

902 KAR 50:032. Standards for farm requirements 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 herd health; the production, handling, and sale of manufacturing milk and milk products; and, construction and inspection of dairy farms.

Section 1. Farm Requirements for Milk for Manufacturing. (1) Health of herd.

(a) General health. All animals in the herd shall be maintained in a healthy condition.

(b) Tuberculin test. The herd shall be located in an area within the state which meets the requirements of a modified accredited area in which not more than one-half (1/2) of one (1) percent of the cattle have been found to be infected with tuberculosis. This requirement is in accordance with the provisions of the "Bovine Tuberculosis Eradication, Uniform Methods and Rules", February 3, 1989, incorporated by reference, for establishing and maintaining tuberculosis-free herds of cattle and modified accredited areas approved by the Animal and Plant Health Inspection Service, Veterinary Services, U.S. Department of Agriculture. If the herd is not located in a modified accredited area, it shall be tested annually under the jurisdiction of the program. Additions to the herd shall be from a modified accredited area or from herds meeting the requirements of this administrative regulation. Copies of the "Bovine Tuberculosis Eradication, Uniform Methods and Rules" are available for inspection and copying, 8 a.m. until 4:30 p.m., Monday through Friday, at the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky 40621. This publication may also be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

(c) Brucellosis test. The herd shall be located in an area within the state in which the percentage of cattle affected with brucellosis does not exceed one (1) percent, and the percentage of herds in which brucellosis is present does not exceed five (5) percent. This requirement is in accordance with provisions of the "Brucellosis Eradication, Uniform Methods and Rules", May 6, 1992, incorporated by reference, for establishing and maintaining certified brucellosis-free areas approved by the Animal and Plant Health Inspection Service, Veterinary Services, U.S. Department of Agriculture. If the herd is located in an area that does not meet these requirements, the herd shall be blood-tested annually or milk-ring-tested semiannually. Additions to the herd shall be from herds meeting the requirements of this administrative regulation. Copies of the "Brucellosis Eradication, Uniform Methods and Rules" are available for inspection and copying, 8 a.m. until 4:30 p.m., Monday through Friday, at the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky 40621. This publication may also be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

(2) Milking procedures. Milking shall be done in an approved milking barn, stable, or parlor under relatively dust free conditions.

(a) The udders, flanks, and teats of all milking cows shall be free of dirt and dust at time of milking as far as is practicable.

(b) Cows which secrete abnormal milk shall be milked last or with separate equipment. This milk shall be excluded from the supply, and shall be prohibited from sale under this administrative regulation.

(3) Milking barn or milking area. An approved milking area shall be provided to permit normal sanitary milking operations.

(a) Work areas shall have a minimum of ten (10) foot candles of light properly distributed for both day and night milking.

(b) The milking area shall be well ventilated to minimize odors and prevent excessive condensation.

(c) Floors and gutters shall be kept clean, in good repair, graded to drain, and constructed of concrete or other impervious materials.

(d) No swine or fowl shall be permitted in the milking area.

(e) Bedding shall be permitted in the milking area if kept clean and manure is removed daily. Bedding shall be relatively dust free.

(f) The milk area ceiling shall be dust tight to prevent the entry of dust from feed stored overhead.

(g) Walls and ceilings shall be kept clean and in good repair. It is recommended that the milking area be completely enclosed. If clean, orderly, dust free milking operations can be conducted, the requirements of the walls may be waived.

(h) Feed shall be stored in a manner not to increase the dust content of the air or attract flies in the milking area.

(i) The milking area floor shall be kept clean and the manure removed daily.

(j) Outside surfaces of pipeline systems located in the milking area shall be kept clean.

(k) Milk stools, surcingles, and antikickers shall be kept clean and stored above the floor.

(4) Cowyard and cattle housing area. The cowyard and cattle housing area shall be constructed to be well drained and relatively free of organic waste.

(a) The cowyard shall be graded to drain as well as local conditions will permit.

(b) Cowyards which are muddy due to recent rains shall not be considered in violation of this section.

(c) The cattle housing area shall be free of excessive manure, soiled bedding, and waste material to prevent the soiling of cows' udders.

(d) All manure removed from the milking area shall be stored to prevent access of cows to the accumulation. Manure shall be stored to minimize fly breeding.

(5) Milkhouse or milkroom. There shall be a conveniently located milkhouse or milkroom in which the cooling, handling, and storing of milk; and the washing, sanitizing, and storing of equipment and utensils shall be done. Milking areas with milkhouse and milkroom facilities combined in an operation that have been given approval prior to the effective date of this administrative regulation, will be acceptable for as long as the combined facility is operated in a sanitary manner.

(a) The floor shall be constructed of concrete and well drained.

(b) The walls and ceilings shall be constructed of relatively smooth, easily cleanable material. A light colored material is recommended.

(c) A drain through the floor or wall shall be provided. The drain shall not be located under the can cooler or bulk tank. The drain may discharge to the surface of the ground if waste from the drain does not pool or cause an insect breeding problem.

