

# RAW MILK – COW, GOAT, SHEEP “SHARES”



Raw milk may contain food borne pathogens. These pathogens may be shed into the milk directly from the animal or enter the milk from the environment. These pathogens present a health threat to consumers of raw milk.

## RAW MILK REGULATIONS

- The current State of Alaska regulations, **18 AAC 32.010** and **18 AAC 32.060**, were written to safeguard public health and protect consumers.
- **The original intent of this law was specifically to prohibit the sale of raw milk and raw milk products in commerce, not to limit consumption of these products by the owner or owners of a cow, sheep or goat.**
- 18 AAC 32.010 allows for consumption of raw milk and raw milk products ONLY by the person who owns the cow, goat or sheep. 18 AAC 32.060 forbids removal of raw milk from a premise unless it is to be pasteurized by a processor or denatured and labeled “FOR ANIMAL FOOD NOT FOR HUMAN CONSUMPTION.”
- It is legal to remove raw cow, sheep or goat milk from a premise for personal consumption IF the person owns the animal. However, **a legal contract needs to be established clarifying ownership of the animal.**
- A person may only remove the milk that they own and may not distribute milk to other owners.
- The current regulations (18 AAC 32.010 and 18 AAC 32.060) do not permit the public sale or distribution of raw milk or any products made from raw milk at a physical location (home, farm store), via the mail or the internet.

## RAW MILK HEALTH RISKS

- There are significant health hazards associated with the consumption of raw milk and dairy products made from raw milk because the raw milk may contain food borne pathogens. Multiple outbreaks of food borne illness in the U.S. have been reported where unpasteurized milk or cheeses are implicated.
- Certain portions of the population (the very young, seniors, and any person who is immune-compromised) are at greater risk for severe health problems or sequelae from infections that may be acquired from consuming raw milk. This risk is now even greater with the emergence of antimicrobial resistant pathogens like *Salmonella* and *Escherichia coli*.
- **The animal owner is responsible for protecting themselves and their family from any hazards associated with consuming raw milk or products made using raw milk.**



Office of the State Veterinarian

<http://dec.alaska.gov/eh/vet/>

(907) 375-8215

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- Additional raw milk safety information is available from:
  - The Alaska Department of Health and Social Services Epidemiology Bulletin “Unpasteurized or Raw Milk ” ([http://www.epi.alaska.gov/bulletins/docs/b2009\\_29.pdf](http://www.epi.alaska.gov/bulletins/docs/b2009_29.pdf));
  - The FDA (<http://www.fda.gov/Food/ResourcesForYou/Consumers/ucm079516.htm> );
  - The CDC (<https://www.cdc.gov/foodsafety/rawmilk/raw-milk-index.html>); and
  - Real Raw Milk Facts (<http://www.realrawmilkfacts.com/>).

## **To reduce the potential for pathogens to be introduced we recommend:**

1. Good veterinary care for the animals.
2. Standard hygienic practices when milking the cow, goat or sheep:
  - a. Wash the teats with a sanitizing solution, dip teats in an approved germicidal teat dip before milking
  - b. Use a strip cup to examine the milk for abnormalities
  - c. Dip the teats in an approved germicidal teat dip after milking
  - d. Use clean and sanitized equipment to collect the milk.
3. Proper storage and handling of the milk after it is collected. Milk is a nutrient rich product and encourages bacterial growth. Refrigeration at below 41°F will minimize growth of pathogens and spoilage bacteria.
4. Milk from animals being treated with antibiotics or other pharmaceuticals should not be consumed.



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## Existing Alaska Administrative Code 3.20.19

### Article 1 Milk and Milk Products

#### **18 AAC 32.010. Purpose and applicability of 18 AAC 32.010 - 18 AAC 32.060**

(a) The purpose of 18 AAC 32.010 - 18 AAC 32.060 is to safeguard public health and safety by ensuring that milk and milk products from a cow, goat, or sheep, that are to be sold as part of commerce and intended for human consumption, are manufactured, sold, and delivered in a safe and wholesome condition.

(b) The provisions of 18 AAC 32.010 - 18 AAC 32.060 apply to (1) each milk producer, each wholesale milk distributor, and each owner or operator of a milk processing plant, receiving station, or transfer station whose milk or milk products are to be sold as part of commerce and are intended for human consumption; (2) each milk hauler who (A) collects, for the milk producer, milk processing plant, or the department, samples the raw milk for pasteurization or for bacterial, chemical, temperature standards, or compliance testing; or (B) hauls milk from a milk producer or other milk distributor to a milk processing plant, receiving station, or transfer station; and (3) a processor of a milk product.

