

HB

416

COMMITTEE REPORT

HOUSE

FURTHER:

March 20, 1979

Date: 4/15/79

Mr. Speaker:

The Committee on RESOURCES has had HB 416

"An Act allowing the sale of unpasteurized milk."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

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**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

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CHAIRMAN

NOTE: Sale of
Unpasteurized Milk

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AGO 125388

Hearing 4/15/80 - Passed 4/15/80 as CS



Alaska State Legislature

House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

HEARING NOTIFICATIONS

Re: Sale of Unpasteurized Milk

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
CS HB 416	4/10		Special Agriculture Committee, Rep. Carney, Chair	4/15
	4/11		Division of Agriculture, DNR Nick Carney	4/15
	4/11		Matanuska-Maid Dairy - Jack Flint	4/15
	4/11		Rep. Duncan, Rep. Rogers	4/15
	4/11		Sealand Lou Kiddle	4/15



Matanuska Maid, Inc.

814 W. Northern Lights Blvd.
Anchorage, Alaska 99503
(907) 277 - 2446

January 31, 1980

The Honorable Patrick J. Carney
Alaska State Legislature
House of Representatives
Pouch V
Juneau, Alaska 99811


Dear Pat:

Pursuant to your call yesterday regarding the dating of fresh milk in our market place, I find that dairy plants outside the state are coding their milk with 15 to 20 day "pull dates" after bottling. If the stores have milk from outside and it has reached the "pull date" or is getting within a day or two of that date, they usually "special" this product until it is disposed of.

Various other states regulate "pull dates"; for instance, Maryland 7 days, Florida 10 days, New Jersey 5 days. Some of the states have not yet adopted a regulation concerning this matter; as you are well aware this is a relatively new objective.

A recent article in Hoard's Dairyman by noted milk experts in Wisconsin indicated it was evident that after six days milk started to deteriorate in quality, flavor, etc.

Very truly yours,


Jack Flint
General Manager

Matanuska Maid, Inc.

814 NORTHERN LIGHTS BLVD. ANCHORAGE, ALASKA 99503
(907) 277-2446

—A FARMER OWNED COOPERATIVE—

December 7, 1978

Mr. Allen Lynn, Director
Department of Agriculture
State of Alaska
510 South Alaska
Palmer, AK 99645

For distribution to the
Milk Advisory Board
December 12, 1978

Dear Mr. Lynn:

Matanuska Maid has been engaged in the production and processing of dairy products in the State of Alaska since 1940. Since that time, the members of Matanuska Maid have successfully competed in the market place with their locally produced products and have assured the Alaskan consumer of a wholesome and adequate supply of fresh milk. Even during times of great disastrous acts of God, shipping strikes, and other such interruptions in the normal flow of commerce, the Alaskan milk producer has contributed greatly to the health and welfare of the State of Alaska. During these last three decades, the dairy farmer has surmounted many, many problems including surpluses, being a victim of reduced markets because of Class 3 milk products being shipped into the area and sold at lesser prices, and unfair trade practices creating chaotic conditions within the industry.

Milk production in Alaska as reported in the "Alaska Farm Reporter" declined by 15% in September of this year compared to the same month a year ago. This really is no surprise with the decline in raw milk price and the adverse milk feed/price ratio.

I believe the dairy industry should be favorably compared to the "Delta Barley" project by the State administration. With the present amount of fluid milk that is being shipped into Alaska (except Southeastern) there is room for at least 30 more dairy farms of an average size that is present today. It is necessary to consider that the market for this milk is already here. It is not necessary to export this product from the United States with its international complications. From the time the milk is produced by the farmer, the processing plants are already established and the distribution system is in place and working.

Milk control programs have been operating in the other states since the early 1930s. The regulation of fluid milk markets did not originate in this country. These regulations started in Holland, spread to France and England, then to Canada, Australia, New Zealand and the United States.

In 1962 the legislature for the State of Alaska recognized the importance of some type of needed regulation concerning the marketing of milk and passed the necessary enabling legislation entitled "The Marketing of Milk" that we are discussing. This statute creates a milk advisory board and determines the duties of the Director of Agriculture of the State of Alaska regarding dairy products. This statute is not unlike laws created by legislatures in many other states. The objectives of milk control legislation are laid down in various ways in the individual state laws. A major objective of practically all states is the assurance of an adequate supply of wholesome milk at fair and reasonable prices to the farmers as well as the consumer. All state control advisory agencies have authority to require licensing of distributors and have the power to investigate, inspect and audit, as well as require reports from processors. Other objectives noted in about one-third of the state laws are orderly marketing and the regulation of fair trade practices. Benefits to farmers through establishing fair prices and fostering intelligently directed production is another aim. It should be noted that 95% of all fluid milk is priced under state control laws or federal marketing orders. A total of 37 states have state milk control programs.

Some of the major characteristics of state milk control programs are: 17 states and Puerto Rico were establishing producer prices in 1976, 15 states were authorized to set wholesale prices and 14 states were authorized to set retail prices. The widening of market areas, as well as the price cutting activities and known competition associated with such extensions, has led a number of other states to enact laws regulating trade practices and sales below cost for fluid milk. In 1976 trade practices extended to 28 states and Puerto Rico. Eleven states without authority to set prices had laws prohibiting sales of milk below cost. All but 3 states that set retail prices also prohibited sales below cost.

Because milk is an essential food, it is especially vulnerable to predatory trade practices. It is a commodity which must be produced, processed, distributed and consumed in less than three weeks. Because of the short life of the product, a dairy farmer or a processor can be put out of business in a short time if predatory practices develop which make it impossible to market the product. In prior years, Alaska was somewhat immune from the milk markets in the lower 48 because processing techniques and transportation difficulties did not make it feasible to move milk from these markets to Alaska. However, with improved processing techniques and transportation, it has now become economically feasible to move milk from the lower 48 into the larger population centers of Alaska. This pressure being applied to the Alaskan dairy industry is very severe and the only way that the

Alaskan Dairy industry will survive is to implement the Statute that was established in 1962.

It is apparent that the present state administration and the legislature desires to encourage the entire agricultural industry in Alaska. This is recognized by the fact that the state has recently sold acreage in the Big Delta area for the so-called Barley Project with a budget this year of some \$5,000,000 and with an anticipated projected budget of approximately \$20,000,000. To continue this effort of encouraging agriculture within the State, I believe that it is necessary to develop a milk control program. I believe it is necessary to provide the Alaskan farmer with a level of income commensurate with that received by other segments of our economy and to enable farmers to maintain a progressive industry in the face of ever-increasing costs. It is also necessary to insure the consumer an adequate supply of milk for our growing population and to provide for sense of uses within the State. It is interesting to note that on Thursday, June 19, 1958, Mr. James Wilson, Commissioner of Agriculture stated that there were approximately 100 families engaged in dairying throughout the State that year. Now there are 10. That figure has declined by about 90%.

