

MANUFACTURING MILK LAW OF 2001 (EXCERPT)
Act 267 of 2001

***** 288.690.amended THIS AMENDED SECTION IS EFFECTIVE JUNE 27, 2008 *****

288.690.amended Milk for human consumption; compliance with requirements for eradication of tuberculosis and brucellosis; prohibited sale; disposal; milking barn or milking parlor; yard and loafing area; duties of person obtaining milk from dairy animal; milkhouse or milkroom; dairy farm bulk tank; milk shipping.

Sec. 130. (1) A person who offers milk to the public for human consumption shall obtain that milk from dairy animals that are located in areas under federal or state supervision for the eradication of tuberculosis and brucellosis and comply with those requirements for eradication of tuberculosis and brucellosis. Each animal that produces milk for human consumption shall be properly maintained and fed in a manner consistent with department recommendations for the maintenance of animals of that kind. Any dairy animals that are officially classified as tuberculosis reactors as defined in the animal industry act, 1988 PA 466, MCL 287.701 to 287.745, shall be milked last or in separate equipment and the milk from these dairy animals shall not be used or sold for human or animal consumption.

(2) A person shall not sell or offer for human consumption milk that is known to the person to be any of the following:

(a) Infected with mastitis or showing signs of being bloody, ropy, or clumpy.

(b) Carrying a violative drug residue in an amount that exceeds the maximum permitted under state or federal law.

(c) Containing a pesticide or other chemical in excess of the maximum amount permitted under state or federal law.

(d) Not normal and fresh in odor or appearance or containing excessive coarse sediment when examined organoleptically, visually, or by an accepted test procedure.

(e) Containing excessive sediment as determined by sediment test methods provided in standard methods for the examination of dairy products and classified to USDA sediment standards as more than a no. 3.

(f) Exceeds legal temperature, bacterial, or somatic cell limits.

(3) A person in possession of milk described in subsection (2) shall dispose of that milk in the manner directed by the department.

(4) A milking barn or milking parlor shall be all of the following:

(a) Well-lighted and ventilated.

(b) Of a size and arrangement adequate to provide for sanitary milking operations.

(c) Constructed with floors and gutters of concrete or other impervious material.

(d) Kept clean, with manure removed daily and stored out of reach of the animals that are subject to milking.

(e) Kept free of swine or fowl at all times.

(f) Constructed with a dust-tight ceiling.

(5) The yard and loafing area for dairy animals shall be all of the following:

(a) Of ample size to prevent overcrowding.

(b) Drained to prevent the formation of standing pools.

(c) Kept as clean as is practicably possible.

(6) A person who obtains milk from a dairy animal shall do all of the following:

(a) Ensure that the udders and flanks of the animal are kept clean.

(b) Wash and wipe the udders and teats of the animal immediately before milking with a clean cloth or paper towel that is treated with an approved sanitizing solution and dried with a clean cloth or paper towel after washing, or use any other method approved by the department.

(c) Wear clean outer clothing.

(d) Maintain clean and dry hands during milking.

(e) Refrain from handling the animal, milk containers, milking utensils, and equipment at any time the person has an infected cut or open sore on either of his or her hands or arms.

(f) Milk last or with separate equipment those animals that secrete abnormal milk and exclude that abnormal milk from the milk that will be offered for human consumption.

(g) Maintain and properly store milk stools, surcingles, and antikickers.

(h) Refrain from conducting an activity that raises dust in the milking area immediately before or during milking.

(i) Store feed and concentrates in a tightly covered container.

(j) Except for milk that is delivered to a processing plant within 2 hours after the milking, cool and store milk that is contained in cans and that will be used exclusively for cheese manufacturing at 60 degrees Fahrenheit (16 degrees Celsius) or lower at the farm within 2 hours after the milking.

(k) Cool milk that is stored in a dairy farm bulk tank to 50 degrees Fahrenheit (10 degrees Celsius) within 4 hours or less of the commencement of the first milking, and to 45 degrees Fahrenheit (7 degrees Celsius) or less within 2 hours after milking, provided that the blend temperature after the first milking and subsequent milkings does not exceed 50 degrees Fahrenheit (10 degrees Celsius).

(7) A milkhouse or milkroom shall be all of the following:

(a) Well-lighted and ventilated. Lighting in the milkhouse shall be adequate for milkhouse operations. A minimum of 1 light for the wash vat and a light for each bulk tank opening shall be provided. Nonelectric farms shall have the minimum of 1 battery-operated light for each bulk tank opening. Lights shall not be positioned directly over bulk tank openings. Fuels used for milkhouse operations shall not cause odors that may impart off-flavors to the milk.

(b) Located in convenient proximity to a milking barn or milking parlor.

(c) Constructed in accordance with applicable building codes, with each of the following:

(i) A floor of concrete or other impervious material, graded to provide appropriate drainage.

(ii) Walls and ceiling of a smooth, readily cleanable material.

(iii) A platform or slab constructed of concrete or other impervious material at the exterior of the milkhouse or milkroom, centered beneath a suitable opening, fitted with a tight, self-closing door, located on the exterior wall for milkhouse or milkroom connections to bulk milk tanks. The platform or slab shall be a minimum of 4 feet by 4 feet to provide sufficient room and clean surface for the milk hauler to stand and handle the milk transfer hose.

