PRODUCT MANUFACTURED AT THE PLANT THAT
21 CONTAINS MILK FROM AN RBST TREATED DAIRY COW WITH THE CONSPICUOUS
22 NOTICE DESCRIBED IN SUBSECTION (1)(UU)

23 (3) A person employed by a plant receiving milk for manufac-
24 ture into a milk product shall comply with all of the following,
25 if applicable

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

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

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

9 (d) Wear clean, white, or light-colored washable outer gar-
10 ments or apron and a cap or hairnet while engaged in receiving,
11 testing, processing milk or milk products, packaging, or handling
12 milk products

13 (e) If afflicted with a communicable disease, do not enter
14 any room or compartment where milk and milk products are pre-
15 pared, manufactured, or otherwise handled

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

21 (g) Each employee whose work brings him or her in contact
22 with the processing or handling of milk products, containers, or
23 equipment shall have a medical and physical examination by a phy-
24 sician licensed under article 15 of the public health code, Act
25 No 368 of the Public Acts of 1978, being sections 333 16101 to
26 333 18838 of the Michigan Compiled Laws, or by a local health
27 department at the time of employment

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

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

9 (5) A dairy farm shall ~~ensure~~ DO BOTH OF THE FOLLOWING

10 (A) ENSURE that each new farm bulk tank meets the
11 department's sanitary standards for construction, and is
12 installed in accordance with department specifications

13 (B) IDENTIFY AND CONSPICUOUSLY LABEL WITH A NOTICE DESCRIBED
14 IN SUBSECTION (1)(UU) ALL MILK PRODUCED BY DAIRY COWS TREATED
15 WITH RBST, OR MIXED WITH MILK PRODUCED BY DAIRY COWS TREATED WITH
16 RBST

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

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

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

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

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

4 (11) If more than 1 tier of cans is carried, the vehicle
5 contains decking boards or racks

6 (111) Each vehicle contains cans, or bulk tanks that are
7 used solely for the transportation of milk from the farm to the
8 plant, and for no other purpose

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

11 (e) Ensure that the interior shell of each farm bulk milk
12 pickup tank is stainless steel and constructed to prevent buckl-
13 ing, sagging, or complete drainage

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

16 (g) Fully enclose the pump and hose cabinet with tight fit-
17 ting doors and provide inlet and outlet dust covers to give ade-
18 quate protection from road dust

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

22 (I) ENSURE THAT MILK PRODUCED BY AN RBST-TREATED DAIRY COW,
23 OR MIXED WITH MILK PRODUCED BY AN RBST-TREATED DAIRY COW, DOES
24 NOT COME IN CONTACT WITH ANOTHER MILK PRODUCT OR DAIRY PRODUCT
25 WHILE IN THE LICENSED MILK HAULER'S POSSESSION OR CONTROL, UNLESS
26 THAT MILK PRODUCT OR DAIRY PRODUCT IS LABELED WITH THE
27 CONSPICUOUS NOTICE DESCRIBED IN SUBSECTION (1)(UU)

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

3 (a) Make available enclosed or covered facilities for wash-
4 ing and sanitizing of milk pickup tank trucks, piping and acces-
5 sories, at central locations or at sites that receive or ship
6 milk or milk products in milk transport tanks

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

10 (c) Hold and process milk under conditions and at tempera-
11 tures that will avoid contamination and rapid deterioration

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

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

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

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

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

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

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

5 (k) Ensure that milk or milk products comply with the fed-
6 eral food, drug, and cosmetic act, chapter 675, 52 Stat 1040, 21
7 U S C 301, 321, 331 to 333, 334 to 337, 341 to 343-1, 344 to
8 346a, 347, 348 to 353, 355 to 360, 360b to 360dd, 360hh to 360ss,
9 361 to 363, 371 to 376, 378 to 379d, 381 to 382, and 391 to 394

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

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

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

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

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

26 (q) Store utensils and portable equipment used in processing
27 and manufacturing operations above the floor in clean, dry

1 locations and in a self-draining position on racks constructed of
2 impervious corrosion resistant material

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

7 (s) Ensure that all CIP installations and cleaning proce-
8 dures are in accordance with standards established or approved by
9 the department, and post and follow the established cleaning
10 procedure

11 (t) Following the circulation of the cleaning solution,
12 thoroughly rinse and examine the equipment and lines for effec-
13 tiveness of cleaning, and ensure that all caps, ends, pumps,
14 plates, and tee ends are opened or removed and brushed clean

15 (u) Immediately before starting the product flow after the
16 cleaning procedure described in subdivision (s), treat the prod-
17 uct contact surfaces with a bactericidal

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

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

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

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

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

10 (i) Plant and specific location where cleaned

11 (ii) Date and time of washing and sanitizing

12 (iii) The name of each person who washed and name of each
13 person who sanitized the tank

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

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

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

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

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

4 (ff) Maintain plant records, make those records available at
5 all reasonable times for department inspection, and in accordance
6 with each of the following send producer quality tests contained
7 in those records to the department within 10 days of the comple-
8 tion of those tests