(c) The provisions of 18 AAC 32.010 - 18 AAC 32.060 do not apply to a person who owns a cow, goat, or sheep and uses the milk from the animal for that person's personal use.

#### **18 AAC 32.020. Adoption of the Grade A pasteurized milk ordinance and associated documents**

(a) A person described in 18 AAC 32.010(b) shall follow the applicable requirements set out in the following documents, adopted by reference: (1) Grade "A" Pasteurized Milk Ordinance (PMO), 2011 revision, as amended from time to time, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, except that (A) the term "bulk milk pickup tanker" has the meaning given "bulk milk tanker" in 18 AAC 32.990; (B) the terms "clean," "milk distributor," "milk producer," "person," and "transfer station" have the meanings given in 18 AAC 32.990; (C) the term "sanitization" has the meaning given "sanitize" in 18 AAC 32.990; (D) this adoption by reference does not include sections 15 (enforcement), 16 (penalty), and 17 (repeal and date of effect); (2) Methods of Making Sanitation Ratings of Milk Shippers, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; (3) Evaluation of Milk Laboratories, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; (4) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; (5) 21 C.F.R. Part 110, as revised as of April 1, 2012; (6) 21 C.F.R. Part 131, Part 133, and Part 135, as revised as of April 1, 2012.

(b) The department will use the procedures in and requirements of the documents adopted by reference in (a) of this section to determine compliance with 18 AAC 32.010 - 18 AAC 32.060.

**18 AAC 32.030. General operating and permit requirements** (a) A person described in 18 AAC 32.010(b) may not conduct an activity described in 18 AAC 32.010(a) or (b) unless (1) the person has a current permit issued by the department under this section; and (2) the department has confirmed compliance with this chapter by inspections conducted as provided in the PMO. (b) An applicant shall apply for a permit, using a form supplied by the department. If the application is for a facility in which an activity described in 18 AAC 32.010(b)(1) or (b)(3) occurs, the application must include a facility plan, including a plot plan, of the entire premises; the facility plan must meet the requirements of the PMO and must include (1) the location of buildings and property boundaries; (2) a plumbing schematic that shows hot and cold potable water lines and nonpotable

water lines; (3) a floor plan with the specifications of the finish materials used for floors, walls, and ceilings; and (4) proof that the facility's (A) drinking water supply and treatment complies with [18 AAC 80](#); (B) wastewater disposal complies with [18 AAC 72](#); and (C) solid waste disposal complies with [18 AAC 60](#). (c) The department will, in its discretion, request additional information before issuing a permit. (d) If the department issues a permit under this section, it will assign a permit number to the facility or milk hauler. (e) A permit issued under this section does not expire. The permit (1) may not be transferred from one owner, operator, or facility to another; and (2) is subject to the suspension, revocation, and reinstatement provisions of section 3 of the PMO. (f) If the owner or operator of a facility required by this section to have a permit changes, or if the location of a facility required by this section to have a permit changes, the owner or operator of the facility shall submit a new permit application and obtain a permit.

**18 AAC 32.040. Labeling; milk processing plant code numbers** (a) In addition to the permit number assigned under [18 AAC 32.030](#), the department will assign a plant code number to each milk processing plant. To meet the labeling requirements of the PMO, the owner or operator of the plant shall place on each milk product carton or container (1) the code number assigned by the department; or (2) the name and address of the plant where the milk was pasteurized. (b) Upon request from the department, a person described in [18 AAC 32.010](#)(b) shall provide the department access to or copies of the following documents in order to verify compliance with the labeling requirements of the PMO: (1) each formula used to produce the milk or milk product; (2) records or invoices from each supplier of each ingredient used to make the milk or milk product, including raw, pasteurized, or heat-treated milk; those records or invoices must show the (A) name of the supplier; (B) product and amount purchased; and (C) date of purchase.

**18 AAC 32.050. Ungraded milk** If the commissioner finds that an emergency exists, the commissioner will, in the commissioner's discretion, authorize the sale of pasteurized milk and milk products that have not been graded or the grade of which is unknown. A person who sells milk or a milk product subject to an authorization under this section shall ensure that the milk or milk product is labeled "ungraded."

