

**GRADE A MILK LAW OF 2001 (EXCERPT)**  
**Act 266 of 2001**

ARTICLE VI

**288.531 Bulk milk hauler/sampler; requirements for picking up milk; measurement; pickup record; information; copies; responsibility of driver for official samples.**

Sec. 61. (1) A bulk milk hauler/sampler shall not take milk from a farm tank without first determining that the farmer has a valid permit. Milk shall be picked up from only an approved farm tank, constructed to sanitary standards with agitation and cooling except as approved in writing by the director on a case-by-case basis.

(2) A bulk milk hauler/sampler shall pick up only milk that appears to be normal and does not contain off odors or visible foreign material and that has been stored on the farm for no more than 72 hours, except that milk produced under the manufacturing milk law of 2001 may be stored as provided under that act. Goat milk may be stored up to 7 days in a farm tank if properly cooled. Sheep milk may be frozen for storage.

(3) A bulk milk hauler/sampler shall not record or report inaccurately a milk measurement taken in the farm tank. A measurement shall be made with a measuring gauge that is clean and wiped dry with a sanitary towel or by any other measuring method meeting the requirements of section 65(3).

(4) After measuring the milk in the farm tank, the bulk milk hauler/sampler shall promptly, accurately, and legibly record the following information on the pickup record:

- (a) The gauge or stick reading.
- (b) The converted gauge or stick reading in pounds.
- (c) The date and time of pickup.
- (d) The milk producer's name and permit number.
- (e) The temperature of the milk from an accurate thermometer.

(f) The bulk milk hauler/sampler's permit identification, which is the first and last name, or the hauler/sampler's identification number printed on the license.

(g) The assigned "bulk tank unit" (BTU) number.

(5) A bulk milk hauler/sampler shall provide the original copy of the pickup record to the milk buyer and a duplicate copy, or other record acceptable to the director, to the producer.

(6) A milk tank truck driver engaged in direct farm pickup has direct responsibility for accompanying official samples.

**History:** 2001, Act 266, Eff. Feb. 8, 2002;—Am. 2008, Act 136, Eff. June 20, 2008.

**288.532 Bulk milk hauler/sampler; duties.**

Sec. 62. (1) During a pickup, a bulk milk hauler/sampler shall take a sanitarily collected representative sample from each farm tank after the tank is agitated for not less than 5 minutes and for not less than 10 minutes for tanks over 1,500 gallons or for such additional time as may be recommended by the tank manufacturer or the director, so as to obtain a representative sample.

(2) A sample dipper shall be rinsed by the bulk milk hauler/sampler at least twice in the milk prior to transferring the sample to the approved sample container.

(3) Sample transfer instruments shall be used by bulk milk hauler/samplers that are of sanitary construction, clean, and sterile, or which are sanitized with approved sanitizers and protected from contamination prior to each use.

(4) A bulk milk hauler/sampler shall take a temperature control sample of the milk at the bulk milk hauler/sampler's first sampling point and shall place it in the refrigerated, insulated transport case with the first official sample.

(5) The bulk milk hauler/sampler shall identify the temperature control sample with the hauler/sampler identification, time, temperature, date, producer permit number, and letters "T.C.".

(6) A bulk milk hauler/sampler shall not sample milk in the farm tank during emptying.

(7) A bulk milk hauler/sampler shall not sample milk in the farm tank with a sample container or any other unapproved transfer instrument or sampling device.

(8) A bulk milk hauler/sampler shall place producer milk samples into approved sample containers only. The sample containers shall be properly protected and handled to prevent contamination.

(9) A bulk milk hauler/sampler shall place milk only in sample containers that are legibly marked with the following:

- (a) The milk producer's permit number.
- (b) The date of pickup.

(c) Temperature.

(10) The bulk milk hauler/sampler shall store the milk samples in an approved manner to protect the samples from contamination inside a refrigerated, insulated transport case that is kept tightly covered until the samples are delivered to the transfer point, laboratory, or other destination.

(11) The bulk milk hauler/sampler shall maintain milk samples in a temperature range of 32 degrees Fahrenheit (0 degree Celsius) to 40 degrees Fahrenheit (4.4 degrees Celsius).