Milk is one of the best buys in the grocery store today at \$.34 per pound. No other high protein, high mineral and vitamin food can match that price per pound and it is 100% edible.

Some of the existing problems that presently plague the dairy industry are:

1. Sales below cost
 - a. Even though these sales may account for only 10 to 12% of the entire market they cause major disruption.
2. Unrealistic pull dates on the products
 - a. 18 days to 25 days
 - b. A recent article in Hoard's Dairyman dated October 10, 1978, reported on a study done by Lester Hankin, Walter Dillman, and George Stephens.

They state in part "age of samples in retail stores and schools varied from 0 to 16 days. Average age was 4.3 days in 1970-71 and 4.7 days in 1974 and 1975. In 1975 the average age of samples with unsatisfactory flavor score was 6.2 days."

Many states have regulations concerning "pull dates" on dairy products and they are controlled in various ways. They seem to range from 5 to 7 days from the date of production

Alaska State Legislature



PATRICK M. O'CONNELL
REPRESENTATIVE
DISTRICT 13

ROUTE 2, BOX 743
SOLOOTNA, ALASKA 99669
(907) 262-4218

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811

House of Representatives

February 28, 1979

Mrs. Carolyn Nicholas
Box 177
Kenai, Alaska 99611

Dear Mrs. Nicholas:

It was with a good deal of interest that I received today your letter inquiring about legislation that would allow the sale of raw milk in the state of Alaska. I suppose the letter particularly caught my eye because I myself was raised on a dairy farm in Wisconsin.

Upon doing a bit of preliminary checking I understand that several years ago it was legal to sell raw milk but that such provisions in the law were repealed some ten or twelve years ago.

I have forwarded a copy of your letter and the accompanying information to Representative Patrick Carney of Wasilla who, prior to coming into the Legislature, operated a dairy farm for several years in the Matanuska Valley. He has indicated an interest in helping to develop some legislation along the lines you request.

It will undoubtedly take a bit of time and a considerable amount of research to try to come up with a workable piece of legislation which will not only make it possible to sell raw milk but which would protect the legitimate public health interests of Alaskan citizens.

As you suggest there would need to be accompanying legislation of some sort that would provide for a state testing program.

Again, my initial reaction to your bill is one of interest. Perhaps upon digging into the subject further I may conclude that there are more problems than immediately meets the eye. However, there is only one way to find out and therefore I intend to research the subject further.

Very respectfully,

Patrick M. O'Connell
Representative

POC:mcrs
Cc. P. Carney

Kenai, Alaska
February 16, 1979

Representative Pat O'Connell,
House of Representatives
Juneau, Alaska

Dear Mr. O'Connell:

I am enclosing the pages from the Oregon laws and regulations pertaining to fluid milk. I am most interested in seeing that Alaska have one like it or similar.

Laws and regulations applicable to raw milk will be found under ORS 621.072, 621.077, 621.117, 621.124 and ORS Chapter 603, sections 24-600.5, 24-602.5, 24-603.5, 24-624.5, 24-650.6, 24-656.01 and 24-658.5.

There are other states that have a raw milk bill but I singled out Oregon because it was closest to Alaska. I know that the Matanuska Maid company and other companies like that would be opposed to selling raw milk in Alaska.

I am sure that you are aware that many small farmers and homesteaders in Alaska do sell raw milk even though it is illegal to do so. These people are few at this time but hopefully with the passage of such a bill there would be others that would build up a large herd and sell on a larger scale. Right now to do such a thing would mean some capital behind you because of the pasturizing plant that would have to be set up.

There would be an expense by the State to put something like this together but I feel that the additional people that they would need to test the cows would be off-set by the revenue gained from the farmers and the income they would derive from it.

I would be very interested to know your feelings on the subject and I will be sending copies to both Hugh and Clem.

Sincerely,

Carolyn Nicholas

Carolyn Nicholas

Box 177

Kenai, Alaska

chapter, may approve by regulation the procedures, processes, practices, methods and the use of the Ring Test or the Whey Test. 1957 c.346 §6]

GRADES AND STANDARDS OF QUALITY FOR FLUID MILK

621.055 Definitions for ORS 621.055 to 621.124. As used in ORS 621.055 to 621.124, unless the context requires otherwise:

(1) "Distributor" means a person purchasing, only, unpasteurized fluid milk and causing it to be processed, including pasteurization, and bottled for distribution and sale for human consumption.

(2) "Fluid milk" includes milk and any other product made by the addition of any substance to milk or to any milk product which is produced, processed, distributed, sold, offered for sale or exposed for sale for human consumption in liquid form and shall include the fluid milk products for which a standard of identity has been established by the department.

(3) "Milk" means the lacteal secretion of cows and goats.

(4) "Nonprocessing distributor" means a person who sells fluid milk in consumer sized units under his own brand or trade name, which fluid milk has been processed and packaged for such person by a distributor or producer-distributor.

(5) "Person" means and includes any individual, partnership, association or corporation and his or its agents.

(6) "Producer" means a person engaged in the production on a dairy farm of unpasteurized fluid milk, but who does not bottle fluid milk for distribution and sale for human consumption.

(7) "Producer-distributor" means a person producing unpasteurized fluid milk on a dairy farm and bottling such milk, either pasteurized or unpasteurized, on the premises where produced for distribution and sale for human consumption; but a producer-distributor may purchase unpasteurized milk from a producer and distribute such milk after pasteurization.

[Amended by 1953 c.714 §11; 1959 c.346 §2]

621.060 Establishing standards of quality and identity. (1) Official state standards of quality shall be established by the department for fluid milk, both pasteurized and unpasteurized, in the manner prescribed by ORS 632.900 to 632.935.

(2) The standards of quality established shall be based upon:

(a) The health of the cows and goats;

(b) The physical facilities of dairies and milk processing plants;

(c) The standard of sanitary maintenance of dairies and milk processing plants including equipment used therein, the cleanliness of operating personnel, and the cleanliness of adjacent land areas;

(d) The physical facilities for the transportation of fluid milk, and the methods and standards of sanitary maintenance of such facilities;

(e) The quality of the fluid milk as shown by an examination by means suitable to the determination of its quality, and also, the factors affecting the nutritional value of fluid milk as a human food; and

(f) Any other factor found by the department, upon hearing, to affect the quality, odor, flavor or wholesomeness of fluid milk.

(3) Definitions and standards of identity for fluid milk may be established by the department.

[Amended by 1971 c.789 §1]

621.062 Deviation from standard of identity prohibited. No person shall process, distribute, sell, offer for sale or expose for sale fluid milk which does not conform to a standard of identity established by the department.