**18 AAC 32.060. Raw milk and raw milk products** Except as provided in [18 AAC 32.010](#)(c), a milk producer may not allow raw milk or a raw milk product, including cream from raw milk, to be removed from the dairy farm unless (1) the product is being transported directly to a milk processing plant with a permit issued under [18 AAC 32.030](#) or by another state; or (2) the product has been decharacterized with an approved denaturant and labeled "FOR ANIMAL FOOD NOT FOR HUMAN CONSUMPTION" in letters at least three inches high on each container; for purposes of this paragraph, "approved denaturant" means (A) finely powdered charcoal; (B) FD & C Blue No. 1, FD, & C Blue No. 2, Ultramarine Blue; or (C) FD & C Green No. 3, FD & C Red. No. 3, or FD & C Red No. 40.



## State Milk Laws

8/29/2016



In the United States, milk is governed through a series of state rules and regulations based on the federal Pasteurized Milk Ordinance, or PMO. This ordinance guides the state programs to ensure that no major milk-borne disease outbreaks occur.

Forty-six states have adopted many or all of the provisions of the PMO. California, Maryland, New York and Pennsylvania have not adopted the PMO, but have enacted their own strict milk safety laws. The PMO provides for national standards regarding the production, processing, packaging and sale of Grade "A" milk and milk products, a program in which every state and the District of Columbia participate.

States oversee all milk products produced and sold in their state. Milk products sold over state lines are subject to federal oversight, which will accept state PMO certification.

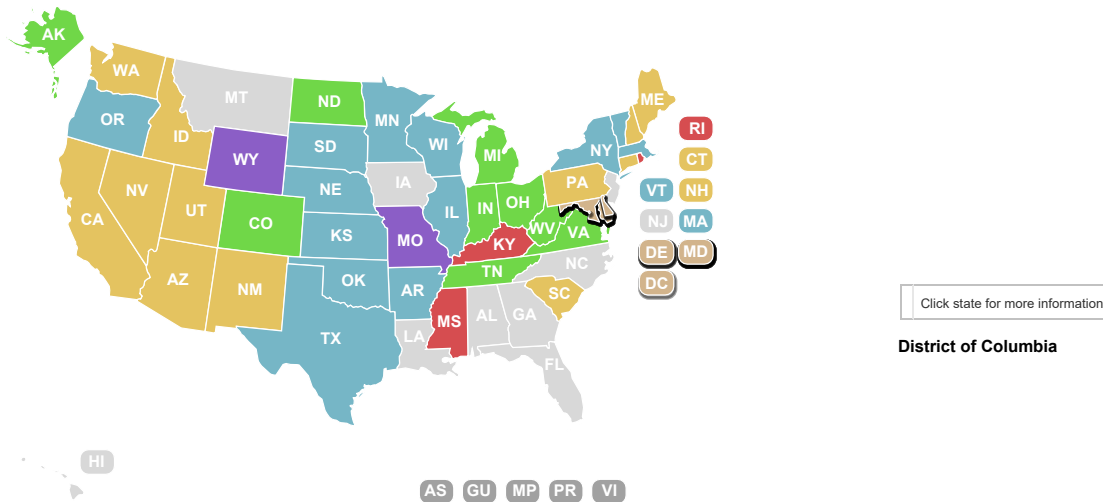
States that permit the sale of raw milk in retail stores

States that allow the sale of raw milk at farmers' markets, etc.

States that allow the sale of raw milk on the farm.

States that permit cow-share programs

States that only allow the sale of raw goat milk



## Raw Milk Laws

The federal government, through the U.S. Food and Drug Administration (FDA), does not permit the sale of raw (unpasteurized) milk for human consumption, and advises states not to permit the sale of raw milk. Since the FDA does not regulate raw milk, it can be sold only in the state where it was purchased and cannot be sold across state lines or internationally. It also forbids states from permitting the sale of products made from raw milk, such as yogurt, cottage cheese, butter and ice cream. Some hard cheeses, such as cheddar and Swiss, can be made from raw milk.

Even though the federal government allows only Grade A pasteurized milk to be sold to consumers, 31 states allow consumers to purchase raw milk directly. In many states, raw milk can be only purchased at the farm, at farmers' markets or through a "cow-share" program, where consumers combine resources to purchase a dairy cow. In 12 states, however, consumers can purchase raw milk at retail stores.

In the remaining 19 states, the sale of raw milk to consumers is prohibited. Raw milk, however, can be purchased for animal consumption.

