



Rules of
Department of Agriculture
Division 80—State Milk Board
Chapter 6—Requirements for the Missouri Dairy Law

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**Title 2—DEPARTMENT OF
AGRICULTURE**

**Division 80—State Milk Board
Chapter 6—Requirements for the
Missouri Dairy Law**

2 CSR 80-6.011 Specifications for the Construction and Operation of Facilities and Installation of Equipment for the Production and Processing of Manufacturing Milk and Milk Products

PURPOSE: This rule complies with section 196.540, RSMo to establish specifications for the construction and operation of facilities for the production and processing of manufacturing milk.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) The Missouri State Milk Board adopts by reference Subparts B–F of the United States Department of Agriculture Consumer and Marketing Service recommended requirements entitled “Milk for Manufacturing Purposes and Its Production and Processing” as published in the 37 FR 68 (1972), Part II except Subpart B—Definitions (a), (c), (e), (h)–(m), (r), and (t) not adopted by substituting wording or violative limits, or both, in sections B2 (L), (1), (2) and (3); C2, C3, C4, (a), (1–6), (d), (e); D1 (b), and (c) which redefines the term milk and lowers violation limits of milk tests conducted on manufacturing grade milk. Also adopted by reference are wording and violative limits published in the 58 FR 29911–13 for sections B2 (1), (J), (P) and C1, C5, C7, C8, except addendum wording for (b)(1) and (2), C9, C10, C11, C12, C13, C14, C15 and D5. “Milk for Manufacturing Purposes and Its Production and Processing” recommended requirements published by the United States Department of Agriculture establishes minimum standards which must be complied with for satisfactorily producing and processing manufacturing grade milk and manufacturing grade milk products. Also adopted by reference are new wording and violative limits published in the 61 FR No. 178, 48123–48124 for sections B2, (n), (o), C4 (a) (b 1–8), (c 1–2) (d), C7 (a), (b), (c), (d), C8 (a)(1)(i–iv), (b)(1)(i–iv),

(b)(3)(i–v), C8 (1)(i–iv), (b) (1) (i–iv), (2), (3) (i–v), C10, C11 (a), (b) (1–2) (c) (1–4) (d) (e) (1–2), (f), E1.8 (a) (b).

(2) This is Missouri's addendum to the adopted United States Department of Agriculture consumer and marketing service recommended requirements entitled “Milk for Manufacturing Purposes and Its Production and Processing”, April 7, 1972, (Volume 37—Number 65, Part II, Page 7049, Sections C8(b)(1) and (2)).

TRANSFER PRODUCERS—To be eligible to transfer from one (1) buyer to another, a producer cannot be under a stop sale order or under an animal health quarantine. When a producer discontinues milk delivery at one (1) plant and begins delivery to a different plant for any reason, the new buyer shall not accept the first delivery until s/he has requested from the previous buyer and received a copy of the record of the producer's milk quality covering the preceding ninety (90) days and a statement of the farm certification status and date of certification if any. The previous buyer shall forward information to the new buyer and the State Milk Board within twenty-four (24)-working hours after receipt of a written request unless the records have been destroyed by means over which s/he has no control. Provided that the new buyer may accept a producer's milk after making the request for the record by telephone and obtaining assurance from the previous buyer that the producer's milk may be accepted; the new buyer then shall make a written request to the old buyer for the producer's record. If the new buyer requests and fails to receive the quality record from the previous buyer within the allotted time, s/he shall report that fact to the State Milk Board office for appropriate action.

AUTHORITY: section 196.540, RSMo Supp. 1996. This rule previously filed as 2 CSR 30-21.011. Original rule filed Dec. 10, 1981, effective April 11, 1982. Amended: Filed Jan. 7, 1983, effective May 13, 1983. Amended: Filed Oct. 22, 1985, effective Jan. 26, 1986. Amended: Filed July 31, 1986, effective Oct. 11, 1986. Amended: Filed June 30, 1993, effective Dec. 9, 1993. Amended: Filed Oct. 17, 1996, effective June 30, 1997.*

**Original authority: 196.540, RSMo 1981, amended 1993, 1995.*

2 CSR 80-6.021 Protection and Transportation of Raw Milk and Cream

PURPOSE: This rule complies with section 196.540, RSMo and other applicable parts of sections 196.520—196.610, RSMo and estab-

lishes provisions for the protection and transportation of raw milk and cream.

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 material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Equipment and facilities for the protection and transportation of raw milk and cream shall conform to or be better than those prescribed in 7 CFR 58.131, January 1, 1980.

(2) Operators of vehicles used to transport bulk milk or cream from farm to plant shall be licensed by the State Milk Board. A temporary bulk milk hauler's license shall be granted when the applicant has made application, paid the fee and satisfactorily passed a written examination. A permanent license renewable each year is acquired only after the bulk milk hauler attends an approved training course. The license is subject to suspension or revocation whenever any of the laws or rules are violated.

(3) Procedures for bulk milk haulers of manufacturing milk shall be identical to those found in 2 CSR 80-2.070(6), except that a Grade A permit from the regulatory authority that administers provisions of the Pasteurized Milk Ordinance (2 CSR 80-2.070(6)) will not be required to haul milk for manufacturing purposes.