[1959 c.346 §3]

621.065 Designation of grades. There shall be two standards of quality established for fluid milk. The highest standard of quality established for fluid milk shall be designated as "grade A." The other standard of quality shall be designated as "grade B" [Amended by 1955 c.714 §12]

621.070 License required to use grade designation. No person shall use any grade designation on bottle caps, in advertising, on labels or in any other manner connected with the sale of fluid milk, unless the person has obtained from the department a license to use the grade designation.

621.072 Licensing to use grade designation; determination of fees. (1) The department shall issue a license to use the grade designation "grade A" or "grade B" to any person who:

(a) Makes written application for a license; and

(b) Is engaged in the business of producing or distributing, or both, fluid milk; and

(c) Meets the requirements of the particular grade designation for which application is made.

(2) If a person carries on both the activities of a producer and of a producer-distributor such person shall obtain a separate license for each such activity.

(3) Before and after issuing a license under ORS chapter 621 the department shall as it deems necessary inspect the physical facilities of the applicant's dairy or plant and such other factors as may relate to the production or distribution of fluid milk. The physical facilities must conform to the requirements created by regulation for the production and distribution of fluid milk meeting the standards of quality for which the license to use the particular grade designation is sought.

(4) Each license issued under this section expires one year from the date of its issuance unless sooner revoked and may be renewed upon application of the licensee. Each application for a license or annual renewal thereof shall be accompanied by a license fee. The fees for the several types of licenses shall in so far as reasonable and practical be based upon the cost of inspection. If a business under one entity or ownership is required to obtain more than one type of license under ORS 621.055 to 621.291, the fees shall be adjusted by the department in order that an owner is not required to pay more than a total of \$120 during each license period.

(5) The fees which shall be established by the department, shall not exceed the following for each annual license:

Producer	\$55
Producer-distributor	\$80
Distributor	\$80
Nonprocessing distributor	\$50

(6) The department may refuse to issue or renew, or may suspend or revoke a license for any violation of ORS 621.055 to 621.120 or rule thereunder.

[Formerly 621.075; 1967 c.254 §1; 1971 c.773 §8]

621.076 [Formerly 621.050; repealed by 1963 c.48 §3]

621.075 [Amended by 1955 c.714 §13; renumbered 621.072]

621.077 Bacterial standards. All fluid milk shall conform to the same bacterial standards.

[Formerly 621.082]

621.079 Milk sampler's licenses required for certain operations. (1) Each person who operates or drives a farm pickup milk tank truck for the purpose of transporting milk in bulk from a farm, other than a farm owned or controlled wholly or in part by such person, to any receiving point shall obtain a license from the department as provided by subsections (1) to (3) of ORS 621.081 authorizing such person to take samples of milk for bacteriological analysis by the department.

(2) Each distributor who receives milk in producer containers shall designate at least one plant employe who shall obtain a license as provided by subsections (1) to (3) of ORS 621.081 from the department authorizing such person to take samples of milk for bacteriological analysis by the department.

[1959 c.145 §§2, 3]

621.080 [Amended by 1959 c.145 §9; renumbered 621.074]

621.081 Milk sampler's license; fee. (1) Each applicant for a milk sampler's license shall be required to demonstrate satisfactorily by written examination given by the department an adequate knowledge of milk sanitation as it relates to the sampling and handling of fluid milk and cream for bacteriological analysis. Each application for a license shall be accompanied by a fee of \$10. The fee shall not be refunded for any reason.

(2) Examinations for licenses shall be given by the department at least once annually in Salem, and at such other places as appears by the volume of applications to be necessary and practical.

(3) The department shall issue licenses to the applicants it finds to be qualified. Each license shall be valid for so long as the licensee is employed in a position where milk sampling is necessary, unless revoked or suspended by the department.

(4) The department may revoke or suspend or refuse to reissue the license of any person licensed to take milk samples as provided by ORS 621.079 who fails to take such samples as are required by the department or who does not or has not complied with the provisions of ORS 621.079 to 621.083 or regulations promulgated under the authority of ORS 561.190 or 621.079 to 621.083.

[1959 c.145 §§4, 5, 6, 8; 1963 c.48 §3; 1971 c.773 §9]

621.082 [1955 c.714 §16; renumbered 621.077]

(b) Which is not labeled on the container or container cap with the name and address of the producer, distributor, nonprocessing distributor or producer-distributor of the milk and the applicable state grade; except that containers of unpasteurized fluid milk shipped by producers to a milk plant for pasteurization and which are identified by shipper name or number shall not be required to be so labeled.

(2) No person shall bottle unpasteurized fluid milk except on the premises where it is produced.

(3) No producer or a producer-distributor shall sell or offer for sale fluid milk during the period while such producer's or producer-distributor's license to use a grade designation on fluid milk has been suspended under ORS 621.120.

(4) No distributor shall knowingly purchase fluid milk from any person whose license to use a grade designation has been suspended under ORS 621.120.

(5) No distributor shall knowingly purchase fluid milk from any person who has not received a license under ORS 621.072.

(6) Each container of fluid milk sold, exposed for sale, or offered for sale, by a nonprocessing distributor shall be labeled on the container or on the container cap with either the name and address of the distributor or producer-distributor processing and bottling the fluid milk or with a code number, assigned by the department, identifying such distributor or producer-distributor.

[Amended by 1955 c.714 §14]

621.117 Distributor or producer-distributor may sell only milk that is pasteurized or from disease-free herd; exception. No distributor or producer-distributor shall sell, offer or expose for sale any fluid milk for human consumption which has not been pasteurized or produced by a disease-free herd, except that when not more than one reactor animal appears when the herd is tested for brucellosis, milk may still be sold if the animal is slaughtered as provided in ORS chapter 597 and the herd is retested twice at 30- to 60-day intervals and no reactors appear. If one or more reactors appear at either of such tests the herd must regain a disease-free status.

[1955 c.714 §9(3); 1957 c.346 §3; 1969 c.162 §5]

621.118 Pasteurization equipment; supervision by licensed pasteurizer operator.

(1) Where pasteurization equipment is used by a distributor or producer-distributor, the pasteurization process shall be under the direct supervision of a pasteurizer operator licensed under ORS 621.266, and the provisions of ORS 621.261, 621.266 and 621.276 apply to such pasteurizer operator and the pasteurization process. If the pasteurizer operator fails to comply with the regulations promulgated by the department under ORS 621.261, his license may be revoked or suspended or otherwise limited.

(2) No distributor or producer-distributor shall operate or permit the operation of any pasteurization equipment except under the direct personal supervision of a person licensed as a pasteurizer operator under ORS 621.266.

[1955 c.714 §9(1), (2)]

621.119 Falsely representing milk pasteurized prohibited. No person shall falsely represent by word, design, device or by any other means that any fluid milk has been pasteurized.