States legalizing raw milk sales or distribution have done so through:

- **Statute.** Any state statute conflicting with Section 9 of the PMO overrides the PMO.
- **Administrative rule or regulation.** Any state regulation conflicting with Section 9 of the PMO overrides the PMO.
- **Policy.** This would include cow share programs in states where, even though there is a prohibition on the sale of raw milk, state regulatory agencies have made a policy decision not to shut down cow share programs they know of that comply with state guidelines. State policy sometimes does conflict with and override state statutes, administrative rules or other written guidelines in the regulation of milk and milk products.

Raw milk sales for animal consumption are at least potentially legal in all states but under commercial feed licensing laws. Except for Michigan, not a single state law expressly prohibits the sale of raw milk for animal consumption. The variables are the states' willingness to grant licenses to producers of raw milk for animal feed and how strictly state agencies would monitor licensees to make sure that raw milk sales did only go for animal consumption. The PMO regulations do not apply to the sale of raw milk for animal feed.

The state milk law summaries are based on research of the state statutory and administrative codes and conversations with farmers and state dairy officials.

## An Overview of U.S. State Milk Laws

In 1924, the United States Public Health Service (USPHS), a branch of the Food and Drug Administration, developed the Standard Milk Ordinance, known today as the Pasteurized Milk Ordinance (PMO). This is a model regulation helping states and municipalities have an effective program to prevent milk borne disease. The PMO contains provisions governing the production, processing, packaging and sale of Grade "A" milk and milk products. It is the basic standard used in the Voluntary Cooperative State – USPHS/FDA Program for the Certification of Interstate Milk Shippers, a program in which all 50 states, the District of Columbia and U. S. Territories participate.

Forty-six of the 50 have adopted most or all of the PMO for their own milk safety laws with those states not adopting passing laws that are similar. California, Pennsylvania, New York and Maryland have not adopted the PMO, but do have laws as strict as the PMO.

Section 9 of the PMO states in part that, "only Grade "A" pasteurized, ultra-pasteurized or aseptically processed milk and milk products shall be sold to the final consumer, to restaurants, soda fountains, grocery stores or similar establishments." In spite of 46 states adopting the PMO, it is at least technically possible at the present time to legally produce or distribute raw milk for human consumption in 30 states.

### NCSL Member Toolbox

#### Members Resources

- Get Involved With NCSL
- Jobs Clearinghouse
- Legislative Careers
- NCSL Staff Directories
- Staff Directories
- StateConnect Directory
- Terms and Conditions

#### Policy & Research Resources

- Bill Information Service
- Legislative Websites
- NCSL Bookstore
- State Legislatures Magazine

#### Accessibility Support

- Tel: 1-800-659-2656 or 711
- Accessibility Support
- Accessibility Policy

#### Meeting Resources

- Calendar
- Online Registration

#### Press Room

- Media Contact
- NCSL in the News
- Press Releases

#### Denver

7700 East First Place  
Denver, CO 80230  
Tel: 303-364-7700 | Fax: 303-364-7800

#### Washington

444 North Capitol Street, N.W., Suite  
Washington, D.C. 20001  
Tel: 202-624-5400 | Fax: 202-737-1000



## Hope Springs Dairy Sale of Cow Herd Share Agreement

**Sample agreement  
provided by Rep. Tarr  
4/17/19**

HOPE SPRINGS DAIRY ("Seller") and \_\_\_\_\_ ("Buyer") agree as follows:

