### Rules of
Department of Agriculture
Division 80—State Milk Board
Chapter 3—Production and Distribution of
Grade A Retail Raw Milk and Milk Products

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Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade A Retail Raw Milk and Milk Products

2 CSR 80-3.010 Definitions

PURPOSE: This rule defines terms used in the regulations of the State Milk Board. This rule was previously known as Section 1.

(1) The following regulations shall apply in the interpretation and the enforcement for Grade A retail raw fluid milk:
(A) Milk is defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one (1) or more healthy cows, which contains not less than eight and one-quarter percent (8.25%) milk solids-not-fat and not less than three and one-quarter percent (3.25%) milkfat. Goat milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word milk shall be interpreted to include goat milk;
(B) Milkfat, or butterfat, is the fat of milk;
1. Cream is a portion of milk which contains not less than eighteen percent (18%) milkfat;
2. Lowfat milk is milk from which a sufficient portion of milkfat has been removed to reduce the milkfat content to not less than one-half of one percent (0.50%) and not more than two percent (2%);
(C) Skim milk is milk from which a sufficient portion of milk fat has been removed to reduce its milkfat content to less than one-half of one percent (0.50%); and
(D) A producer-distributor is a milk producer who is also a milk distributor;
(E) A dairy or dairy farm is any place or premises where one (1) or more cows are kept and from which all of the milk and milk products from which is sold or offered for sale;
(F) The word person shall mean any individual, partnership, corporation, trustee or association;
(G) Where the term and/or is used, and shall apply where possible, otherwise or shall apply; and
(H) State authority shall mean the State Milk Board or contracted local authority.

2 CSR 80-3.020 The Sale of Adulterated, Ungraded or Misbranded Milk or Milk Products Prohibited

PURPOSE: This rule provides for the control of adulterated, ungraded, or misbranded milk or milk products, or a combination of these. This rule was previously known as Section 2.

(1) No person shall produce, sell, offer or expose for sale or have in possession with intent to sell, any milk or milk products which are adulterated, misbranded or ungraded.

2 CSR 80-3.030 Permits

PURPOSE: This rule provides for the issuance of permits to individuals involved in the production and distribution of Grade A retail raw milk and milk products. This rule was previously known as Section 3.

(1) Every producer-distributor producing and distributing Grade A retail raw milk under terms of these regulations shall secure a permit from the state authority. Only a person who complies with the requirements of these regulations shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons, locations, or both.

2 CSR 80-3.040 Labeling

PURPOSE: This rule provides regulations for the proper labeling of Grade A retail raw milk or milk products. This rule was previously known as Section 4.

(1) All bottles and other containers enclosing milk, skim milk or cream as defined in 2 CSR 80-3.010 shall be plainly labeled with the name of the contents as given in the definition of these regulations; the word raw; the grade of the contents; and the name and address of the producer-distributor.

*Original authority 1972.
2 CSR 80-3.060 The Examination of Milk and Milk Products

PURPOSE: This rule specifies sampling frequency and required chemical and bacteriological test to be conducted on Grade A retail raw milk and milk products. This rule was previously known as Section 6.

(1) During each six (6)-month period, at least four (4) samples of milk, cream, or both, from each producer-distributor shall be taken on separate days and examined by the state authority. Samples may be taken any time prior to the final delivery of the milk or milk products. Bacterial plate counts, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the current edition of Standard Methods for the Examination of Dairy Products recommended by the American Public Health Association.

(2) Whenever two (2) of the last four (4) consecutive bacteria counts, coliform determinations or cooling temperatures, taken on separate days, exceed the limit of the standards for the milk, milk product, or both, the state authority shall send a written notice to the person concerned. This notice shall be in effect so long as two (2) of the last four (4) consecutive samples exceed the limit of the standard. An additional sample shall be taken within fourteen (14) days of the sending of the notice, but not before the lapse of three (3) days. Immediate suspension of the permit in accordance with 2 CSR 80-3.030, the court action, or both, shall be instituted whenever the standard is violated by three (3) of the last five (5) bacteria counts, coliform determinations or cooling temperatures.

3. Milking barn—air space and ventilation. Sections of the milking barn, stable or parlor where cows are kept or milked shall be well ventilated, and shall be so arranged as to avoid overcrowding.

4. Milking barn—floors, animals. The floors and gutters of that portion of the barn, stable or parlor in which cows are milked shall be constructed of concrete, or other approved, impervious and efficiently cleaned material. Floors and gutters shall be graded so as to drain properly and shall be kept clean and in good repair. No swine or fowl shall be permitted in the milking barn, stable or parlor. If horses, dry cows, calves or bulls should be stabled, they shall be confined in stalls, stanchions or pens which shall be kept clean and in good repair.

5. Milking barn—walls and ceilings. The interior walls and ceilings of the milking barn, stable or parlor shall be whitewashed or painted as often as may be necessary or finished in an approved manner and shall be kept clean and in good repair. Where there is a second story above the milking barn, stable or parlor the ceiling shall be tight. If feed should be ground or mixed, or sweet food should be stored, in a feed room or feed storage space which adjoins the milking space, it shall be separated by a dust-tight partition and door.

