

902 KAR 50:040. Hauler requirements.

RELATES TO: KRS 217C.010-217C.990

STATUTORY AUTHORITY: KRS 194.050, 211.090, 217C.040

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Human Resources is directed by KRS Chapter 217C to regulate milk haulers. The function of this administrative regulation is to provide uniform standards for the transportation, handling, sampling, examination, and grading of raw milk and the issuance and revocation of milk hauler permits.

Section 1. Milk Hauler Permit Requirements. No person shall haul raw milk in this state without a permit from the cabinet. Individual producer delivery or transport delivery between plants or receiving and transfer stations shall not be required to have a permit. Owners of bulk tank route trucks shall immediately notify the cabinet of new haulers. New haulers shall be required to obtain a permit before hauling milk. A new hauler that has been inspected and certified by the cabinet, shall be issued a temporary permit which is valid until the next hauler training session. Upon successful completion of the training course, the hauler shall be issued a permit. Permits shall not be transferable with respect to persons or locations. Permits shall continue in force unless suspended or revoked for cause. All haulers collecting raw milk samples for regulatory purposes shall be permitted by the cabinet as an "Official Sample Collector," according to this administrative regulation. All haulers shall be inspected and recertified each twelve (12) months.

Section 2. Bulk Milk Hauler Standards. Each bulk milk hauler shall be equipped with an accurate thermometer approved by the cabinet if collecting milk from dairy farms, and shall observe the following sanitary practices in the milk collection procedure:

- (1) Hands and outer clothing shall be clean during all pickup operations.
- (2) Milk haulers shall smell milk for off-odors.
- (3) A visual examination shall be made of the raw milk in the bulk tank. Milk visibly unfit for human consumption pursuant to KRS Chapter 217, shall be rejected and not collected. The bulk tank lid shall be closed immediately after making the visual examination if possible.
- (4) The milk transfer hose used to withdraw raw milk from the farm bulk tank shall enter the milkhouse only through the hoseport provided for that purpose.
- (5) If milk has leaked past the core of the outlet valve of the farm bulk tank, the outlet port of the valve shall be washed and sanitized prior to withdrawing the milk.
- (6) The cap from the end of the transfer hose shall be handled in a sanitary manner and stored to prevent contamination while milk is being pumped from the farm bulk tank into the bulk milk tank truck.
- (7) After the milk has been removed from the farm bulk tank, the bottom of the tank shall be observed for sediment and other foreign material.
- (8) Sediment and other foreign material conditions observed shall be noted on the plant and producer's copy of the ticket.
- (9) The following information concerning the collection of milk shall be recorded on the weight ticket and the producers chart at the milkhouse:
 - (a) Date;
 - (b) Time;
 - (c) Temperature;
 - (d) Hauler identification; and
 - (e) Weight of the milk.
- (10) After the milk has been removed from the farm bulk tank, the transfer hose shall be removed and recapped before the farm bulk tank is rinsed with water. After recapping, the transfer hose shall

be rinsed free of exterior soil.

(11) A bulk milk hauler shall not collect milk from a dairy farm for delivery to a milk plant, receiving station, or transfer station unless the farm holds a valid permit or authorization for sale from the cabinet.

(12) At the time of collection of milk from each dairy farm, the bulk milk hauler shall collect the entire volume of acceptable milk being stored in the bulk tanks. Only milk in properly constructed and operated equipment shall be collected.

(13) All precautions shall be taken to prevent the entrance of flies into the milkhouse.

(14) At least one (1) time each three (3) months, the bulk milk hauler shall check the accuracy of the thermometer of each of his milk producer's bulk milk tanks against his thermometer which shall be compared to a certified thermometer and corrections made each six (6) months. The temperatures obtained from both thermometers shall be entered on the weigh ticket. If there is a difference between the readings on the two (2) thermometers, the reading of the bulk milk hauler's thermometer shall be reported as the official temperature on that day and each succeeding day until the thermometer on the bulk milk tank is adjusted or repaired to be accurate.

(15) If milk in a bulk tank is rejected, the reason for rejection shall be noted by the hauler and the tank tagged with appropriate tags prepared or approved by the cabinet.

Section 3. Sampling Appurtenances for Bulk Milk Trucks. Every bulk milk tank truck used to collect raw milk on a bulk milk route shall be equipped with:

(1) A sample dipper or other sampling device of sanitary construction approved by the cabinet.

(2) A container suitable for the storage of the sample dipper in a sanitizing solution en route between the farms. If other sampling devices are used, they shall be protected from contamination.