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

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

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

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

19 (v) Retain for 6 months pasteurization recorder charts

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

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

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

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

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

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

7 (iv) Contain a wrapper resistant to puncturing tearing,
8 cracking, or breaking under normal conditions of handling, ship-
9 ping, and storage

10 (v) Sealed in conformity with the instructions of the
11 manufacturer

12 (hh) Conduct the packaging of each milk product or the cut-
13 ting and repackaging of each dairy product under sanitary condi-
14 tions prescribed by the department, and ensure that each packag-
15 ing room, item of equipment, and packaging material is practi-
16 cally free from mold and bacterial contamination by testing the
17 level of contamination in a manner approved by the department

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

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

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

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

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

13 (NN) ENSURE THAT MILK PRODUCED BY AN RBST-TREATED DAIRY COW
14 OR MIXED WITH MILK PRODUCED BY AN RBST-TREATED DAIRY COW IS
15 LABELED WITH THE CONSPICUOUS NOTICE DESCRIBED IN SUBSECTION
16 (1)(UU)

17 (8) ~~-(7)-~~ The owner or operator of a plant manufacturing
18 processing or packaging instant nonfat dry milk nonfat dry
19 milk dry whole milk dry buttermilk, dry whey or other dry milk
20 products shall do all of the following

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

23 (i) Adequate in size

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

26 (iii) Adequately lighted and ventilated

1 (1v) Free from structural defects and inaccessible areas
2 which may harbor insects

3 (b) Provide a separate room or area constructed in compli-
4 ance with subsection (1) and comply with all of the following for
5 filling bulk bins, drums, bags, or other bulk containers

6 (1) Keep the number of control panels and switchboxes in the
7 room or area to a minimum and mount each control panel a suffi-
8 cient distance from walls mounted in a wall with tightfitting
9 removable doors to facilitate cleaning

10 (11) Provide an exhaust system adequate to minimize the
11 accumulation of product dust within the room or area

12 (111) If needed, provide and maintain a dust collector to
13 keep roofs and outside areas free of dry product

14 (1v) Keep only packaging materials that are used within a
15 day's operation in the packaging area

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

20 (c) Provide either of the following

21 (1) A separate room for the transfer of bulk dry milk prod-
22 ucts from bags, bins, or drums to hoppers and conveyors leading
23 to fillers that meets the requirements for construction and
24 facilities of a bulk packaging plant

25 (11) An area or facility for the transfer of dry milk prod-
26 ucts from portable bulk bins, if gasketed surfaces or direct

1 connections are present and substantially eliminate the escape of
2 product into the area

3 (d) Provide a separate room for the filling of small pack-
4 ages that meets the same requirements for construction and facil-
5 ities of a bulk packaging plant

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

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

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

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

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

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

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

7 (i) Product contact surfaces of stainless steel or other
8 equally corrosion resistant material

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

11 (iii) A design that facilitates ease in cleaning and
12 inspection

13 (iv) Sight glasses or ports of sufficient size located at
14 strategic positions

15 (v) Air intake filters and air intake and exhaust recording
16 thermometers

17 (vi) A filter system consisting of filtering media or
18 devices that will effectively, and in accordance with good manu-
19 facturing practices, prevent the entrance of foreign substances
20 into the drying chamber

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

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

- 1 (n) Ensure that the drums of a roller dryer are smooth,
2 readily cleanable and free of pits and rust
- 3 (o) Maintain dryer knives in a manner that prevents scoring
4 of the dryer drums
- 5 (p) Ensure that a dryer has each of the following
- 6 (i) End boards that are readily cleanable, have an impervi-
7 ous surface, and a means of adjustment to prevent leakage and
8 accumulation of milk solids
- 9 (ii) A stack, hood, the drip pan inside of the hood and
10 related shields constructed of stainless steel and readily
11 cleanable
- 12 (iii) A lower edge of the hood constructed to prevent con-
13 densate from entering the product zone
- 14 (iv) A hood located in compliance with department
15 guidelines
- 16 (v) A stack that remains closed when the dryer is not in
17 operation, and removes all vapors when the dryer is in
18 operation
- 19 (vi) Augers of stainless steel or of plated metal approved
20 by the department, and readily cleanable
- 21 (vii) Auger troughs and related shields of stainless steel
22 that are readily cleanable
- 23 (q) Provide a filtering system approved by the department to
24 prevent dust, dirt, and all air entering the dryer from entering
25 the drying room

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

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

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

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

13 (v) Ensure that conveyors are of stainless steel or equally
14 corrosion resistant material and constructed to facilitate thor-
15 ough cleaning and inspection

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

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

21 (y) Provide a suitable dry air supply with effective filter-
22 ing when air cooling and conveying is used

23 (z) Ensure that all special equipment, including instanti-
24 zing systems, flakers, pulverizers, and hammer mills used to pro-
25 cess dry milk products are of sanitary construction and that all
26 parts are accessible for cleaning and inspection

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

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

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

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

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

24 (ff) Ensure that a dump hopper is at a height above floor
25 level to prevent foreign material or spilled product from enter-
26 ing the hopper