**History:** 2001, Act 266, Eff. Feb. 8, 2002;—Am. 2008, Act 136, Eff. June 20, 2008.

### **288.533 Bulk milk hauler/sampler; partial pickups; thermometer; sample transfer instrument and transport case; hose port; compliance with pasteurized milk ordinance.**

Sec. 63. (1) A bulk milk hauler/sampler shall not adulterate milk in the farm tank or the milk tank truck.

(2) There shall be no partial removal of milk from the farm tank by the bulk milk hauler/sampler except that partial pickups may be permitted when the farm tank is equipped with a 7-day recording device complying with the specifications of pasteurized milk ordinance appendix H, or another recording device acceptable to the department, provided that the farm milk tank shall be cleaned and sanitized when empty and shall be emptied at least every 72 hours. In the absence of a temperature recording device, partial pickups may be permitted as long as the farm tank is completely empty, clean, and sanitized before the next milking. In the event of emergency situations or seasonal weight restrictions, partial pickups will be allowed.

(3) A bulk milk hauler/sampler shall carry an accurate, approved dial-type or electronic thermometer with him or her on the route and shall not pickup milk from a farm tank which exceeds the maximum temperature allowed by law.

(4) A bulk milk hauler/sampler shall keep his or her sample transfer instrument and sample transport case clean and in good repair.

(5) A bulk milk hauler/sampler shall use the hose port provided for him or her in the milkhose for accommodation of the pickup milk hose.

(6) A bulk milk hauler/sampler shall comply with the requirements of appendix B of the pasteurized milk ordinance, incorporated herein by reference.

**History:** 2001, Act 266, Eff. Feb. 8, 2002;—Am. 2008, Act 136, Eff. June 20, 2008.

### **288.534 Milk transport truck; requirements.**

Sec. 64. (1) The milk transportation company shall be responsible for maintaining the tank and milk contact surfaces of a milk tank truck clean and in good repair. Milk or milk products shall not be placed in such tanks unless the tanks have been properly cleaned and sanitized at a milk plant, receiving station, transfer station, or other licensed milk tank truck cleaning facility.

(2) Suitable facilities for cleaning and milk contact surfaces of the milk tank trucks shall be provided and the washing and sanitizing of the tanks shall be carried out by the receiving milk plant, transfer station, receiving station, or other licensed milk tank truck cleaning facility. The milk transportation company representative or the bulk milk hauler/sampler shall be responsible for cleaning the hose, pump, and valves. After the cleaning and sanitizing operation is completed, a representative of the milk tank truck cleaning facility shall provide a suitable record identifying who washed the milk tank truck, the license or permit identification number of the milk tank truck, the date, and the location of the facility. The milk transportation company representative or the bulk milk hauler/sampler, after inspection of the tank, shall indicate on the record that the tank has been cleaned to that person's satisfaction. A copy of this record shall be kept with the vehicle until it is washed and sanitized again.

(3) A bulk milk hauler/sampler operating a bulk milk pickup tanker may make more than 1 trip daily without cleaning and sanitizing the bulk milk pickup tanker. The bulk milk pickup tanker shall be cleaned and sanitized after the final trip of the day, each day of use.

(4) A milk transport tank shall be cleaned and sanitized each time the tank is emptied.

(5) Milk may be picked up in the milk tank truck on the return trip to the bulk milk hauler/sampler's home if the milk tank truck is cool enough to maintain the milk placed in it at or below the legal storage temperature and if the pickup hose and pump are washed and sanitized at a licensed wash facility or at a cleaning facility approved in writing by the director on a case-by-case basis.

(6) A milk tank truck may be used to haul potable water, or other wholesome liquid food products, if the milk contact surfaces are properly cleaned and sanitized prior to picking up raw milk. Certain pasteurized products, as specified in the pasteurized milk ordinance, must be transported in milk tank trucks dedicated to hauling pasteurized products.

(7) A milk transfer station or receiving station shall keep daily records identifying which farm loads of milk have been commingled in each milk transport tank. These records shall be kept at the transfer station or

receiving station for not less than 30 days.