(iv) A truck approach to the milkhouse or milkroom, properly graded and surfaced to prevent mud or pooling of water at the milk loading point.

(d) Equipped with a wash and rinse vat, utensil rack, and milk cooling facilities, for the handling and cooling of milk, and for the washing, handling, and storage of milking utensils and equipment.

(e) Free of any product that the department determines is likely to contaminate milk or create a public health hazard.

(f) Equipped with a supply of hot water adequate for cleaning milk utensils and equipment.

(g) Designed without a direct opening, and with a solid, tight-fitting, self-closing door, at any entrance to a barn, stable, or milking parlor.

(h) Designed with screens at all outside openings, unless another means is provided to prevent the entrance of insects or rodents into the milkhouse or milkroom. Screen doors shall be tight-fitting and self-closing and open outward. Toilet facilities located adjacent to the milkhouse or milking facilities shall have self-closing doors and all outside openings shall be screened.

(i) Plans for new facilities, remodeled facilities, or new equipment installations must be submitted to the department for prior approval.

(8) A dairy farm bulk tank shall be located in a milkhouse or milkroom in a manner that allows access to all areas of the tank for cleaning and servicing. A dairy farm bulk tank shall not be placed over a floor drain or under a ventilator or unprotected light fixture. A dairy farm shall ensure that each new farm bulk tank meets sanitary standards and is installed in accordance with department specifications.

(9) The owner or operator of a milkhouse or milkroom shall ensure all of the following:

(a) That the milkhouse or milkroom is clean and free of contaminants, animals, and fowl.

(b) That an unapproved pesticide is not stored in the milkhouse or milkroom.

(c) That any pesticide used in or near the milkhouse or milkroom is used in accordance with label instructions to prevent the contamination of milk or equipment.

(d) That each utensil, milk can, milking machine, pipeline system associated with a milking machine, and other equipment used in the handling of milk is maintained in good condition, free from rust, open seams, milkstone, and any unsanitary condition.

(e) That each utensil and item of equipment used in the handling of milk is of a smooth, noncorrosive material, washed, rinsed, and drained after each milking, stored in an appropriate manner, and sanitized immediately before use, by using dairy cleaners, detergents, sanitizing agents, or other similar materials labeled for dairy or food service use that will not contaminate or adversely affect the milk.

(f) That each dairy farm tank used on the premises is constructed of a material or materials approved by the department and installed in accordance with subsection (11).

(g) That each item that is designed for a single use is properly stored and is not reused.

(h) That the dairy farm water supply complies with the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, or, if the water supply is not new or reconstructed after April 1, 1994, the water supply

is annually tested by a laboratory approved by the department and found to be of safe and satisfactory quality and in compliance with guidelines established by the department of community health.

(i) That waste products are disposed of in a manner that will not pollute the soil surface, contaminate a feed, milk, or water supply, or be exposed to insects.

(10) A producer who ships milk in cans shall do each of the following:

(a) Ensure that each milk can used in transporting milk from dairy farm to plant is seamless with an umbrella lid for easy cleaning.

(b) Inspect, repair, and replace milk cans as necessary to prevent the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition.

(11) A producer who ships milk from a farm bulk tank shall comply with the following:

(a) A farm tank on a dairy farm shall be installed so as to remain level at all times.

(b) A farm tank shall have an accurate indicating thermometer stored in the milkhouse which may be either an integral thermometer in the farm tank or an approved thermometer acceptable to the director.

(c) A farm tank shall have a calibrated means of measurement and an accurate and legible volume to weight conversion chart, unless the farm tank is mounted on an accurate scale. All measuring devices must be in compliance with the weights and measures act, 1964 PA 283, MCL 290.601 to 290.634.

(d) A conversion chart shall bear the same serial number as that found on the farm tank and measuring rod.

(e) The producer is responsible for recalibrating a farm tank that does not have an accurate conversion chart. A recalibration must be in compliance with the weights and measures act, 1964 PA 283, MCL 290.601 to 290.634. A person shall not adjust, alter, or change a conversion chart unless the change, alteration, or adjustment is made strictly according to the requirements of the weights and measures act, 1964 PA 283, MCL 290.601 to 290.634.

(f) A farm tank shall not be filled to a capacity that exceeds the calibrated limits as indicated by the conversion chart. If the producer wishes to fill the tank nearer to the top, the tank shall be calibrated to an additional height, which still permits proper agitation without spillage.

(g) Milk to be offered for sale shall be cooled and stored in the farm tank equipped with cooling and agitation. Other cooling and storage facilities may be used when approved in writing by the director on a case-by-case basis.

(h) Milk production shall be of sufficient quantity so that it can be properly agitated not later than at the completion of the first milking into the farm tank.

(i) Facilities for effectively sanitizing farm tanks shall be provided by the producer.

History: 2001, Act 267, Eff. Feb. 8, 2002;—Am. 2008, Act 147, Eff. June 27, 2008.