902 KAR 50:031. Standards for producer eligibility for manufacturing grade milk.

RELATES TO: KRS 217.005-217.215, 217C.010-217C.990
STATUTORY AUTHORITY: KRS 194.050, 211.090
NECESSITY, FUNCTION, AND CONFORMITY: KRS 217C.040 authorizes the Cabinet for Human Resources to regulate milk for manufacturing purposes. This administrative regulation sets uniform standards for the production, handling, examination, grading, and sale of manufacturing milk and milk products.

Section 1. Manufacturing Milk Producer Permits and Inspections. (1) Prior to the issuance of any permit to a manufacturing milk producer, the cabinet shall conduct an inspection of the producer's facilities. If the producer is not in substantial compliance with 902 KAR 50:032, a permit shall not be issued, the violation shall be given in writing, and the violation shall be posted in a visible place at the dairy farm. A permit may be issued if the inspection reveals substantial compliance with 902 KAR 50:032.

(2) All producers shall possess a valid permit prior to beginning shipment of milk.

(3) Permits shall not be transferable with respect to persons or locations and shall remain valid unless suspended or revoked by the cabinet.

Section 2. Producer Eligibility Requirements. (1) New producers. A test for bacterial quality and sediment shall be made on the first shipment of milk or after a period of nonshipment for more than ten (10) days. Subsequent tests of milk shall meet the requirements for frequency of testing and producer compliance outlined in Section 3(2)(a) of this administrative regulation.

(2) Transfer producers. Prior to collection and acceptance of milk from a transfer producer, the receiving company shall review the official status of the producer with the cabinet. The existing status of a transfer producer with regard to his farm sanitation and milk quality record shall be in effect with the receiving company. A producer whose permit has been suspended by the cabinet is not eligible to transfer until the permit has been reinstated, unless approved by the cabinet. The receiving company shall sample each transfer producer's milk within ten (10) days after receipt of the producer's first shipment of milk. Subsequent sample results shall be in accordance with the provisions of Section 3 of this administrative regulation.

(3) Any Grade A producer whose permit has been suspended shall be allowed to sell milk as a degraded producer to a manufacturing milk company if the Grade A violative sample is within manufacturing standards set forth in this administrative regulation. A degraded producer shall not sell milk to a manufacturing milk company for a period in excess of ten (10) days without applying for and obtaining a milk for manufacturing producer permit.

(4) Grade A surplus milk shall be tested or screened by the manufacturing milk company upon arrival to assure that the milk is in compliance with this administrative regulation.

Section 3. Quality Requirements for Raw Milk. (1) Basis. Classification of raw milk for manufacturing purposes shall be based on organoleptic examination (sight and odor), bacterial estimate, quality test for sediment content, abnormal milk, and drug residue testing.

(a) Sight and odor. Flavor and odor of acceptable raw milk shall be fresh and sweet. Milk shall be free from feed and other off-flavors and off-odors that would adversely affect the finished product. Milk shall be observed and shall not show an abnormal condition (ropy, bloody, or mastitic).

(b) Bacterial classification. Bacterial limit shall be 1,000,000/ml by standard plate count, plate loop method, or direct microscopic bacterial determination methods.

Bacterial Estimate Classification	Direct Microscopic Clump Count, Standard Plate Count, or Plate Loop Method
No. 1 Satisfactory	Not Over 500,000/ml.
No. 2 Satisfactory	Not Over 1,000,000/ml.
Undergrade	Over 1,000,000/ml.

(c) Sediment content classification.

Sediment Content Classification	Milk in Cans (off-the-bottom method) 1 1/8 inch diameter disc	Milk in Farm Bulk Tanks sample 0.40 inch diameter disc
No. 1 Acceptable equivalent	Not to exceed 0.50 mg.	Not to exceed 0.50 mg.
No. 2 Acceptable equivalent	Not to exceed 1.50 mg.	Not to exceed 1.50 mg.
No. 3 Probational equivalent	Not to exceed 2.50 mg.	Not to exceed 2.50 mg.
No. 4 Reject equivalent	Over 2.50 mg.	Over 2.50 mg.