6. Cowyard—conditions and sanitary requirements. The cowyard shall be graded and drained as well as is practicable, and shall be so kept that there are no standing pools of water nor accumulations of organic waste; provided, that in loafing areas, cattle housing areas, or both, manure droppings shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the accumulation of manure on cows’ udders and flanks. Swine shall be kept out.

7. Manure disposal—All manure shall be removed and stored or disposed of in such a manner as to best prevent the breeding of flies and the access of cows to pies thereof.

8. Milkhouse or room—construction and equipment. There shall be provided a milkhouse or milkroom in which the cooling, handling and storing of milk and milk products, and the washing, bactericidal treatment and storing of milk containers and utensils shall be done.

A. The milkhouse or room shall be provided with a smooth floor, constructed of concrete or other impervious material, maintained in good repair and graded as to provide proper drainage.

B. It shall have walls and ceilings of such construction as to permit easy cleaning and shall be well painted or finished in an approved manner.

C. It shall be well lighted and well ventilated.
D. It shall have all openings effectively screened, including outward opening self-closing doors, unless other effective means are provided to prevent the entrance of flies.

E. It shall be used for no purposes other than those specified previously, except as may be approved by the state authority; it shall not open directly into a milking barn or stable, nor into any room used for domestic purposes; it shall have water piped into it; it shall be provided with adequate facilities for heating water to clean utensils; and it shall be equipped with three compartment stationary, wash and rinse vats. The cleaning and other operations shall be located and conducted so as to prevent any contamination of the milk or cleaned equipment.

F. The milkhouse shall be partitioned to separate the handling of milk and storage of cleaned utensils from the cleaning and other operations, which shall be located and conducted as to prevent any contamination of the milk or of cleaned equipment. 2 CSR 80-3.100 shall be posted in the milkhouse.

9. Milkhouse or room—cleanliness and flies. The floors, walls, ceilings and equipment of the milkhouse or room shall be kept clean at all times. All necessary means for the elimination of flies shall be used.

10. Toilet—Every dairy barn shall be provided with one (1) or more sanitary toilets, conveniently located and properly constructed, operated and maintained so that the waste is inacessible to flies and does not pollute the surface soil nor contaminate any water supply.

11. Water supply—Water for all dairy purposes shall be from a supply properly located, protected and operated and shall be easily accessible, adequate and of a safe, sanitary quality.

12. Utensils—construction. All multiuse containers, equipment and other utensils used in the handling, storage or transportation of milk or milk products shall be made of smooth, nonabsorbent, noncorroding, nontoxic material, shall be so constructed as to be easily cleaned and shall be kept in good repair. Joints and seams shall be welded or soldered flush. Woven wire cloth shall not be used for strained milk. When milk is strained, strainer pads shall be used and shall not be reused. All milk pails obtained shall be of the seamless, hooded type. All single-service articles used shall have been manufactured, packaged, transported and handled in a sanitary manner.

13. Utensils—cleaning. All multiuse containers, equipment and other utensils used in the handling, storage or transportation of milk and milk products shall be thoroughly cleaned after each usage.

14. Utensils—bactericidal treatment. All multiuse containers, equipment and other utensils used in the handling, storage or transportation of milk and milk products, before each usage, shall be subjected effectively to an approved bactericidal process utilizing steam, hot water, chemicals or hot air.

15. Utensils—storage. All containers and other utensils used in the handling, storage or transportation of milk or milk products unless stored in bactericidal solutions shall be stored so as to drain dry and so as not to become contaminated before being used.

16. Utensils—handling. After bactericidal treatment, containers and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come into contact.

17. Milking—udder and teats, abnormal milk. Milking shall be done in the milking barn, stable or parlor. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

18. Milking—flanks. The flanks, bellies and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

19. Milker's hands. All milker's hands shall be washed clean, rinsed with an effective bactericidal solution and dried with a clean bactericidal solution and dried with a clean towel, immediately before milking and immediately after any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milker's hands. No person with an infected cut or lesion on hands or arms shall milk cows or handle milk or milk equipment.

20. Clean clothing. Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils or equipment.

21. Milk stools. Milk stools and surcingles shall be kept clean.

22. Removal of milk. Each pail or can of milk shall be removed immediately to the milkhouse or straining room. No milk shall be strained or poured in the barn, unless it is protected from flies and other contamination.

23. Cooling. Immediately after completion of milking, milk and milk products shall be cooled to fifty degrees Fahrenheit (50°F) or less, and shall be maintained at that temperature until delivery, as determined in accordance with 2 CSR 80-3.060.

24. Vehicles and surroundings. All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing and from contamination. All vehicles used for the distribution of milk or milk products shall have the distributor's name prominently displayed.

25. Bottling and capping. Milk and milk products not for pasteurization shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment and these operations shall be integral in one (1) machine. Caps or cap stock shall be purchased in sanitary containers and shall be kept in a clean, dry place until used.