1. Seller agrees to sell \_\_\_\_ herd share(s) to Buyer. One herd share is defined as 1/35th the value of one Registered Jersey milking cow. Buyer is not assigned to a particular cow in the HOPE SPRINGS DAIRY LLC herd.
2. One herd share purchase price is \$25.00
3. Buyer, upon payment of \$\_\_\_\_\_, becomes part owner of the HOPE SPRINGS DAIRY herd.
4. Buyer agrees to pay for the care, maintenance, boarding, feeding and labor of his/her cows for the complete duration of his/her ownership in HOPE SPRINGS DAIRY. The details of this agreement are on an accompanying agreement/contract, "Boarding Agreement."
5. Herd-shares are non-refundable/transferable after 12 months.
6. Buyer may transfer or sell part ownership of the herd, within first 12 months, by one of the two following methods:
  - a. Buyer may give Seller 30 days' written notice of his intent to sell his/her share. The money for the initial purchase of the herd share does not have to be returned to the buyer until a new buyer has bought into HOPE SPRINGS DAIRY.
  - b. Buyer may attempt to find a purchaser himself. Once the purchaser of Buyer's share has transferred money to the initial Buyer and a contract with purchaser's information is given to HOPE SPRINGS DAIRY owners, then the Buyer is released of their ownership.
7. Milking cows go through different stages of lactation throughout their lifetimes:
  - a. Breeding: Breeding will be done by artificial insemination to a registered Jersey bull.
  - b. Dry period: The milk cow is given 2 months of dry time in which she is not milked. This gives her body rest before her calf is born. This "dry period" varies depending on calving and breeding dates.
  - c. Springer: This term is used for a cow or heifer when she is near the end of her gestation, just before she has her calf. Normal gestation is 9 months.
  - d. Freshening: This is the time in a cow's lactation when the calf has just been born and she starts producing colostrum, then milk.
8. If a cow in the HOPE SPRINGS DAIRY herd has not bred within the appropriate calving window of time, the owners of HOPE SPRINGS DAIRY will make a decision as to whether or not that cow will be sold and replaced with a cow in the calving window or if she will remain in the herd as a dry cow until she freshens.
9. One herd share entitles Buyer to one gallon of fluid milk each week. Buyer is responsible to collect it on a weekly basis, on their assigned day of the week. Buyer is entitled to enter Seller's farm premises at reasonable hours (7:00am – 10:00pm) to pick up products that their share produces.
10. Buyer is responsible to thoroughly clean containers for fluid milk before coming to the farm. Jars will be sanitized by the Owner before they are refilled with fluid milk.

11. There will be a \$5 jar replacement fee for broken or lost gallon jars and a \$3 jar replacement fee for lost or broken half gallon jars.
12. Buyer is aware of the risks associated with the consumption of fresh unprocessed milk. Buyer agrees that he/she is personally assuming the liability for the consumption of fresh unprocessed milk and will educate Buyer's family members who may also consume the milk on a regular basis. This relieves HOPE SPRINGS DAIRY of this responsibility.
13. If Buyer believes he/she or a family member contracts an illness that could possibly originate from the milk, Buyer will contact Sellers immediately so that appropriate action can be taken.
14. Buyer understands that Sellers take cleanliness extremely seriously and have appropriate processes in place regarding safe milk handling.
15. Buyer understands that it is illegal to sell raw milk. Buyer warrants that all fresh unprocessed milk obtained by Buyer is for his/her own personal use and for no other purpose.
16. If a cow in the HOPE SPRINGS DAIRY herd is no longer productive as determined by the Sellers, she will be sold for beef. The money obtained from her sale will be placed in the "Cow Replacement Fund" so that another cow may be purchased and added to the HOPE SPRINGS DAIRY, herd in a timely fashion.
17. Calves produced by HOPE SPRINGS DAIRY will be sold and funds placed into "cow and facility maintenance fund".
18. This contract will be interpreted and enforced in accordance with the laws of the State of Oregon.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_.

HOPE SPRINGS DAIRY Seller:

Buyer:

\_\_\_\_\_  
Jeff or Lysa Severson

Contact information of Buyer:

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

***Original document is at [hopespringsdairy.com](http://hopespringsdairy.com)***



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## Foodborne Illness and Complaint Reports Summary — Alaska, 2015–2017

### Background

The Centers for Disease Control and Prevention (CDC) estimates that each year nearly 50 million people are sickened, over 100,000 people are hospitalized, and approximately 3,000 people die from foodborne illness.<sup>1</sup> The top five pathogens implicated are norovirus, *Salmonella*, *Clostridium perfringens*, *Campylobacter*, and *Staphylococcus aureus*.<sup>1</sup>

The Alaska Section of Epidemiology (SOE) receives reports from the public regarding commercial food venues for a variety of reasons, including concerns about a foodborne illness, or unsanitary venue conditions or workers. Public reporting of foodborne illness is voluntary, and many of the reported illnesses may not be caused by implicated foods or venues. SOE and partner agencies investigate all reports. This *Bulletin* summarizes foodborne illness and complaint reports to SOE during 2015–2017.