(3) A sample carrying case shall be constructed of approved material and shall maintain producer raw milk samples at temperatures of thirty-two (32) to forty (40) degrees Fahrenheit from the time the samples are collected until they are delivered to the milk plant, receiving station or transfer station.

(4) Sample racks approved by the cabinet shall be a size sufficient to hold all samples of raw milk in an upright position. A sample shall be taken from the bulk milk tank of each milk producer represented on the load of raw milk being transported to a milk plant, receiving station, or transfer station. A sample shall be taken from the bulk tank truck after the last producer pickup.

Section 4. Sample Collection from Bulk Tanks. The milk hauler shall collect a sample of milk from each farm bulk tank after the milk has been thoroughly agitated (a minimum of five (5) minutes for bulk tanks less than 1,000 gallons, or ten (10) minutes for bulk tanks 1,000 gallons or more) before opening the outlet valve. Samples shall be collected in the following manner:

(1) If a sample dipper is used, it shall be clean and transported between farms on the bulk milk route in an approved sanitizing solution equivalent to 100 p.p.m. chlorine. Other sampling devices shall be kept free of contamination.

(2) After removal from the sanitizing solution, all of the sanitizing solution shall be drained from the sample dipper.

(3) The sample dipper shall be rinsed two (2) times in the milk in the farm bulk tank and completely drained before collecting the sample.

(4) A sample shall be collected from the bulk tank and placed in a sterile container.

(5) The sample container shall be closed and immediately placed in melting ice water in the sample carrying case. The top of the sample container shall not be submerged in the refrigerant. Producer raw milk samples shall be maintained at temperatures of thirty-two (32) to forty (40) degrees Fahrenheit until delivered to the milk plant, receiving station, or transfer station. Samples shall not be frozen.

(6) Each sample shall be identified with date and time collected, the temperature of the milk in the farm bulk tank, the route and name or identity number of the milk producer and the person collecting the sample.

(7) Prior to or at the time of collecting raw milk from the first milk producer on the bulk milk route, the bulk milk hauler shall collect a sample of milk for temperature determination. The temperature sample shall have date, time, and temperature recorded on the sample container. The sample shall be refrigerated until it arrives at the laboratory.

(8) Sampling equipment shall be rinsed in clean water immediately after each usage.

Section 5. Frequency of Raw Milk Pickup. All raw milk for manufacturing purposes shall be collected as required by 902 KAR 50:031. Raw milk collection frequencies may be waived by the cabinet in the case of emergencies. All Grade A bulk tank raw milk shall be collected at least every forty-eight (48) hours, and all Grade A milk shipped in cans shall be collected every twenty-four (24) hours. Collection of raw milk, from the first producer on the bulk milk pickup route to the final producer, shall be without undue delay. Collection of a partial load of milk, holding the milk overnight, and finishing the collection the following day shall not be permitted unless pump and pickup hose have been washed and sanitized at a location approved by the cabinet.

Section 6. Bulk Milk Tank Truck Owner Standards. (1) Every bulk tank truck used to collect raw milk on a bulk milk route shall be of sanitary design and construction.

(2) The owner of the bulk tank connected to the truck chassis shall be responsible for maintaining the bulk tank and milk contact appurtenances in good repair and in a clean, sanitary condition. The owner of the bulk tank connected to the truck chassis shall obtain an identification number from the cabinet. The number shall be placed on the rear of the tank in letters at least three (3) inches high.

(3) Each bulk milk tank truck and milk contact appurtenances shall be cleaned after the completion of each day's usage and sanitized prior to beginning the next day's operation in a manner and at a location approved by the cabinet.

(a) Each plant, receiving or transfer station, or other location which washes bulk tank trucks shall provide truck wash tags.

(b) The company or person responsible for washing the bulk tank truck shall affix a wash tag in the interior pump compartment of the truck signifying the date and location at which the truck and appurtenances were cleaned and sanitized and the signature or initials of the person responsible. Over the road tankers without rear pump compartments shall have the wash tag affixed to the top manhole cover or the outlet valve.

(c) Receiving locations shall not receive milk from a truck not properly tagged signifying date and location cleaned, unless approved by the cabinet. Cleaning tags shall be removed if a truck is unloaded and the tags maintained at the receiving location for a minimum of ninety (90) days.

(d) Trucks which pick up and deliver two (2) loads of milk in the same day shall have a new cleaning tag affixed after the first load is delivered explaining why the truck is running unwashed on the second trip.