26. Personnel health. The state health authority or physician authorized by him/her shall examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed by one, whose work brings him/her into contact with the production, handling, storage or transportation of milk, milk products, containers or equipment. If the examination or history should suggest that the person may be a carrier of, or be infected with, the organisms of typhoid, paratyphoid fever or any other communicable disease likely to be transmitted through milk, s/he shall obtain appropriate specimens of body discharge and cause them to be examined in a laboratory approved by the state health authority for the examination, and if the results justify, that person shall be barred from employment.

A. The person shall furnish information, submit to physical examinations and submit laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

B. No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers or milk equipment.


*Original authority 1972.

2 CSR 80-3.080 Suspension and Reinstatement of Permit

PURPOSE: This rule provides regulations pertaining to the suspension and reinstatement of permits. This rule was previously known as Section 8.

(1) If at any time a lower grade shall become justified in accordance with 2 CSR 80-3.060, 2 CSR 80-3.060 or 2 CSR 80-3.070, the state authority immediately shall suspend the permit.
(2) Any producer-distributor of milk or milk products whose permit has been suspended may make application at any time for the reinstatement of the permit.

(3) Upon receipt of a satisfactory application for reinstatement of the permit based on correction of a violation of any bacteriological or cooling-temperature standard, the state authority shall take further samples at the rate of not more than two (2) per week and shall approve the application upon compliance with the grade requirements as determined in accordance with 2 CSR 80-3.060 provided, that if samples are not available because of suspension of permit to operate, or for other reasons, the state authority may issue a temporary permit upon satisfying him/herself, by inspection of the facilities and the operating methods, that the conditions responsible for the violation have been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or temperature findings.

(4) In case the permit suspension had been due to a violation of an item other than bacteriological or cooling-temperature standard, the application must be accompanied by a statement, signed by the applicant, to the effect that the violated item of the specifications has been corrected. Within one (1) week of the receipt of this application and statement, the state authority shall make a reinspection of the applicant’s establishment and as many additional reinspections as he/she may deem necessary to assure him/herself that the applicant is again complying with the requirements and in case the findings justify shall reinstate the permit.

*Original authority 1972.

2 CSR 80-3.090 Transferring or Dipping Milk: Delivery Containers; Cooling; Quarantined Residences

PURPOSE: This rule provides regulations pertaining to transferring or dipping of milk, delivery containers, cooling and quarantined residences. This rule was previously known as Section 9.

(1) Except as permitted in this rule, no milk producer/distributor shall transfer milk or milk products from one (1) container to another on the street or in any vehicle or store, or in any place except a bottling or milkroom especially used for that purpose. The sale of dip milk is prohibited.

(2) Milk and cream sold in the distributor’s containers in quantities of one (1) gallon or less shall be delivered in standard milk bottles or in single-service containers.

(3) It shall be the duty of all persons to whom milk or milk products are delivered to thoroughly clean the containers in which the milk or milk products are delivered before returning those containers.

(4) The delivery of milk or milk products to, and the collection of milk or milk product containers from, residences in which cases of communicable disease transmissible through milk supplies exist shall be subject to the special requirements of the state authority.

*Original authority 1972.

2 CSR 80-3.100 Notification of Disease

PURPOSE: This rule provides regulations for the notification of disease to the state authority. This rule was previously known as Section 10.

(1) No person with any disease in a communicable form or who is a carrier of a communicable disease shall work at any dairy farm or milk plant in any capacity which brings him/her into contact with the production, handling, storage or transportation of milk, milk products, containers or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of having any disease in a communicable form or of being a carrier of a communicable disease. Any producer or distributor of milk or milk products upon whose dairy farm, or in whose milk plant, any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of a communicable disease shall notify the state authority immediately.

*Original authority 1972.

2 CSR 80-3.110 Procedure When Infection is Suspected

PURPOSE: This rule provides regulations pertaining to the procedure when infection is suspected. This rule was previously known as Section 11.

(1) If reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the state authority is authorized to require any of the following measures:

(A) The immediate exclusion of that person from milk handling;

(B) The immediate exclusion of the milk supply concerned from distribution and use;

(C) Adequate medical and bacteriological examination of the person, of his/her associates and of his/her associates and their body discharges.

*Original authority 1972.

2 CSR 80-3.120 Enforcement Interpretation

PURPOSE: This rule provides regulations pertaining to enforcement interpretation. This rule was previously known as Section 12.

Editor’s Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by the state law.

(1) These regulations shall be enforced by the state authority primarily in accordance with the interpretations contained in Grade A Pasteurized Milk Ordinance with Administration Procedures-1989 Recommendations of the United States Public Health Service/Food and Drug Administration, a certified copy of which is on file with the secretary of state.

*Original authority 1972.
2 CSR 80-3.130 Adoption of the Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration by Reference

PURPOSE: The Grade A Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration is a recommended ordinance for adoption by state and local governments for the sanitary control of Grade A milk and milk products.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by the state law.

The Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration establishes minimum standards which must be complied with for satisfactorily producing Grade A retail raw milk. The document further contains administrative procedures which provide information as to satisfactory compliance with the required items of sanitation.


*Original authority 1972.