### Methods

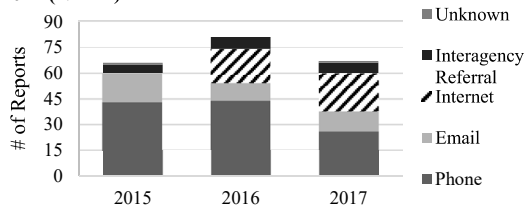
For complaints where illness was reported, SOE and public health nurses complete interviews using a standard enteric illness questionnaire. If applicable, SOE gathers medical records or laboratory test results. SOE staff relay the complaints to appropriate regulatory agencies (i.e., the Alaska Department of Environmental Conservation [DEC], or the Municipality of Anchorage Department of Health and Human Services Food Safety and Sanitation [MOA]). DEC oversees all food venues statewide, with the exception of about 2,000 in the Anchorage area which are overseen by MOA. Examples of food venues include restaurants, markets, schools/daycares, mobile food units, and temporary or seasonal food venues.

DEC and MOA staff conduct investigations to evaluate the food venues that are reported. Staff inspect venues to determine compliance with food safety standards and products to determine if they have been part of a recall during the time of exposure. If indicated, food or environmental samples may be obtained for pathogen testing. Samples that test positive for pathogens and violations noted during inspections may result in the implementation of control measures (e.g., embargoing items or closing food venues) to protect the public's health.

### Results

During 2015–2017, SOE received 214 reports from a variety of sources (Figure).<sup>2</sup> Of the 206 reports where report intent could be gleaned, 177 (86%) reported symptoms, 19 (9%) reported food sanitation/safety concerns, and 10 (5%) reported both.

**Figure. Number of Reports, by Method of Reporting, 2015–2017 (N=214)**



The number of reports made did not vary considerably by season. Reports were most often received from the Anchorage/Mat-Su (n=135, 63%), Interior (n=35, 16%), and Gulf Coast (n=18, 8%) regions.

Nearly all (211/214, 99%) reports included the name of a suspected venue to report an item or complaint. Of the 224 named venues in Alaska, 92 (41%) were locally owned

restaurants, 39 (17%) were national fast food franchises, 33 (15%) were national chain restaurants, and 37 (17%) were grocery stores or markets. Other venues included cafeterias and places that offer lodging. Of 305 food items identified, chicken (n=43, 14%), beef (n=40, 13%), vegetables (n=24, 8%), fish and salad (n=19 each, 6%), were reported most frequently.

Complainants' contact information was available for 143 (67%) reports. Most complainants with symptoms did not seek medical attention or provide clinical samples for testing; however, SOE is aware of two cases of *Campylobacter* and a cluster of 11 (4 confirmed, 7 probable) cases of norovirus that were identified as being associated with an initial report. On two occasions, complainants provided verbal reports of a diagnosis with a specific pathogen; one case each of norovirus and *Salmonella*, though the reported food or venue may not ultimately have been the cause of the illness.

During routine inspections by DEC or MOA staff, the most commonly observed risk factor for foodborne illness was poor temperature control of food. DEC and MOA information and inspection reports are available online.<sup>3,4</sup>

### Discussion

During 2015–2017, SOE received over 200 reports from the public about potential foodborne illness or unsanitary conditions in food venues. While only one of the reports received by SOE was later associated with an outbreak or cluster of illness, many reports are fragmentary and complainants often do not offer their contact information for follow-up.

In 2016, SOE began to monitor *I Was Poisoned*, consumer-run crowdsourcing website where people can report on-line and public health officials can receive alerts for their respective jurisdictions.<sup>2</sup> This has increased the number of complaints received; however, these reports tend to lack detailed information. New reporting options and procedures are being implemented in Alaska to further improve the ease and completeness of public reporting.

Ad hoc inspections and visits from food safety entities in response to complaints represent an important opportunity to interface with food venue operators as the regularity of routine inspections has declined over the years. Egregious violations are not frequently found; however, visits by environmental health officers can serve as teachable moments for venue managers and food service workers to improve food safety.

### Recommendations

1. Individuals should report complaints about sanitation at a food handling facility or possible foodborne illness at: <http://dhss.alaska.gov/dph/Epi/id/SiteAssets/Pages/FoodWater/HowToReportSuspectedFoodborneIllness.pdf>
2. Persons making reports should provide detailed exposure and contact information to facilitate an effective public health investigation.

### References

1. CDC. Foodborne Illnesses and Germs. Available at: <https://www.cdc.gov/foodsafety/foodborne-germs.html>
2. I was Poisoned Online Questionnaire. Available at: <https://iwaspoisoned.com/>
3. DEC Food Safety and Sanitation Information. Available at: <http://dec.alaska.gov/eh/fss.aspx>
4. MOA Food Safety and Sanitation Information. Available at: <https://www.muni.org/EHOnline>