(4) The maximum allowable time that bulk raw milk for manufacturing purposes can be held on the farm using an approved bulk tank is not more than four (4) days (ninety-six (96) hours) from first milk into the tank until pickup for delivery to a receiving station or plant except as specifically allowed by the State Milk Board or State Milk Board establishment procedures.

(5) Cooling. Milk in cans shall be delivered to a receiving station within two (2) hours of milking. In the instance when stations are designed with collective nonindividual cooling tanks, the milk may be kept at the farm and cooled in cans of stainless steel construction to be delivered the following morning. The milk in cans must be cooled by the use of ice or refrigerant in an acceptable clean cooler located in the farm milk house, installed and designed to—1) adequately protect the milk from contamination and 2) allow adequate space for all other milk handling



activities normally accomplished in the milk house. The milk shall be cooled immediately and the cooling method must be capable of cooling the milk to fifty degrees Fahrenheit (50° F) within two (2) hours of milking and must maintain the milk at a temperature of fifty degrees Fahrenheit (50° F) or below as indicated upon delivery to the receiving station. All new can milk receiving facilities shall be designed using individual receiving, cooling tanks for each producer delivering to the station except as approved by the State Milk Board.

AUTHORITY: section 196.540, RSMo 1986. This rule previously filed as 2 CSR 30-21.021. Original rule filed Dec. 10, 1981, effective April 11, 1982. Amended: Filed Jan. 17, 1983, effective May 13, 1983. Amended: Filed March 15, 1988, effective May 26, 1988. Amended: Filed Aug. 1, 1990, effective Dec. 31, 1990.*

**Original authority: 196.540, RSMo 1981.*

2 CSR 80-6.031 Provisional Licensing for Fieldsmen, Grader and Bulk Milk Truck Operator

PURPOSE: This rule provides provisional permission for applicants for licenses of fieldsmen, graders and bulk truck operators for a period not to exceed thirty days following application, payment of the license fee and taking the examination.

(1) Applicants for license of fieldsmen, graders and bulk milk haulers shall be presented with a card granting provisional permission for applicant to perform services for which s/he has applied for licensure, paid license fees and taken the examination. This provisional permission, not to exceed thirty (30) days, shall enable applicant to immediately perform the functions for which s/he has applied. Only one (1) thirty (30)-day period is permitted for a particular license application in a year.

AUTHORITY: section 196.540, RSMo 1986. This rule previously filed as 2 CSR 30-21.031. Original rule filed Dec. 10, 1981, effective April 11, 1982. Amended: Filed Jan. 17, 1983, effective May 13, 1983.*

**Original authority: 196.540, RSMo 1981.*

2 CSR 80-6.041 Dairy Manufacturing Plant, Dairy Manufacturing Farm and Personnel Licensure

PURPOSE: This rule prescribes needed

licensure procedure for dairy plants, receiving stations, market testing laboratories, buyers of milk or cream, nonresident brokers, fieldsmen, graders, or bulk milk truck operators as required by law.

(1) It is unlawful for any person to operate a dairy manufacturing plant, receiving station, market testing laboratory, to buy milk or cream from Missouri producers, or to perform the duties of fieldman, grader, or bulk milk truck operator without a license.

(A) A dairy manufacturing plant shall be issued a license upon satisfactory application and payment of the annual license fee to the State Milk Board. The license fee shall be based on annual butterfat or milk purchased from producers, or in the event milk or butterfat purchases cannot serve as a basis, the amount of milk, figured at the approximate average butterfat test of all milk marketed, that is required to produce the total pound volume of production during the past twelve (12) months ending June 30 as follows:

1. For any dairy manufacturing plant purchasing milk or milk products from Missouri, one hundred dollars (\$100); and for each 1,400,000 pounds of milk purchased, five dollars (\$5);

2. For any dairy manufacturing plant or buyer whose license is based on total pound volume of production of one hundred thousand (100,000) pounds or less, in this rule considered the equivalent of one (1) million pounds of milk, one hundred dollars (\$100); for each additional 1,400,000 pounds of milk, five dollars (\$5). The total volume is not construed to mean or include volume of products processed for the Commodity Credit Corporation by contract or volume of prepackaged cheese where basic form has not been changed;

3. For new dairy manufacturing plants where volume of the twelve (12) months previous to June 30 has not been established, the fee shall be five hundred dollars (\$500) and include site inspection, construction plan and label approval, inspections, and license to operate. License shall expire June 30;

4. The State Milk Board, or its agent, shall have the authority to examine the buying and production records of any dairy products manufacturing plant for verification of the butterfat tonnage purchased at the plant, or verification of total pound volume of production manufactured or processed at the plant, at any reasonable time that the State Milk Board shall elect to make the examination. Butterfat or milk volume should be reported so as not to include any butterfat or milk volume the second time due to transfer or sale from one (1) plant to another;

5. A dairy products manufacturing plant license shall not be transferable and shall not be movable from one (1) city or town to another city or town, but with the consent of the State Milk Board may be moved from one (1) location to another location in the same city or town; and

6. When a dairy products manufacturing plant licensed as described in this rule ceases to receive milk, process milk, or both, for thirty (30) consecutive days or longer, its dairy manufacturing plant license shall be automatically terminated with no refund of licensing fee. Prior to resumption of operations, reapplication shall be made for licensing and a sanitation inspection of plant facilities showing satisfactory compliance shall be conducted by a representative of the State Milk Board prior to authorizing a new license. New licenses issued as described shall require a license fee of ten dollars (\$10) and shall expire June 30, if the plant has continuous operation.