(d) The milkhouse space shall be large enough to meet the following requirements:

1. Walkways and working areas shall be a minimum of thirty (30) inches wide;

2. The bulk tank shall be kept a minimum of eighteen (18) inches from the walls on all sides, except tanks that extend through the wall; and

3. There shall be a minimum of six (6) inches between the lowest point of the bulk tank and the floor.

(e) Artificial light shall be provided with a minimum 100 watts capacity. The light fixture shall not be located over the bulk tank. Flood lights are recommended near the ends of the bulk tank.

(f) Ventilation shall be sufficient to prevent odors and condensation.

(g) The milkhouse shall be kept clean and free from unnecessary articles and used only for purposes permitted by the cabinet. Only insecticides and rodenticides approved for use in the milkhouse shall be stored in the milkhouse. Insecticides and rodenticides shall be stored to prevent contamination of milk, milking equipment, sinks, or cleaning supplies.

(h) All outer openings shall be screened or protected against the entrance of insects and rodents. Outer doors shall open outward and be self-closing, except doors between the milkroom and milking area may open either way or both ways and shall be self-closing. If during the winter months a screen door is taken down, the milkhouse door may open inward if it is self-closing. Bulk tank installations shall have an approved hose port properly constructed through the outer wall for milk pickup operations.

(i) Running water under pressure shall be provided. Water heating facilities conveniently available to supply hot water to the milkhouse shall be provided for all bulk tank installations. A supply of water shall be available to the milkroom for all can shippers.

(j) A two (2) compartment wash and rinse vat shall be provided; if milking equipment is cleaned in place, a single compartment wash vat will be acceptable.

(k) A concrete slab at least four (4) feet by four (4) feet shall be located outside the milkhouse under the hose port.

(l) The milkhouse shall be supplied with approved brushes, cleaners, and sanitizers to properly clean and sanitize equipment and utensils.

(m) If approval is given by the cabinet, the can cooler may be stored in a suitable place away from the milkhouse in order to be easily accessible to the can hauler.

(6) Utensils and equipment. Utensils, milk cans, milking machines (including pipeline systems), and other equipment used in the handling of milk shall be maintained in good condition. Milk equipment shall be free from rust, open seams, milkstone, or any unsanitary condition. Milk equipment shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use. All farm bulk tanks installed after the effective date of this administrative regulation shall meet "3-A Sanitary Standards", for construction and shall be installed in accordance with this administrative regulation. Single service articles shall be properly stored and shall not be reused. "3-A Sanitary Standards", revised May 1993, is incorporated by reference, and a copy is 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.

(a) Utensil - construction.

1. All multiuse containers, utensils, pails, and pipelines shall be constructed of smooth, heavy-gauge material, with a noncorrodible surface which is nonabsorbent and nontoxic (the use of cadmium is prohibited), and shall be constructed to be easily cleaned. All joints and seams shall be flush with solid welds or use "3-A Sanitary Standards" approved gaskets.

2. All containers, utensils, and other equipment shall be in good repair and free of breaks and corrosion.

3. Strainers, if used, shall be constructed to use single-service strainer pads only, and strainer pads shall not be reused. Woven-wire cloth strainers shall not be used.

4. All milking machines, including pails, milker heads, milk claws, milk tubing, and other milk contact parts shall be constructed to be easily cleaned.

5. New or replacement milk cans shall have an umbrella-type cover.

6. All cleaned-in-place milk pipelines installed after the effective date of this administrative regulation shall be installed to be rigid and self-draining. All connections shall provide a smooth, flush interior surface.

7. Pipelines installed prior to the effective date of this administrative regulation may be accepted if joined with tygon or other material approved by the cabinet, and if joints are hand cleaned or sufficiently cleaned by C-I-P methods. Each joint shall have a tight, rigid hanger next to the joint.

(b) Utensils - cleaning. All multiuse containers, equipment, and other utensils used in handling, storage, or transportation of milk and milk products shall be thoroughly cleaned after each usage. All multiuse containers, equipment, and other utensils shall be stored in the milkhouse unless approved

by the cabinet.

(c) Utensils - bacterial treatment. Prior to use, all multiuse containers, equipment, and other utensils used in handling, storage, or transportation of milk or milk products shall be subjected to a bactericidal process approved by the cabinet. Steam, hot-water, or hot-air treatment shall not be accepted unless the equipment or containers are completely immersed or exposed for the required time, or longer, and at the required temperature, or higher, throughout the period of exposure. Pouring hot or boiling water from vessel to vessel shall not be acceptable. All milk containers, utensils, and other equipment, with the exception of milking machine pulsators and air hoses, shall be immersed for at least one (1) minute in, or exposure for at least one (1) minute to a flow of, an approved chemical bactericide containing at least fifty (50) p.p.m. chlorine or other approved sanitizer of proper strength. All milk contact surfaces shall be wetted by the bactericidal solutions. Bactericidal sprays may be used for large equipment. Chemical solutions, once used, shall not be reused for bactericidal treatment on any subsequent day, but may be reused for other purposes.