(8) Producer samples shall accompany the milk transport tank holding the largest amount of the farm bulk milk pickup tanker's milk unless the samples are transferred or held for testing at other locations.

**History:** 2001, Act 266, Eff. Feb. 8, 2002.

#### **288.535 Farm tank; requirements.**

Sec. 65. (1) A farm tank on a dairy farm shall be installed so as to remain level at all times.

(2) A farm tank shall have an accurate indicating thermometer stored in the milkhouse which may be either an integral thermometer in the farm tank or an approved thermometer acceptable to the director.

(3) A farm tank shall have a calibrated means of measurement and an accurate and legible volume to weight conversion chart unless the farm tank is mounted on an accurate scale. All measuring devices must be in compliance with the weights and measures act of 1964, 1964 PA 283, MCL 290.601 to 290.634.

(4) A conversion chart shall bear the same serial number as that found on the farm tank and measuring rod.

(5) The producer is responsible for recalibrating a farm tank that does not have an accurate conversion chart. A recalibration must be in compliance with the weights and measures act of 1964, 1964 PA 283, MCL 290.601 to 290.634. A person shall not adjust, alter, or change a conversion chart unless the change, alteration, or adjustment is made strictly according to the requirements of the weights and measures act of 1964, 1964 PA 283, MCL 290.601 to 290.634.

(6) A farm tank shall not be filled to a capacity that exceeds the calibrated limits as indicated by the conversion chart. If the producer wishes to fill the tank nearer to the top, the tank shall be calibrated to an additional height that still permits proper agitation without spillage.

(7) Milk to be offered for sale shall be cooled and stored in the farm tank equipped with cooling and agitation. Other cooling and storage vessels may be used when approved in writing by the director on a case-by-case basis.

(8) Milk production shall be of sufficient quantity so that it can be properly agitated not later than at the completion of the first milking into the farm tank.

(9) Facilities for effectively sanitizing farm tanks shall be provided by the producer.

(10) Nonelectric farms shall provide battery powered lighting for farm tanks that will adequately illuminate each farm tank opening. Fuels used for milkhouse operations shall not cause odors that may impart off-flavors.

**History:** 2001, Act 266, Eff. Feb. 8, 2002.

#### **288.536 Care and handling of milk samples; substantial compliance.**

Sec. 66. The care and handling of milk samples by all persons in the chain of possession shall be in substantial compliance with standard methods.

**History:** 2001, Act 266, Eff. Feb. 8, 2002.

#### **288.537 Analysis; responsibilities; methods; acceptance or rejection.**

Sec. 67. (1) Methods of analysis, including butterfat analysis, shall comply with the requirements of sections 6 and 7 of the pasteurized milk ordinance. Analysis required on producer, raw, and finished product samples shall comply with the pasteurized milk ordinance.

(2) The milk buyer of grade A raw milk shall be responsible for making the quality tests on the raw milk, at the producer level, that are required by law unless the director specifies otherwise. It shall be the responsibility of the bulk milk hauler/sampler to collect the samples for analysis. In situations where the producer is not represented by a milk buyer or handler that provides an approved sample analysis and reporting service, it shall be the responsibility of the producer to insure that the proper number of samples are submitted to an approved laboratory for analysis and that the results are reported to the department. In all situations, it is ultimately the producer's responsibility to insure that a minimum of 4 official sample results for the previous 6 months' production are reported to the department. The test results shall be reported to the department as requested.

(3) Methods for determining the sediment content of milk shall be those described in standard methods. Sediment content shall be based on comparison with official United States department of agriculture sediment standards, incorporated by reference.

(4) If the sediment disc is classified as no. 1, no. 2, or no. 3, the producer's milk may be accepted. If the milk contains more sediment than a no. 3, it is considered rejectable.

**History:** 2001, Act 266, Eff. Feb. 8, 2002.

#### **288.538 Pasteurized milk and milk products offered for sale; requirements.**

Sec. 68. (1) Only pasteurized milk and milk products shall be offered for sale or sold, directly or indirectly, to the final consumer or to restaurants, grocery stores, or similar establishments.

(2) All milk and milk products shall be pasteurized according to the requirements of the pasteurized milk ordinance and the time-temperature relationships described in the pasteurized milk ordinance.