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

4 (hh) Ensure that each plant handling dry milk products is
5 equipped with a heavy duty industrial vacuum cleaner, and estab-
6 lish a vacuuming schedule approved by the department

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

11 (jj) Pasteurize all milk, buttermilk, and whey used in the
12 manufacture of dry milk products at the plant where dried except
13 that condensed whey and acidified buttermilk containing 40% or
14 more solids may be transported to another plant for drying with-
15 out repasteurization

16 (kk) Pasteurize milk or skim milk to be used in the manufac-
17 ture of nonfat dry milk prior to condensing

18 (ll) ENSURE THAT EACH DRY MILK PRODUCT CONTAINING MILK
19 PRODUCED BY AN RBST-TREATED DAIRY COW IS LABELED WITH THE CON-
20 SPICUOUS NOTICE DESCRIBED IN SUBSECTION (1)(UU)

21 (9) ~~-(8)-~~ A person may transport to a drying plant condensed
22 skim made from pasteurized skim milk, and the condensed skim
23 shall be effectively repasteurized at the drying plant, prior to
24 drying at not less than 175 degrees Fahrenheit for 25 seconds or
25 the equivalent period in bacterial destruction approved by the
26 department

1 (10) ~~-(9)-~~ A person shall pasteurize all buttermilk or
2 substance from which the cream is derived prior to condensing at
3 a temperature of 185 degrees Fahrenheit for 15 seconds or the
4 equivalent period in bacterial destruction approved by the
5 department

6 (11) ~~-(10)-~~ A person shall pasteurize all cheese whey or
7 milk from which the cheese whey is derived prior to condensing at
8 a temperature of 161 degrees Fahrenheit for 15 seconds or the
9 equivalent period in bacterial destruction approved by the
10 department

11 (12) ~~-(11)-~~ A person shall use surge tanks or balance tanks
12 between evaporators and a dryer only to hold the minimum amount
13 of condensed product necessary for a uniform flow to the dryers,
14 and shall do each of the following

15 (a) Ensure each tank holds the condensed product at tempera-
16 tures below 145 degrees Fahrenheit

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

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

21 (13) ~~-(12)-~~ Production of a condensed product that exceeds
22 the amount a dryer will take continuously from pans may be
23 bypassed through a cooler into a storage tank at not more than 50
24 degrees Fahrenheit, and held at that temperature until a dryer is
25 available

1 (14) ~~(+3)~~ A person shall make product cut-off points at
2 least every 24 hours and completely empty, wash, and sanitize a
3 storage tank before reusing the tank

4 (15) ~~(+4)~~ A person shall operate a dryer at not more than
5 the manufacturer's recommended capacity for the highest quality
6 dry product and may remodel or redesign a dryer after installa-
7 tion upon department approval A person shall remove dry prod-
8 ucts from the drying chamber upon completion of each drying
9 cycle

10 (16) ~~(+5)~~ Before packaging and immediately following
11 removal of a dry product from the drying chamber, a person shall
12 cool the dry product to a temperature not exceeding 110 degrees
13 Fahrenheit

14 (17) ~~(+6)~~ A packager of a dry milk product shall ensure
15 that each package or container used for the packaging of a dry
16 milk product is of a clean, sound, commercially accepted material
17 that will protect the packaged contents to the department's
18 satisfaction A dry milk product packager shall not package a
19 dry milk product in a container previously used for nonfood items
20 or food deleterious to the milk product

21 (18) ~~(+7)~~ A dry milk packager shall ensure all of the
22 following

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

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

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

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

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

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

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

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

12 (i) That in addition to a commercial pest control service,
13 if any, a person designated by the packager implements a regu-
14 larly scheduled insect and rodent control program approved by the
15 department

16 (J) THAT EACH PACKAGE CONTAINING MILK PRODUCED BY AN
17 RBST-TREATED DAIRY COW IS LABELED WITH THE CONSPICUOUS NOTICE
18 DESCRIBED IN SUBSECTION (1)(UU)

19 (19) ~~(18)~~ A person conducting a dry milk product repackag-
20 ing operation shall do all of the following

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

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

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

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

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

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

9 (g) Clean the packaging site and all packaging equipment as
10 often as necessary to maintain a sanitary operation, and thor-
11 oughly examine and clean points of equipment where residues of
12 the dry product may accumulate

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

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

19 (J) ENSURE THAT EACH REPACKAGED PRODUCT CONTAINING MILK
20 PRODUCED BY AN RBST-TREATED DAIRY COW IS LABELED WITH THE CON-
21 SPICUOUS NOTICE DESCRIBED IN SUBSECTION (1)(UU)

22 (20) ~~(19)~~ A person packaging a dry milk product shall do
23 all of the following

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

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

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

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

7 (e) Keep supplies enclosed in their original wrapping mate-
8 rial until used

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

12 (g) Vacuum the storage site as often as necessary to pre-
13 serve cleanliness and order

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

16 (I) ENSURE THAT EACH PACKAGED PRODUCT CONTAINING MILK
17 PRODUCED BY AN RBST-TREATED DAIRY COW IS LABELED WITH THE CON-
18 SPICUOUS NOTICE DESCRIBED IN SUBSECTION (1)(UU)