[1955 c.714 §9(4)]

621.120 Suspension of grade use privilege. (1) In addition to the powers conferred on the department pursuant to ORS 621.055 to 621.115, the department may suspend the privilege of any person to use a grade designation on containers of fluid milk produced or distributed by him. The power of suspension may be exercised by the department for any violation of ORS 621.055 to 621.120, or of the regulations promulgated under the authority of those sections.

(2) No suspension shall be for a period longer than 10 days; except that in all cases the department shall assure itself that the violation for which the suspension was imposed has been corrected by the person against whom it was imposed before the suspension is lifted.

(3) No suspension shall be imposed unless the department has, within the three months immediately preceding the violation for which the suspension is to be imposed, first notified in writing the person to be suspended that a further violation of the same character will be grounds for suspension by the department. The notice of suspension shall be in writing and shall state length of the suspension and the reason for the suspension.

(4) The provisions of ORS chapter 183 do not apply to suspensions imposed under

authority of this section, however, appeal shall be in the manner provided by ORS 183.480 and 183.500. Nothing in this subsection shall be construed to deprive any person of the right to present any defense he may have to a criminal prosecution instituted for violation of ORS 621.035 to 621.115, nor shall it deprive him of the right to a declaratory judgment in a proper case.

[Amended by 1961 c.425 §14]

621.124 Milk not to be sold if from diseased animals or from animals that have not been tested or retested for brucellosis. (1) As used in this section "test" means a test for brucellosis performed by a veterinarian in a manner approved by the department.

(2) The tests required by this section shall only be made by state, assistant state or deputy state veterinarians employed or appointed by the department, or veterinarians employed by the United States Department of Agriculture.

(3) No person shall sell, offer or expose for sale any fluid milk with knowledge that such milk has been produced from a herd of cows or goats one or more of which are infected with brucellosis at the time the milk was produced, or with knowledge that all animals in such herd have not been tested or retested for brucellosis.

[1957 c.348 §5 (enacted in lieu of ORS 621.125)]

621.125 [Amended by 1955 c.14 §1; repealed by 1957 c.346 §4 (ORS 621.124 enacted in lieu of ORS 621.125)]

DAIRY PRODUCTS PLANTS

621.151 Title of ORS 621.151 to 621.291. ORS 621.151 to 621.291 shall be known and may be cited as the Oregon Dairy Products Plant Act.

[1953 c.686 §30]

621.152 Definitions for ORS 621.151 to 621.291. As used in ORS 621.151 to 621.291, unless the context requires otherwise:

(1) "Contract milk hauler" means a person who, under the terms of a contract or agreement for hire or pay, accepts and transports bulk milk from the premises of milk producers, receiving or transfer stations to milk or other dairy products plants.

(2) "Cream" means that portion of milk which consists of milk fat.

(3) "Dairy products" means butter, all known varieties of cheese, frozen desserts and frozen dessert mixes containing milk,

cream or nonfat milk solids; and evaporated, condensed, sterilized, concentrated, powdered, dried or fermented milk, whey, cream or skimmed milk processed for human consumption.

(4) "Dairy products plant" means:

(a) Any establishment in which milk is received, processed or used in manufacturing dairy products for human consumption

(b) Any place or premises in or at which milk is received or collected.

(c) Any contract milk hauler, or person having mobile equipment, including bulk tank truck, used in the transportation of milk or cream.

(d) Any nonprocessing cooperative, corporation, association or person serving as a marketing agent for producers.

(5) "Department" means the State Department of Agriculture.

(6) "Disease-free herd" shall mean a herd of cows or goats which is not an infected herd as defined in this subsection. "Infected herd" shall mean a herd of cows or goats in which a reactor animal has been discovered by any of the tests authorized by law, and which has not regained its disease-free status following such slaughter of reactor animals and retesting of the herd as may be prescribed by the department pursuant to ORS chapter 596 or other applicable law.

(7) "Licensee" means a person licensed to operate a dairy products plant pursuant to the provisions of ORS 621.151 to 621.291.

(8) "Milk" means the lacteal secretion of cows or goats.

(9) "Milk hauler or receiver" means a person who, in the course of his employment, accepts bulk milk or milk products from a producer, milk plant, receiving or transfer station, and transports such commodity to a milk or dairy products plant.

(10) "Pasteurize" means the process established by the department pursuant to ORS 621.261, by which each particle of milk, cream or any dairy product is treated, usually by heat, for the purpose of destroying or rendering harmless bacterial organisms, including pathogenic organisms and viruses.

(11) "Producer" means a person who produces milk to be sold to a dairy products plant.

(12) "Unreasonable amount of sediment" means milk or cream which contains more

FLUID MILK AND CREAM

Definitions

[ED. NOTE: Unless otherwise specified, sections 24-600.5 through 24-679.5 were adopted by the Department of Agriculture January 18, 1960 and filed with the Secretary of State January 19, 1960 as Administrative Order AD 630.]

24-600 [Repealed 1-19-60 by AD 630.]

24-600.5 DEFINITIONS. As used in this order and sections 24-600.5 to 24-678.5, unless the context otherwise requires:

(1) "Distributor" means a person purchasing, only, unpasteurized fluid milk and causing it to be processed, including pasteurization, and bottled for distribution and sale for human consumption.

(2) "Fluid milk" includes milk and any other product made by the addition of any substance to milk or to any milk product which is produced, processed, distributed, sold, offered for sale or exposed for sale for human consumption in liquid form and shall include the fluid milk products for which a standard of identity has been established by the department.

(3) "Milk" means the lacteal secretion of cows and goats.

(4) "Nonprocessing distributor" means a person who sells fluid milk in consumer sized units under his own brand or trade name, which fluid milk has been processed and packaged for such person by a distributor or producer-distributor.

(5) "Person" means and includes any individual, partnership, association or corporation and his or its agents.

(6) "Producer" means a person engaged in the production on a dairy farm of unpasteurized fluid milk, but who does not bottle fluid milk for distribution and sale for human consumption.

(7) "Producer-distributor" means a person producing unpasteurized fluid milk on a dairy farm and bottling such milk, either pasteurized or unpasteurized, on

the premises where produced for distribution and sale for human consumption; but a producer-distributor may purchase unpasteurized milk from a producer and distribute such milk after pasteurization.

(8) "Contract milk hauler" means a person who, under the terms of a contract or agreement for hire or pay, accepts and transports bulk milk from the premises of milk producers, receiving or transfer stations to milk or other dairy products plants.

(9) "Milk hauler or receiver" means a person who, in the course of his employment, accepts bulk milk or milk products from a producer, milk plant, receiving or transfer station, and transports such commodity to a milk or dairy products plant.

(10) "Certified laboratory" is an industry or commercial laboratory which has been certified by the department's chief laboratory officer or his official representative for tests specified in these fluid milk regulations and may be limited to a specific test, to a specific method, and to specific products.