(d) 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 to drain dry, and to prevent contamination before being used. All equipment and utensils shall be accessible for inspection. All milking equipment containers and other utensils used shall be stored in the milkhouse unless otherwise approved by the cabinet.

1. Milk utensils and equipment shall be left in the bactericidal solution or stored in the milkhouse on racks to protect them from contamination, inverting articles that can be inverted. Pipeline milkers which are cleaned in place may be stored in place. Storage racks shall be constructed of metal protected against rusting, with the lowest shelf not less than twenty-four (24) inches above the floor.

2. Strainer pads, parchment papers, and gaskets shall be stored in the original package or in a suitable container or cabinet to protect them from contamination.

3. All equipment and utensils shall be accessible for inspection.

(e) Utensils - handling. After bactericidal treatment, containers and other milk and milk product utensils shall be handled to prevent contamination of any surface that milk or milk products come into contact. Sanitized product-contact surfaces, including farm bulk tank openings and outlets, shall be protected against contact with unsanitized equipment, utensils, hands, clothing, splash, condensation, and other sources of contamination. Any sanitized product-contact surface which has been exposed to contamination, shall be cleaned and sanitized before being used.

(7) Surroundings shall be relatively neat and clean to prevent insect breeding and rodent harborage.

Section 2. Cooling. (1) All milk shall be cooled within two (2) hours after milking to fifty (50) degrees Fahrenheit or lower and maintained at a maximum of fifty (50) degrees Fahrenheit until transferred to the transport truck, unless delivered to the plant within two (2) hours after milking. Milk in bulk tanks shall be cooled to a maximum of forty (40) degrees Fahrenheit within two (2) hours after milking and maintained at a maximum of fifty (50) degrees Fahrenheit until transferred to the transport truck. If the first milking does not reach the bulk tank agitators, cooling shall be considered in violation.

(2) Cooling facilities shall be available to cool and store a full supply of milk between pickup at a maximum of fifty (50) degrees Fahrenheit. Can milk shall be collected at least every twenty-four (24) hours.

(3) Bulk tanks shall be designed and sized for everyday or every other day pickup and be capable of cooling the milk to forty (40) degrees Fahrenheit after each milking and maintaining the milk to a maximum of fifty (50) degrees Fahrenheit. No bulk tank milk shall be picked up after three (3) days except in case of emergency. Paper towels shall be available for wiping the bulk tank measuring stick during milk pickup.

(4) Milk shall not be transferred from one (1) producer to another or received by one (1) producer from another.

Section 3. Water supply. (1) Each producer shall have a properly located and protected water supply.

(2) The supply shall meet the needs of the producer to properly clean equipment, milkhouse, and milking area.

(3) The supply shall be protected against surface water and, in the case of cisterns, have a filter or roof wash barrel approved by the cabinet.

(4) The supply shall not be within 100 feet of any cesspool, privy, or lateral field unless approved by the cabinet.

(5) If the cabinet is in doubt to the physical protection of the supply, a water sample shall be collected and analyzed by the cabinet. Samples that do not meet the requirements of this administrative regulation shall be retested within thirty (30) days after notification is given to the producer in writing by the cabinet. If two (2) consecutive samples are found to be in excess of the coliform standard, a notice of intent to suspend permit shall be issued by the cabinet and a follow-up sample collected within thirty (30) days. If the follow-up sample is in excess of the standard, the producer may be suspended until a negative sample is obtained.

(6) All new producers shall have a negative water sample analysis prior to the issuance of a permit. A negative water sample shall be taken after any repair or alteration of the water supply has been made and at least every thirty-six (36) months.

Section 4. Waste Disposal. (1) Manure, discarded milk, and toilet waste shall be properly disposed in a manner approved by the cabinet.

(2) Waste discharging to the ground surface shall not pool or promote fly breeding.

(3) Waste from flush type toilets shall be properly disposed underground.

(4) Pit privies shall be properly constructed to prevent fly breeding.

Section 5. Hearing Procedures. Upon notification of intent to suspend or upon suspension, the producer may request a hearing.

(1) The request for a hearing shall be made in writing on Form DFS-8, "Request for Hearing", revised January 1989, incorporated by reference. Form DFS-8, "Request for Hearing", may be viewed or obtained, 8 a.m. until 4:30 p.m., Monday through Friday, at the Office of the Commissioner of Health Services, 275 East Main Street, Frankfort, Kentucky 40621.

(2) The cabinet shall notify the requesting party in writing of the:

(a) Name of the hearing officer; and

(b) Time and place of the hearing.

(3) All parties shall be allowed a reasonable time to prepare for the hearing, including the right to:

(a) Be represented by counsel;

(b) Present evidence on his behalf; and

(c) Cross-examine witnesses.

(4) A transcript of the hearing shall not be made unless requested. The expense of transcribing the hearing shall be the responsibility of the requesting party.

(5) The hearing officer shall make written findings of fact and conclusions of law, and render a decision based upon the evidence presented. The decision of the hearing officer shall be the final decision of the cabinet. (20 Ky.R. 2278; eff. 3-14-94.)