(B) No person shall operate a cream station or milk plant, or test milk or cream for the purpose of purchase, without having made satisfactory application, passed the required examination, and received license as a grader; the annual fee for licensure is twenty-five dollars (\$25) for the licensure year or unexpired portion.

(C) No person shall operate a bulk milk truck to pick up milk from Missouri producers without a license as prescribed in 2 CSR 80-6.021 and payment of an annual license fee of twenty-five dollars (\$25).

(D) No bulk milk pick-up tanker truck shall be operated without proof of annual inspection. Annual inspections shall be performed by the State Milk Board or its authorized regulatory agent with payment of a twenty-five dollar (\$25)-inspection fee.

(E) A fieldman, prior to performing his/her duties in the state for a dairy manufacturing plant located either within or outside of Missouri processing either Grade A or manufacturing milk, must obtain a fieldman's license from the State Milk Board. This license, which also grants the authority to sample, test, or grade milk or cream, and to operate a bulk milk truck to pick up milk from farm producers, can be issued only to an individual free from communicable disease, who has passed a written examination grading seventy (70) or above and has paid the annual fee of twenty-five dollars (\$25); the license may be renewed upon payment of the annual fee, unless previously revoked for cause. The license is not transferable.

(F) Each dairy products manufacturing plant located outside Missouri, which is any other person buying unprocessed milk or



cream directly from producers in Missouri for processing or manufacturing outside Missouri, shall apply, under oath, and obtain a brokerage license, for the license year, which shall include the right to buy milk or cream. A brokerage license shall be issued upon satisfactory application to the State Milk Board accompanied by an annual brokerage fee based upon the annual butterfat or milk purchases made in Missouri during the previous twelve (12) months ending on June 30 as follows:

1. For any plant purchasing milk or milk product from Missouri, one hundred dollars (\$100), and for each 1,400,000 pounds of milk purchased, five dollars (\$5); and

2. For new plants where volume of the twelve (12) months previous of June 30 has not been established, the license fee shall be one hundred dollars (\$100).

(G) No person shall operate a market testing laboratory without a license to operate a market testing laboratory. An annual fee of three dollars (\$3) shall be required for the license. A market testing laboratory is any laboratory which performs milk fat testing for pay purposes or other quality testing as required by 2 CSR 80-6.011.

(H) No person shall operate a receiving station without a license to operate a receiving station. An annual fee of twenty-five dollars (\$25) shall be required for the license.

(I) A Certificate of Free Sale and Sanitary Origin is required by many foreign governments to allow entry of milk and dairy products into their country. For each Certificate of Free Sale issued the fee shall be one hundred dollars (\$100).

(J) All fees for license renewal and applications for licenses are to be considered non-refundable at the time of receipt by the State Milk Board or its authorized representative.

*AUTHORITY: section 196.540, RSMo 2000. * This rule previously filed as 2 CSR 30-21.041. Original rule filed Dec. 10, 1981, effective April 11, 1982. Amended: Filed Jan. 17, 1983, effective May 13, 1983. Amended: Filed June 7, 1983, effective Oct. 13, 1983. Amended: Filed Dec. 6, 2010, effective June 30, 2011.*

**Original authority: 196.540, RSMo 1981, amended 1993, 1995.*

2 CSR 80-6.051 Daily or Random Fresh Milk Sampling for Market Testing

PURPOSE: This rule prescribes some of the procedures and frequency of sampling and testing for milkfat content of milk sold by producers.

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 material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Each time milk is picked up at the farm or delivered to a receiving station a representative sample of the milk shall be taken.

(2) The milkfat content of the samples shall be evaluated by one (1) of the following manners:

(A) The milk composite sample may be prepared which contains a representative portion of each pick-up or delivery for a period not exceeding sixteen (16) days; and

(B) Each fresh milk sample taken at the time of pick-up or delivery may be tested and averaged for a period not exceeding thirty-one (31) days or no fewer than four (4) fresh milk samples may be tested and averaged if the samples are randomly selected and stratified throughout the month (no fewer than two (2) in the first half of the month and no less than two (2) in the last half of the month).

(3) All samples and examinations are to be in compliance with the current edition of *Standard Methods for the Examination of Dairy Products* or *Official Methods of Analysis of the Association of Official Analytical Chemists* as required by section 196.550, RSMo.

*AUTHORITY: section 196.540, RSMo 1986. * This rule previously filed as 2 CSR 30-21.051. Original rule filed Dec. 10, 1981, effective April 11, 1982. Amended: Filed Jan. 17, 1983, effective May 13, 1983.*

**Original authority: 196.540, RSMo 1981.*