(d) Abnormal milk. Somatic cell count limit shall not exceed 1,000,000/ml.

(e) Drug residue classification. Test results shall be negative on commingled load or individual producer test as determined in 902 KAR 50:033, Section 1(5).

(2) Examinations and tests. Examinations and tests to detect excessive water, chemical contaminants, or other adulterants shall be conducted by the cabinet as deemed necessary.

(a) Frequency of tests.

1. Bacterial estimate: monthly.

2. Sediment content: monthly.

3. Abnormal milk: four (4) times each six (6) months.

4. Drug residues: all marketed manufacturing grade milk shall be sampled and tested for drug residues prior to processing.

5. Excessive water, chemical contaminants, or other adulterants: as deemed necessary by the cabinet.

(b) Methods of testing. Methods for determining quality test shall be those described in the "Standard Methods for the Examination of Dairy Products", 16th Edition, 1992, published by the American Public Health Association, and the "Official Methods of Analysis", 15th Edition, 1990, Volumes I and II, published by the Association of Official Analytical Chemists, Inc., unless otherwise

approved by the cabinet, and shall be performed in an official laboratory or an officially designated laboratory. Copies of the "Standard Methods for the Examination of Dairy Products", revised 1992, incorporated by reference, and the "Official Methods of Analysis", revised 1990, are incorporated by reference, are available for inspection and copying, 8 a.m. until 4:30 p.m., Monday through Friday, at the Office of the Commissioner, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621.

Section 4. Personnel Health and Cleanliness. No person affected with any disease in a communicable form, or while a carrier of a communicable disease, shall work at any dairy farm in any capacity which brings him in contact with the production, handling, storage, and transportation of milk for manufacturing purposes, containers, equipment, and utensils. No milk producer shall employ in any capacity any person suspected of having any disease in a communicable form, or of being a carrier of a communicable disease. Any milk producer upon whose dairy farm any communicable disease occurs or who suspects that any employee has contacted any disease in a communicable form, or has become a carrier of a disease in a communicable form, shall notify the cabinet immediately. All persons engaged in the milking operation shall wear clean outer garments. The milker's hands shall be kept clean.

Section 5. Procedure If Infection is Suspected. If reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk for manufacturing purposes, the cabinet shall require the following measures:

(1) Immediate exclusion of that person from milk handling;

(2) Immediate exclusion of the milk supply concerned; and

(3) Medical and bacteriological examination of the person and body discharges.

Section 6. Prohibited Acts Relating to Manufacturing Milk Producers. The following acts are prohibited:

(1) No person shall produce, sell, or offer for sale any manufacturing milk or milk products without a permit as provided in 902 KAR 50:032, 902 KAR 50:033, and this administrative regulation.

(2) No person shall produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, any manufacturing milk or milk product which is adulterated, misbranded, or in violation of 902 KAR 50:032, 902 KAR 50:033, or this administrative regulation.

(3) No person shall prohibit entry of inspection, taking of a sample, or access to records or evidence to a duly authorized agent of the cabinet.

(4) No person shall remove, destroy, alter, forge, or falsely represent, without proper authority, any tag, stamp, mark, or label used by the cabinet.

(5) No person shall remove or dispose of a detained or quarantined article without proper authority from the cabinet.

Section 7. Survey Procedures. A survey shall be conducted at least one (1) time every two (2) years on all groups of producers assigned to milk companies, producer associations, or producer groups. If the survey indicates an unsatisfactory rating, the company, association, or group shall be notified and given a reasonable period of time, not to exceed six (6) months, to attain a satisfactory rating. If upon resurvey, the producer's rating is not an acceptable level, the producer shipping milk to the company shall be inspected by the cabinet to determine individual compliance. A producer in violation may have his permit suspended in accordance with 902 KAR 50:032, 902 KAR 50:033, and this administrative regulation. No producer shall be allowed to transfer to another company during the resurvey period unless authorized by the cabinet. (20 Ky.R. 2276; eff. 3-14-94.)