Hist: Subsections 8, 9, 10 filed 9-27-71
as AD 951 (18-71)

Standard of Identity

24-602 [Repealed 1-19-60 by AD 630.]

24-602.5 STANDARD OF IDENTITY. The following standards of identity for fluid milk and the products of fluid milk are hereby established:

(1) "RAW MILK" is unpasteurized milk the milkfat content of which is not less than 3.25 percent and the solids-not-fat content is not less than 8.25 percent.

(2) "PASTEURIZED MILK" is milk which has been pasteurized and the milkfat content of which is not less than 3.25 percent and the solids-not-fat content of which is not less than 8.25 percent.

(3) "HOMOGENIZED MILK" is pasteurized milk which has been homogenized, the milkfat content of which is not less than 3.25 percent and the solids-not-fat

least 1.0 percent egg yolk solids, sugars, and flavoring (spices). A maximum of 0.6 percent stabilizer and emulsifiers may be added. [See paragraph (c) of this subsection.]

(c) All egg-nogs and egg-nog products shall be pasteurized in approved and properly operated equipment so that every particle is heated and continuously held for the following minimum specified times and temperatures:

(A) 155° F. and held at or above this temperature for at least 30 minutes or

(B) 175° F. and held at or above this temperature for at least 30 seconds.

(26) OPTIONAL INGREDIENTS. The following safe and suitable ingredients may be used:

(a) Carriers for vitamins A and D may be added.

(b) Concentrated skim milk, nonfat dry milk, refined lactose, or other milk derived ingredients to increase the nonfat solids content of food may be added; provided, that the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(c) When one or more of the optional milk derived ingredients in (b) of this subsection are used, emulsifiers, stabilizers, or both, may be added in an amount not more than 2 percent by weight of the solids in such ingredients. Emulsifiers, stabilizers, and nutritive sweeteners may be added to half and half and to cream products.

(d) Nonfat dry milk solids used in recombined or reconstituted milk or milk products, as defined in subsection (12) of this section, or added to pasteurized fluid milk products to increase the milk-solids-not-fat (S.N.F.) content shall meet the sanitation standards contained in the 1971 edition of the "Recommended Sanitation Ordinance for Condensed or Dry Milk Products Used in Grade A Pasteurized Milk Products".

(e) Food grade acids.

(27) "PROTEIN FORTIFIED" fluid milk products are fluid milk products to which nonfat milk solids or other approved milk derived protein have been added to at least a total of 10 percent milk derived

nonfat solids. The ratio of protein to total nonfat solids of the product and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients. The phrase "Protein Fortified" preceding the product name, or the phrase "Fortified with Protein" following the name shall be the standardized name.

(28) "ACIDIFIED MILK AND MILK PRODUCTS" are milk and milk products obtained by the addition of food grade acid(s) to pasteurized milk, lowfat milk, skim milk (nonfat milk), resulting in a product acidity of not less than 0.50 percent expressed as lactic acid.

Hist: Filed 7-18-61 as AD 677

Filed 3-20-63 as AD 720

Filed 5-31-63 as AD 723

Filed 6-30-67 as AD 844(16-67)

Effective 6-30-67

Filed 7-1-68 as AD 883(13-68)

Effective 7-1-68

Amended 5-21-69 by AD 899(5-60)

Effective 6-1-69 (Section 30)

Effective 10-1-69

Amended 6-8-70 by AD 921(7-70)

Effective 7-1-70

Amended 9-27-71 by AD 952(19-71)

Effective 1-1-72 (Section 30)

Amended 9-5-74 by AD 1044(34-74)

Effective 10-1-74

LABELING, ADVERTISING, AND DISPLAY

24-603.5 LABELING. All final delivery containers used for the sale of fluid milk or any product of fluid milk for which a standard of identity has been established shall be plainly labeled and marked with:

(1) Standard of identity NAME as set forth in OAR 603-24-602.5.

(2) GRADE of the contents.

(3) The word "pasteurized" if the products have been pasteurized or the word "ultra-pasteurized" if they are thermally processed at or above 280° F. for at least 2 seconds. In the standards of identity the words "pasteurized" and "ultra-pasteurized" are interchangeable de-

pending upon heat treatment during processing.

(4) The word "raw" if the contents are raw.

(5) The word "homogenized" if the contents have been homogenized.

(6) The name and post office address including zip code of the distributor, producer-distributor, or nonprocessing distributor. This shall be the legal business name and in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(7) The phrase "within the limits of good manufacturing practice" refers to a reasonable deviation from the declared standard or label claim.

(8) The quantity of contents shall be declared and only in units of half pint, 10 fl. oz., pint, quart, half gallon, gallon, 2-1/2 gallons, or multiples of gallons. The term "net" or "net contents" are optional; however, qualifying words such as "liquid" and "fluid" are prohibited. For containers less than half pints the quantity declaration shall be expressed in fluid ounces (Fl. oz.). In case of sour cream, cultured sour cream, cultured half and half, yogurt and yogurt products the quantity statement may be in net weight (net wt.), avoirdupois, but only in units of 8, 16, and 32 ounces. Net weight of 16, 32, and for wholesale containers greater than 32 oz., dual quantity statement is required, e.g., net wt., 16 oz. (1 lb.) or net wt. 32 oz. (2 lbs.).

(9) Identity of the milk plant at which the contents are pasteurized and bottled. In case of a nonprocessing distributor a code number assigned by the department may be used in lieu of the name and address of the milk plant at which the milk is pasteurized and bottled.

(10) The label shall show the list of ingredients including the common name of edible stabilizers or emulsifiers if stabilizers or emulsifiers have been added. When modified starch is added as an optional ingredient, the product name on the principal display panel shall be im-

mediately followed by the terms "with starch" or "with starch added". The following product grouping may be listed by their common name:

(a) Skim milk, concentrated skim milk, and nonfat dry milk may be declared as "skim milk".

(b) Milk, concentrated milk, and dried milk may be declared as "milk".

(c) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk or cultured buttermilk".

(d) Sweetcream buttermilk, concentrated sweetcream buttermilk, and dried sweetcream buttermilk may be declared as "buttermilk".

(e) Cheese whey, concentrated cheese whey, and dried cheese whey may be declared as "whey".

(f) Cream, dried cream, and plastic cream (sometimes known as concentrated milkfat) may be declared as "cream".

(g) Butteroil and anhydrous butterfat may be declared as "butter".

(h) Dried whole eggs, frozen whole eggs, and liquid whole eggs may be declared as "eggs".

(i) Dried egg whites, frozen egg whites, and liquid egg whites may be declared as "egg whites".

(j) Dried egg yolks, frozen egg yolks, and liquid egg yolks may be declared as "egg yolks".

