

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

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

288.703.amended Owner or operator of dairy plant; duties; package labels; advertising.

Sec. 143. (1) A person who owns or operates a dairy plant shall do all of the following:

(a) Make available enclosed or covered facilities for washing and sanitizing of milk trucks, piping, and accessories at central locations or at sites that receive or ship milk or dairy products in milk transport tanks.

(b) Transfer milk under sanitary conditions from milk tank trucks through stainless steel piping or approved tubing and cap the sanitary piping and tubing when not in use.

(c) Hold and process milk under conditions and at temperatures that will avoid contamination and rapid deterioration.

(d) Refrain from using drip milk from can washers or any other source for the manufacture of dairy products.

(e) Maintain milk in bulk storage tanks within the dairy plant in a manner that minimizes bacterial increase and, except when authorized by the department, maintain that milk at 45 degrees Fahrenheit (7 degrees Celsius) or lower until processing begins.

(f) Ensure that the bacteriological content of commingled raw milk in storage tanks is 1,000,000 or less total bacteria per milliliter (300,000 per milliliter or less total bacteria in raw milk for frozen desserts).

(g) Ensure the proper pasteurization of each particle of milk or dairy product.

(h) Test samples of milk or a dairy product for phosphatase by the method prescribed by the department.

(i) Take all necessary precautions to prevent contamination or adulteration of the milk or dairy products during manufacturing.

(j) Make available for department inspection all substances and ingredients used in the processing or manufacturing of any dairy product and ensure that those substances and ingredients are wholesome and practically free from impurities.

(k) Ensure that milk or dairy products comply with the standards in section 70, and standards listed for the milk products in title 21 of the code of federal regulations, if applicable.

(l) Maintain the equipment, sanitary piping, and utensils used in receiving and processing of the milk and maintain manufacturing and handling of the product in a sanitary condition.

(m) Ensure that sanitary seal assemblies are kept clean and are removable on all agitators, pumps, and vats and inspect those assemblies at regular intervals.

(n) Except as otherwise provided in this act, dismantle all equipment that is not designed for mechanical or clean-in-place cleaning, and thoroughly clean and sanitize all equipment after each day's use using cleaners, detergents, sanitizing agents, or other similar materials approved for dairy or food service use that will not contaminate or adversely affect the dairy products.

(o) Refrain from using steel wool or metal sponges in the cleaning of any dairy equipment or utensils.

(p) Immediately before use, subject all product contact surfaces to an effective sanitizing treatment except where dry cleaning is permitted.

(q) Store utensils and portable equipment used in processing and manufacturing operations above the floor in clean, dry locations and in a self-draining position on racks constructed of impervious corrosion-resistant material.

(r) Use CIP cleaning, including spray-ball systems, only on equipment and pipeline systems which have been designed and engineered for that purpose and employ careful attention to the proper procedures to assure satisfactory cleaning.

(s) Ensure that all CIP installations comply with sanitary standards and post and follow the established cleaning procedure.

(t) Following the circulation of the cleaning solution, thoroughly rinse and examine the equipment and lines for effectiveness of cleaning and ensure that all caps, ends, pumps, plates, and tee ends are opened or removed and brushed clean.

(u) Immediately before starting the product flow after the cleaning procedure described in subdivision (s), treat the product contact surfaces with an approved sanitizer.

(v) Clean, sanitize, and dry milk cans and lids before returning to producers and inspect, repair, or replace cans and lids to substantially exclude from use cans and lids showing open seams, cracks, rust, milkstone, or any unsanitary condition.

(w) Maintain washers in a clean and satisfactory operating condition and keep each washer free from accumulation of scale or debris that may adversely affect the efficiency of the washer.

(x) For all newly licensed or newly or extensively remodeled facilities, provide a covered or enclosed receiving, washing, and sanitizing facility at each site that receives or ships milk or dairy products in milk tank trucks, or provide means to protect the milk during the sampling and transferring process that are acceptable to the director. The dairy plant is not required to provide milk tank truck wash facilities if milk tank trucks are cleaned and sanitized at another approved facility.

(y) Clean and sanitize milk tank trucks, sanitary piping, fittings, and pumps at least once each day after use and, if those items are not to be used immediately after the emptying of a load of milk, promptly wash those items after use and give bactericidal treatment immediately before use.

(z) Identify each tank that is washed and sanitized by attaching a tag to the outlet valve, bearing all of the following information:

(i) Plant and specific location where cleaned.

(ii) Date and time of washing and sanitizing and identification number of the tank.

(iii) The name of each person who washed and name of each person who sanitized the tank.

(aa) Maintain on the tank the tag attached pursuant to subdivision (z) until the tank is again washed and sanitized and ensure the receiving plant retains the tag for at least 15 days or as the department may otherwise direct.

(bb) Wash all windows, glass, partitions, skylights, walls, ceilings, and doors as often as necessary to keep them clean and replace cracked or broken glass promptly.