(e) Wash tag requirements apply to all farm bulk milk pickup trucks and milk transport tankers. If transport trucks are not washed by the plant which loads the truck, the truck shall have a wash tag prior to loading. Bulk milk trucks shall have a properly identified wash tag before the milk is received and unloaded unless approved by the cabinet.

(4) The bulk milk tank and its milk contact appurtenances shall be protected from contamination after being cleaned and sanitized.

(5) Milk in bulk milk tank trucks shall be maintained at a temperature of forty-five (45) degrees Fahrenheit or less for Grade A milk and fifty (50) degrees Fahrenheit or less for manufacturing milk from the time of collection until delivered to a milk plant, receiving station, or transfer station. Grade

A milk may be collected within two (2) hours after milking if the blend temperature in the farm bulk cooler does not exceed fifty (50) degrees Fahrenheit.

(6) Milk in farm bulk tanks in excess of forty-five (45) degrees Fahrenheit for Grade A milk and fifty (50) degrees Fahrenheit for manufacturing milk shall not be commingled with other producers' milk on a bulk tank truck, except as provided for in subsection (5) of this section.

(7) The name of the milk plant or company or the name and address of the owner of the bulk milk pickup tank shall be legibly marked on both sides or on the rear of the vehicle in letters not less than one and one-half (1 1/2) inches in height.

(8) Each bulk milk route owner shall provide a bulk milk hauler who holds a valid permit for all bulk milk collection. The permit shall be carried on the person or in the vehicle. Milk processing plants shall not receive raw milk from a Kentucky producer which has not been collected by a permitted hauler.

Section 7. Milk Plant, Receiving Station and Transfer Station Standards. It shall be the responsibility of the milk plant, receiving station, or transfer station to provide competent personnel to receive producer raw milk samples from each bulk milk tank truck. The temperature of the temperature sample (if applicable), shall be recorded and the samples properly identified and stored prior to delivery to the laboratory. The milk plant, receiving station, or transfer station shall be responsible for providing facilities for the storage of producer raw milk samples at a temperature of thirty-two (32) to forty (40) degrees Fahrenheit at which temperature they shall be maintained until they are received by the laboratory for analysis. Producer raw milk samples shall not be transferred to another sample container after they have been collected by the bulk milk hauler. Required laboratory analysis shall begin no later than thirty-six (36) hours after the first sample on the route was collected. Milk producers and bulk milk haulers shall not receive notice of which samples are to be used for bacteriological analysis.

Section 8. Milk Hauler Permit Suspension, Revocation, and Reinstatement. (1) If the cabinet has reason to believe that a public health hazard exists, or the permit holder has willfully refused to allow inspection, the permit may be suspended immediately upon notice to the permit holder without a hearing. The permit holder may request a hearing which shall be granted within ten (10) days.

(2) In all other instances of violation of the provisions of this administrative regulation, the cabinet shall serve upon the holder of the permit a written notice of intent to suspend which shall specify the violation in question and afford the holder a reasonable opportunity to correct same.

(3) If the cabinet's reinspection, after the written notice of intent has been issued, indicates the violation has not been corrected, the cabinet may suspend the hauler's permit or require the hauler and owner to appear before the cabinet at a hearing to justify why the permit should not be suspended.

(4) Upon written application of a person whose permit has been suspended, or upon application within forty-eight (48) hours of a person who has been served with a notice of intention to suspend, and in the latter case before suspension, the cabinet shall within a reasonable time proceed to a hearing to ascertain the facts of the violation or interference. Upon evidence presented at the hearing, the hearing officer shall affirm, modify, or rescind the suspension or notice of intention to suspend.

(a) 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," and 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.

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

1. Name of the hearing officer; and

2. Time and place of the hearing.

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

1. Be represented by counsel;
2. Present evidence on his behalf; and
3. Cross-examine witnesses.

(d) 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.

(e) 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.

(5) A permit suspended under the provisions of this section may be reinstated if all violations are found to be corrected upon reinspection by the cabinet, and the cabinet is in receipt of Form DFS-7A, "Application for Reinstatement of Permit", incorporated by reference. A copy of Form DFS-7A, "Application for Reinstatement of Permit", revised October 1986, is 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. (MMP-1; 1 Ky.R. 287; eff. 1-8-75; Am. 8 Ky.R. 172; 343; eff. 11-5-81; 20 Ky.R. 2219; eff. 3-14-94.)