(k) Sugar (sucrose) shall be declared as "sugar"; and invert sugar may be declared as "sugar".

(l) Sweeteners derived from corn may be declared as "corn sweeteners".

(ll) Labeled grade of milk product shall not be higher than the lowest grade of any one constituent of fluid milk of which it is composed.

(12) The words "selected", "select", "premium", "special", "superior", "better", or similar terms either specifying or implying that the contents of the enclosure are select, selected, or of higher quality than ordinary grade A milk or grade B, as the case may be, shall not be permitted, unless there is prominently displayed in close connection with the above-mentioned terms a qualifying statement subject to approval by the depart-

shown on the No. 2 standard sediment chart disc.

Hist: Amended 9-27-71 by AD 951(18-71)

24-619.5 HOMOGENIZATION TEST STANDARD. Compliance with homogenization standard shall be deemed to be met providing the sample of milk or fluid milk products labeled "homogenized", when examined after 48 hours of quiescent storage, shows no visible cream separation occurs in the milk and the milkfat percentage of the milk in the top 100 ml. of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent from the milkfat percentage of the remaining milk as determined after thorough mixing.

Hist: Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

24-620 [Repealed 1-19-60 by AD 630.]

24-620.5 PHOSPHATASE TEST STANDARD. The phosphatase test standard shall be deemed to be met providing the sample of milk and milk products labeled "pasteurized" when examined shows a negative reaction as determined by the modified Sanders-Sager Method, contained in the latest edition of "Standard Methods for Examination of Dairy Products" published by American Public Health Association or an equivalent method. Four samples of pasteurized milk and two samples of milk products shall be examined each sampling period.

Hist: Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

24-621.5 ABNORMAL MILK STANDARD. Compliance with the abnormal milk standards for retail raw milk and raw milk for pasteurization shall be determined by examination or testing for total somatic cells of at least four samples of milk from each producer or producer-

distributor every six-month period. The somatic cell count shall be determined by the Wisconsin mastitis test (W.M.T.), the direct microscopic somatic cell count (D.M.S.C.C.), or any other test giving comparable results and approved by the department.

Hist: Filed 7-1-68 as AD 883(13-68)
Effective 7-1-68
Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

24-622 [Repealed 1-19-60 by AD 630.]

24-622.5 SAMPLING PERIOD STANDARD means the examination or testing of at least four samples of milk and milk products during any consecutive six-month period for compliance with the standards set forth in OAR 603-24-614.5 to 24-621.5, inclusive.

Hist: Filed 7-1-68 as AD 883(13-68)
Effective 7-1-68
Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

24-623.5 ACCEPTABLE QUALITY OF FLUID MILK. "Acceptable quality of fluid milk" is that which is free of objectionable flavors and odors and is normal in appearance. Flavors and odors, including those of obnoxious weeds which are not removed by plant processing, are objectionable for grade A use, but slight or moderate feed flavors and odors which are normally removed during the processing are not objectionable. The blend temperature of the milk in farm tank shall not rise above 50° F. at any time during the second or subsequent milkings.

Hist: Filed 9-27-71 as AD 951(18-71)
Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

24-624 [Repealed 1-19-60 by AD 630.]

24-624.5 INSPECTION STANDARD means the sanitary inspection of each

licensed producer dairy at least once and each distributor and producer-distributor at least twice every six months period for compliance with the sanitary regulations established for the various grades of milk as contained herein.

24-626 [Repealed 1-19-60 by AD 630.]

24-626.5 OTHER METHODS OF TESTING. Nothing contained in 24-614.5 to 24-621.5 shall be construed as preventing the use of any other method of examining or testing milk and milk products for compliance with the standards contained in these sections which have been demonstrated to be accurate and are approved by the department.

Hist: Filed 7-1-68 as AD 883(13-68)
Effective 7-1-68

PROCEDURES FOR THE
EXAMINATION AND TESTING OF
MILK AND MILK PRODUCTS;
ENFORCEMENT

24-630 [Repealed 1-19-60 by AD 630.]

24-630.5 THE COLLECTION, TRANSPORTATION, AND ANALYSES OF MILK SAMPLES. Sampling, bacterial plate counts, coliform counts, temperature tests, phosphatase tests, sediment tests, and other laboratory tests used in the examination of milk and milk products to determine standards of quality shall conform to the procedures as contained in the thirteenth edition of "Standard Methods for the Examination of Dairy Products" published in 1972 by the American Public Health Association or to any other method approved by the department. Such examination may include such other chemical and physical analyses as the department may deem necessary.

Hist: Filed 7-1-68 as AD 883(13-68)
Effective 7-1-68
Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

24-631.5 STANDARDS FOR LICENSED MILK SAMPLERS. Tank truck drivers and milk plant personnel licensed to officially sample milk for bacterial analysis from farm bulk milk tanks or producer containers at receiving plants shall use the following equipment and sampling procedures:

(1) Milk Sampling: Equipment.

(a) Devices used for taking samples of milk shall be one of the following as designated by the department:

(A) Metal pipette constructed of stainless steel or aluminum seamless tube 18 to 24 inches long and having a diameter of not less than 1/4 inch or more than 1/2 inch.

(B) Metal dipper made of stainless steel or its equivalent, smooth joints, with at least a 12-inch handle and having a capacity of not less than 10 milliliters.

(C) Single-service approved type paper pipette 18 to 24 inches in length with a diameter not less than 1/4 inch.

(D) Vacuum sampling tube of a type approved by the department having a capacity of not less than 5 milliliters.

(E) Clean sterile metal or single-service pipettes shall be individually wrapped or carried in a clean dust-tight case or cylinder. Where sampling dipper is used, truck sampling or pump compartment shall be provided with a metal cylinder for storage of dipper i., a chlorine sanitizing solution of not less than 200 PPM between samplings.

(F) Sample bottle where used shall be clean and sterile. Bottle shall have a capacity of not less than 2 oz. and be of a wide mouth design at least equivalent to a french square style bottle with metal or plastic screw cap with approved type liner. Pre-sterile plastic bag may be approved as an alternate sample container.

(G) Sample case or compartment.

(i) Tank trucks used in taking delivery of milk from farm bulk milk holding tanks shall be equipped with a metal or plastic dust-tight compartment for storing sample bottles. The compartment shall be so constructed that samples can be iced or temperature otherwise controlled so as to not exceed 40° F. while

shall not prevent the initiation of other enforcement actions as are available.

Hist: Filed 7-1-68 as AD 883(13-68)
Effective 7-1-68
Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

24-641.5 GRADING. (1) Each shipment or pick-up of grade A fluid milk shall be graded as to its acceptable quality by a licensed grader. If it is not acceptable and is rejected as unfit for grade A use, a record (forms supplied by the department) is to be made showing:

- (a) Producer's name and number
- (b) Market or pooling agent
- (c) Date and time
- (d) Quantity
- (e) Cause for rejection
- (f) Disposition of the rejected milk.