(cc) Wipe or vacuum shelves and ledges as often as necessary to keep them free from dust and debris and properly dispose of the material picked up by a vacuum cleaner to destroy any insect that may be present.

(dd) In addition to any commercial pest control service, if one is utilized, designate an employee to perform a regularly scheduled insect and rodent control program.

(ee) Properly label, handle, store, and use poisonous substances, insecticides, and rodenticides in such a manner as not to create a public health hazard.

(ff) Maintain plant records, make those records available at all reasonable times for department inspection, and, in accordance with each of the following, send producer quality tests contained in those records to the department within 10 days of the completion of those tests:

(i) Retain for 12 months sediment, temperature, drug residue, somatic cell, and bacterial test results on raw milk from each producer.

(ii) Retain for a period of 12 months routine test results.

(iii) Retain for 12 months retest results, if an initial test places the milk producer in permit suspension status.

(iv) Retain for 12 months rejections of raw milk over the no. 3 sediment standard for quality as established by the United States department of agriculture.

(v) Retain for 6 months pasteurization recorder charts.

(vi) Retain for at least 6 months CIP recording charts.

(vii) Retain the most recent water sample and recirculated cooling medium test results for at least 12 months.

(gg) Package milk and dairy products in department-approved containers and packaging materials that do or are each of the following:

(i) Cover and protect the quality of the contents during storage and handling under normal conditions.

(ii) As uniform in weight and shape within each product size or style as is practical.

(iii) Provide low permeability to air and vapor to prevent the formation of mold growth and surface oxidation.

(iv) Contain a wrapper resistant to puncturing, tearing, cracking, or breaking under normal conditions of handling, shipping, and storage.

(v) Sealed in conformity with the instructions of the manufacturer.

(hh) Conduct the packaging of each dairy product or the cutting and repackaging of each dairy product under sanitary conditions prescribed by the department and ensure that each packaging room, item of equipment, and packaging material is practically free from mold and bacterial contamination by testing the level of contamination in a manner approved by the department.

(ii) Dry store a product requiring dry storage at least 18 inches from any wall in an aisle, row, or section and lot in an orderly manner rendering the product easily accessible for inspection.

(jj) Regularly clean each room used for product storage and ensure that each stored product is free from any other foreign products, mold, absorbed odors, or vermin or insect infestation.

(kk) Maintain control of humidity and temperature in each storage room at all times to prevent conditions detrimental to a stored product and container.

(ll) Store a finished product requiring refrigeration on shelves, dunnage, or pallets at a temperature that will best maintain the initial quality of the product and ensure that the product is not exposed to any substance from which the product may absorb a foreign odor or be contaminated by drippage or condensation.

(mm) Purchase and store caps, parchment paper, wrappers, liners, gaskets, and single-service sticks, spoons, covers, and containers only in sanitary tubes, wrappings, or cartons that are kept in a clean, dry place until used and handled in a sanitary manner.

(nn) Packaged fluid dairy products that exceed the sell-by date shall not be reused in any dairy products regulated by this act or the grade A milk law of 2001 unless the department approves a protocol for such reprocessing. The protocol shall include consideration of storage temperatures, bacterial counts, age past sell-by date, sight and smell grading qualities, added ingredients, and any other factors considered critical by the director.

(oo) Packaged fluid dairy products that have left the control of a dairy plant but are returned or delivered to a dairy plant, commonly referred to as "returned products", shall not be reprocessed into milk or milk products regulated under this act or the grade A milk law of 2001.

(2) A person who owns or operates a dairy plant shall legibly mark or label each commercial bulk package containing dairy products manufactured under this act with the name of the product, quantity of contents, name and address of processor, manufacturer, or distributor, ingredients including known allergens, manufacturer lot number, plant code issued by the department identifying where the product was manufactured, and with any other identifying information required by the director. All manufactured dairy products shall meet any applicable definitions and standards of identity as promulgated under 21 CFR parts 131 to 135.

(3) Retail packages shall be labeled as specified in 21 CFR part 101, which is adopted by reference, and as specified under the food law of 2000.

(4) Commercial bulk packages of frozen desserts with removable lids shall be labeled on the body of the container.

(5) Bulk shipments of milk or dairy products shall be accompanied by a bill of lading containing the following information:

(a) Shipper's name, address, and permit number.

(b) Permit identification of hauler if not an employee of the shipper.

(c) Point of origin of shipment.

(d) Tanker identity number.

(e) Name of product.

(f) Weight of product.

(g) Grade of product.

(h) Temperature of product.

(i) Date of shipment.

(j) Name of supervising regulatory agency at the point of origin.

(k) Whether the contents are raw, pasteurized, or, in the case of cream, lowfat, or skim milk, whether it has been heat treated.

(l) Seal number on inlet and outlet.

(6) Cheese and cheese products that are unpasteurized shall be labeled according to the requirements of 21 CFR part 133 and this section.

(7) Milk and milk products shall be advertised as specified under the food law of 2000.

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