(3) All dairy plant by-products used for feeding purposes for farm animals shall be pasteurized or be derived from pasteurized products when specified by the director.

(4) Milk and milk products may be aseptically processed as low-acid foods provided they comply with the following requirements:

(a) All thermally processed milk and milk products that are packaged in hermetically sealed containers shall be processed in a milk processing facility licensed under this act, the manufacturing milk law of 2001, or the food law of 2000.

(b) All processors of acidified milk and milk products packaged in hermetically sealed containers shall comply with the regulations of the U.S. food and drug administration in 21 CFR part 108, 21 CFR part 110, and 21 CFR part 114.

(c) All thermally processed milk and milk products that are packaged in hermetically sealed containers shall comply with the regulations of the U.S. food and drug administration in 21 CFR part 108, 21 CFR part 110, and 21 CFR part 113.

(d) Hermetically sealed packages shall be handled to maintain product and container integrity.

**History:** 2001, Act 266, Eff. Feb. 8, 2002;—Am. 2008, Act 136, Eff. June 20, 2008.

### **288.539 Sell-by date; requirements.**

Sec. 69. (1) Each processor and manufacturer of milk and milk products sold in this state shall place on each container of milk and milk products a recommended last day of sale by month and date.

(2) The sell-by date shall be expressed by the first 3 letters of the month followed by the numeral designating the appropriate calendar day or by expressing the calendar month numerically followed by a numeral designating the calendar day.

(3) The sell-by date shall appear on that part of the container that is most likely to be displayed, presented, or shown under customary display conditions of sale. However, a cup container may have the sell-by date placed on the bottom.

(4) The sell-by date on the container shall be legible and shall not interfere with the legibility of other information required to be on the product.

(5) Processors and manufacturers of milk and milk products shall register the following information with the department on forms provided by the department:

(a) The assigned sell-by date of each milk and milk product processed and the length of time between production and the sell-by date. Plant records of a testing program conducted shall substantiate this length of time by the processor or manufacturer.

(b) The method of application and location of the sell-by date for each size and style of container.

(c) Changes in the time interval of the sell-by date prior to the effective day of the change.

(6) Milk and milk products shall maintain nutritional levels and shall not have a flavor change before the sell-by date.

(7) The director shall periodically sample and analyze milk and milk products to determine if the flavor has changed by the sell-by date. Milk and milk products obtained for analysis by the director prior to the sell-by date shall be stored at a temperature of 44 degrees Fahrenheit (6.5 degrees Celsius), plus or minus 1 degree Fahrenheit (0.5 degree Celsius), until analyzed.

(8) The processor or manufacturer of milk or milk products which do not maintain their flavor until the sell-by date shall, upon receipt of written or verbal notice from the director, make the changes necessary to improve product quality or alter the sell-by date so as to comply with the law. The processor or manufacturer is not responsible for milk and milk products when the nutritive value loss or flavor deterioration of those products can be determined to be caused by mishandling, improper storage, or lack of refrigeration at points beyond his or her control.

(9) Milk and milk products shall not be offered for sale after the sell-by date unless they are advertised to the final consumer in a prominent manner as being beyond the recommended last day of sale.

(10) The final seller is fully responsible for the proper advertisement of milk and milk products sold beyond the sell-by date.

(11) Packaged fluid dairy products that exceed the sell-by date shall not be reused in any dairy products regulated by this act or the manufacturing milk law of 2001 unless a protocol for such reprocessing is approved by the department. The protocol shall include consideration of storage temperatures, bacterial counts, age past sell-by date, sight and smell grading qualities, added ingredients, and any other factors

considered critical by the director.

(12) Packaged fluid dairy products that have left the control of a dairy plant but are returned or delivered to a dairy plant, commonly referred to as "returned products", shall not be reprocessed into milk or milk products regulated under this act or the manufacturing milk law of 2001.

**History:** 2001, Act 266, Eff. Feb. 8, 2002;—Am. 2008, Act 136, Eff. June 20, 2008.

**288.540 Effective date.**

Sec. 70. This act takes effect 30 days after enactment.

**History:** 2001, Act 266, Eff. Feb. 8, 2002.