(2) The original copy of the record is to be forwarded to the department, Dairy and Consumer Services Division, not later than seven days following the rejection.

Hist: Filed 9-27-71 as AD 951(18-71)
Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

24-642.5 TESTS AND ANALYSES. In addition to official laboratory results, certified laboratories using recognized standard methods may perform tests and analyses for standard plate count, coliform count, phosphatase, growth inhibitors (antibiotics), added water (cryoscope), abnormal milk, and potable water for which they are certified and such results may be acceptable as official. Tests and analyses of finished products performed by the processor of that product are not acceptable as official, unless approved by the department.

Hist: Filed 9-27-71 as AD 951 (18-71)

PRODUCER AND PRODUCER-DISTRIBUTOR REQUIREMENTS

24-650 [Repealed 1-19-60 by AD 630.]

24-650.5 [Repealed 9-5-74 by AD 1044
(34-74).]

24-650.6 RAW MILK AND CREAM STANDARDS. The following standards for raw milk and cream are hereby established:

(1) "GRADE A RAW MILK" is fluid milk bottled on a dairy farm where produced by a disease-free herd, which is in conformance with all the items of sanitation specified in OAR 603-24-656.01 to 24-656.22, and the examination and tests of which, as determined in accordance with OAR 603-24-614.2 to 24-640.5, for each sampling period reveal that the bacteria count does not exceed 20,000 per milliliter, the temperature does not exceed the average of 45° F., the sediment content is not in excess of a No. 2 sediment test, and the somatic cell count does not exceed the limit (See OAR 603-24-639.5), and the bacterial inhibitor test is negative.

(2) "GRADE A RAW CREAM" is cream which conforms to all the requirements of grade A raw milk, as defined in subsection (1) of this section, except that the somatic cell count is not applicable.

(3) "GRADE A RAW MILK FOR PASTEURIZATION" is fluid milk produced by a disease-free herd on a dairy farm in conformance with all the items of sanitation specified in OAR 603-24-656.01 to 24-656.21, except the provisions of OAR 603-24-656.22 (Bottling and Capping) and such portions of other items or sections as are herein indicated, when delivered to the milk plant, and the examination and tests of which, as determined in accordance with OAR 603-24-614.2 to 24-640.5, for each sampling period reveal that the bacteria count does not exceed 80,000 per milliliter, the temperature does not exceed the average of 45° F. nor the blend temperature of milk in a farm tank does not exceed 50° F. at any time during the second or subsequent milkings, and the sediment content is not in excess of a No. 2 sediment test. Provided further, that the milk is defined as acceptable quality under OAR 603-24-623.5, and the bacterial inhibitor test is negative.

Hist: Filed 9-5-74 as AD 1044(34-74)
Effective 10-1-74

24-652 [Repealed 1-19-60 by AD 630.]

24-652.5 [Repealed 9-5-74 by AD 1044
(34-74).]

24-654 [Repealed 1-19-60 by AD 630.]

24-654.5 [Repealed 9-5-74 by AD 1044
(34-74).]

Producer Regulations

24-656 [Repealed 1-19-60 by AD 630.]

[ED. NOTE: Unless otherwise specified sections 24-656.01 to 24-656.22 were adopted by the Department of Agriculture June 27, 1968 and filed with the Secretary of State July 1, 1968 as AD 883 (13-68). Effective July 1, 1968. Repeals AD 676.]

24-656.01 HEALTH OF COWS AND ABNORMAL MILK. (1) All herds of cows producing milk for human consumption as defined in OAR 603-24-600.5 and for which a standard of identity has been established in OAR 603-24-602.5 shall be in compliance with the laws of the state of Oregon and regulations promulgated thereunder relating to tuberculosis and brucellosis.

(2) No person shall sell, offer or expose for sale any milk with knowledge that such milk has been produced from a herd of cows or goats one or more of which are infected with brucellosis or tuberculosis at the time the milk was produced, or with knowledge that all animals in such herd have not been tested or retested for brucellosis or tuberculosis.

(3) Brucellosis:

(a) Raw milk producer-distributor herds

must be officially blood tested at least once every six months. In cases of dairy cattle, three brucellosis ring tests (BRT) at approximately equal intervals on commingled milk may be substituted only for every other routine six-month blood test. All herds with suspicious BRT results must be officially blood tested within twenty-one days. Where not more than one reactor (from official blood test) appears, raw milk may continue to be bottled and sold if animal is removed for slaughter and herd retested twice at thirty to sixty-day intervals and no reactor appears. If one or more reactors appear at either of such tests, no more raw milk may be sold for human consumption until the herd regains a disease-free status by following the retest schedule as shown in subparagraph (D) of paragraph (b) of this subsection.

(b) Herds producing raw milk for pasteurization:

(A) Herds must be officially milk ring tested at least three times per year.

(B) All dairy herds and all eligible cattle in such herd or herds showing a suspicious reaction to the brucellosis ring test (BRT) shall be tested by the official blood test within 21 days from the time the results of the BRT test are forwarded by the department to the owner of such herd or herds.

(C) Reactors to an official blood test in a dairy herd must be removed from the milking herd and all the remaining animals shall be officially blood tested at 30 to 60-day intervals until two successive clean blood tests are obtained, followed by a third blood retest not less than 2 months nor more than 4 months from the date of the second clean 30 to 60-day retest. The first retest shall not be made less than 30 days after removal of the reactor animal or animals. Until the third successive clean retest has been completed, the department shall not again declare the herd to be brucellosis-free or consider removing the herd from quarantine.

(D) Out-of-state producers in a certified brucellosis-free area as determined by USDA-State Cooperative program are deemed to be in compliance with the Oregon brucellosis test requirements.

(4) Tuberculosis:

(a) Raw milk producer-distributor herds:

(A) Herds must be tested at least once every twelve months.

(B) Raw milk for human consumption cannot be bottled and sold from infected herds until a tuberculosis disease-free status is regained as outlined in subparagraph (B) of paragraph (b) of this section.

(b) Raw milk for pasteurization:

(A) All animals over two years of age must be tested at least once every six years.

(B) If a tuberculosis reactor animal is found in a dairy herd as a result of the test, the entire herd shall be placed under quarantine and all cattle in the herd must be retested in not less than 60 or more than 90 days from the date of removal of reactors. If this test shows no reactors, the herd may then be released from quarantine. If a reactor is found on any retest, the herd shall be retested in the same manner as provided in case reactors are found on an original test. If no tuberculosis lesions are found on the slaughtered reactor animals, the herd thereafter needs only one clean test for release from quarantine. Dairy herds must be tested within 21 days following the time that the owner is notified of the infection. Retesting shall be carried out as required above.

(C) Out-of-state producers in a modified accredited tuberculosis-free area as determined by United States Department of Agriculture-State Cooperative program are deemed to be in compliance with Oregon tuberculosis test requirements.

(5) Cows which show an extensive induration of one or more quarters of the udder upon physical examination and/or secreting abnormal milk shall be temporarily excluded from the milking herd. Cows giving bloody, stringy, or abnormal milk shall be excluded from the herd until re-examination shall show that the milk has become normal.

(6) Milk from quarters of cow's udder treated with antibiotics for udder infection shall not be sold for human consumption for a minimum of 72 hours

after the last treatment or withheld according to manufacturer's recommendation.

(7) For other diseases such tests and examinations as the department may require after consultation with the State Veterinarian shall be made at intervals and according to methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

(8) Most recent brucellosis blood test and tuberculosis test certificates or copies thereof, shall be posted in milk house or placed on file in office of the milk inspection service.

Hist: Amended 9-5-74 by AD 1044(34-74)
Effective 10-1-74

Milking barn, stable, or parlor -
construction

24-656.02 CONSTRUCTION AND MAINTENANCE OF MILKING BARN, STABLE, OR PARLOR. A milking barn, stable, or parlor shall be provided on all dairy farms, in which the milking herd shall be housed during the milking time operations, and constructed and maintained in accordance with the following:

(1) Gutters, floors, and feed troughs shall be constructed of good quality concrete or equally impervious material. Floors shall be easily cleaned (brushed surfaces permitted) and shall be graded to drain and maintained in good repair and free of excessive breaks or work areas that may create pools. Water under pressure shall be plumbed to the milking stable and be available for washing floors.

(2) Walls and ceilings shall be finished with smooth surfaced wood, tile, smooth surfaced concrete, cement plaster, brick, or other equivalent materials with light colored surfaces. Walls may be painted a darker color up to 60 inches in height from the floor. Walls, partitions, doors, shelves, windows, and ceilings shall be kept in good repair; and surfaces shall be refinished whenever wear or discoloration is evident. A curb at least 12 inches in height shall be required in all new

containers, equipment, and utensils by insects and rodents and by chemicals used to control such vermin.

(5) Pesticides approved by the department shall be used in accordance with manufacturer's direction and shall be used so as to prevent contamination of milk, milk containers, utensils, feed, and water.

24-656.22 BOTTLING AND CAPPING.

(1) Raw fluid milk and milk products shall be bottled on the dairy farm where produced by means of an approved bottling machine equipped with a cover and readily cleanable, automatic filler valves. Filler valves shall be equipped with an apron or other approved device to prevent water or condensation from gaining entrance to the final delivery container during filling process. Where automatically operated bottler is used the infeed conveyor from the bottle washer to the filler shall be equipped with an over-head shield. Bottles shall be capped with a mechanical capper which is an integral part of the bottling machine. Hand capping is prohibited. Caps and single service containers shall be purchased in sanitary containers and stored in a clean dry place.

(2) The cap or cover shall protect the pouring lip to at least the largest diameter.

(3) Final delivery containers shall be washed and subjected to an approved bactericidal treatment to reduce bacterial count to less than one per milliliter of capacity and stored in a room where used in an inverted position at a sufficient height above the floor to prevent contamination of containers.

(4) Filling, capping, and labeling of raw fluid milk final delivery containers shall be done by the licensee or under his direct supervision.

Grade B Raw Milk and Cream

24-658 [Repealed 1-19-60 by AD 630.]

24-658.5 GRADE B RAW MILK AND

GRADE B RAW CREAM are fluid milk and cream which conform to all the requirements of Grade A Raw Milk and Grade A Raw Cream as found in 24-650.5 and 24-652.5, and which conform to all the sanitation requirements contained in 24-656.01 to 24-656.22 except:

(1) Milking Stable. The floors may be of tongue and groove wood construction but must be smooth, tight, kept clean and in good repair.

(2) Milkhouse. The milkhouse may consist of one room which may open directly into milk stable if cows are not housed therein between milking periods and no roughages are fed in the stable. The milk house shall be equipped with at least a two-compartment wash sink.

(3) Bottling and Capping. Final delivery containers must be filled by an approved mechanical method. A hand operated filling valve may be used if it is equipped with a condensation diverting apron. Final delivery containers may be manually capped if a sanitary parchment covering is placed underneath a plug or disc-type cap. The parchment or similar water-impervious material shall be of sufficient size to extend over the edge of the pouring lip of the final delivery container.

Hist: Filed 5-18-61 as AD 656

Amended by AD 676, filed 7-18-61

Filed 7-1-68 as AD 883 (13-68)

Effective 7-1-68

24-660 [Repealed 1-19-60 by AD 630.]

24-660.5 GRADE B RAW MILK FOR PASTEURIZATION is fluid milk which conforms to all the requirements of Grade A Raw Milk for Pasteurization as found in 24-654.5 and all the sanitation requirements contained in 24-656.01 to 24-656.26 except:

(1) Milking Stable. The floors may be of tongue and groove wood construction but shall be smooth, tight, kept clean and in good repair.

(2) Milkhouse. Floors and walls may be of tongue and groove wood construction, but shall be smooth, tight, kept clean and

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 416
 Title Relating to the Sale of Unpasteurized Milk
 Requested by Representative Carney Date 4/15/80

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
 Program Category Affected NRMEC
 BRU, Program, or Subprogram(s) Affected Agricultural Inspection
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND	0	307.9	338.7	372.7	409.7	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	8	8	8	8	8	
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See Attachment.

IV. DATE 4/15/80

PREPARED BY *S. Wagner*
 AGENCY Division of Agriculture
 PHONE 745-3236

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

From: Nick

FISCAL REPORT ON THE PROPOSED HOUSE BILL NO. 416

a) Requirement for six field men - Grade 14	
1 - Stationed - Fairbanks	\$25,692.00
1 - Stationed - Glenallen	\$25,692.00
2 - Stationed - Kenai	\$47,664.00
2 - Stationed - Palmer	\$42,552.00
	<u>\$141,600.00</u>
b) One Clerk Typist coordinating results and paperwork - Grade 7	\$15,348.00
c) One Dairy Microbiologist - Grade 14	\$21,276.00
	<u>\$35,624.00</u>
	TOTAL SALARIES
	<u>\$175,224.00</u>
d) State benefits @ 30%	\$53,467.00
e) Transportation - car rental and mileage	\$52,400.00
f) Office space @ \$2 per sq. ft.	\$28,200.00
g) Miscellaneous equipment and costs	\$5,000.00
h) Contractual animal health testing	\$10,000.00
	<u>\$129,067.00</u>
Inflation @ 10% per year	<u>\$36,789.00</u>
	TOTAL ESTIMATED COST
	<u>\$397,680.00</u>
	PER YEAR