



# SENATE BILL No. 636

May 12, 1993, Introduced by Senators GOUGEON, MC MANUS, WELBORN and WARTNER and referred to the Committee on Agriculture and Forestry.

A bill to amend the title and sections 1, 2, 2a, 2b, 2c, 2d, 2e, 3a, 3b, 3c, 3d, 3e, 3j, 3k, 4b, 4c, 4d, 4e, 5, 6, 9, 10, 11, and 17 of Act No. 222 of the Public Acts of 1913, entitled as amended

"Manufacturing milk act,"

sections 2b, 2e, 3d, and 17 as amended by Act No. 208 of the Public Acts of 1980, section 3a as amended and sections 3j and 3k as added by Act No. 140 of the Public Acts of 1982, and section 6 as amended by Act No. 19 of the Public Acts of 1986, being sections 288.101, 288.102, 288.102a, 288.102b, 288.102c, 288.102d, 288.102e, 288.103a, 288.103b, 288.103c, 288.103d, 288.103e, 288.103j, 288.103k, 288.104b, 288.104c, 288.104d, 288.104e, 288.105, 288.106, 288.109, 288.110, 288.111, and 288.117 of the Michigan Compiled Laws; to add sections 2f, 5a, and 6a; and to repeal certain parts of the act.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. The title and sections 1, 2, 2a, 2b, 2c, 2d, 2e,  
2 3a, 3b, 3c, 3d, 3e, 3j, 3k, 4b, 4c, 4d, 4e, 5, 6, 9, 10, 11, and  
3 17 of Act No. 222 of the Public Acts of 1913, sections 2b, 2e,  
4 3d, and 17 as amended by Act No. 208 of the Public Acts of 1980,  
5 section 3a as amended and sections 3j and 3k as added by Act  
6 No. 140 of the Public Acts of 1982, and section 6 as amended by  
7 Act No. 19 of the Public Acts of 1986, being sections 288.101,  
8 288.102, 288.102a, 288.102b, 288.102c, 288.102d, 288.102e,  
9 288.103a, 288.103b, 288.103c, 288.103d, 288.103e, 288.103j,  
10 288.103k, 288.104b, 288.104c, 288.104d, 288.104e, 288.105,  
11 288.106, 288.109, 288.110, 288.111, and 288.117 of the Michigan  
12 Compiled Laws, are amended and sections 2f, 5a, and 6a are added  
13 to read as follows:

**TITLE**

15       An act to define milk, cream, ~~cottage cheese, creamed cot-~~  
16 ~~tage cheese, lowfat creamed cottage cheese, egg nog, lowfat egg~~  
17 ~~nog,~~ and related foods; ~~and~~ to prevent and punish the sale of  
18 unclean and insanitary cream and milk and manufactured dairy  
19 products and their use in the manufacture of food products; ~~—~~  
20 ~~and~~ to prohibit unclean and insanitary conditions of milk and  
21 cream handling and processing establishments; ~~—and~~ to ~~fix~~  
22 ESTABLISH production and handling standards of sanitary milk and  
23 cream for manufacturing and manufactured dairy products; to regu-  
24 late the sale and transportation of milk and cream for manufac-  
25 turing purposes; to LICENSE CERTAIN PERSONS AND provide for  
26 ~~licenses and~~ the revocation ~~thereof~~ OR SUSPENSION OF LICENSES

1 UNDER CERTAIN CIRCUMSTANCES; to impose certain fees; to require  
2 certain security ~~arrangements to ensure the prompt payment of~~  
3 ~~producers~~ DEVICES; and to prescribe the powers and duties of  
4 certain ~~state~~ departments and officers. ~~with respect to the~~  
5 ~~security arrangements.~~

6 Sec. 1. (1) ~~For the purpose of this act, the term "milk"~~  
7 ~~shall mean the~~ THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE  
8 "MANUFACTURING MILK ACT".

9 (2) AS USED IN THIS ACT:

10 (A) "ADULTERATION" MEANS THE COMMINGLING OF A LIQUID OR DRY  
11 PRODUCT WITH ANOTHER IN A MANNER NOT APPROVED BY THE DEPARTMENT.

12 (B) "CREAM" MEANS THE FRESH AND CLEAN SUBSTANCE CONTAINING  
13 AT LEAST 18% MILK FAT THAT RISES TO THE SURFACE OF STANDING MILK,  
14 OR THAT IS SEPARATED FROM STANDING MILK BY CENTRIFUGAL FORCE.

15 (C) "DAIRY PLANT" MEANS A MILK PLANT, TRANSFER OR RECEIVING  
16 STATION, CREAMERY, CHEESE PLANT, OR OTHER PLANT RECEIVING DAIRY  
17 PRODUCTS OR PROCESSING DAIRY PRODUCTS INTO MANUFACTURED DAIRY  
18 PRODUCTS.

19 (D) "DAIRY PRODUCT" MEANS MILK OR CREAM.

20 (E) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

21 (F) "DRY MILK PRODUCT" MEANS A PRODUCT RESULTING FROM THE  
22 DRYING OF MILK OR A MILK PRODUCT.

23 (G) "DRYER" MEANS EQUIPMENT THAT DRIES MILK OR A MILK  
24 PRODUCT.

25 (H) "MILK" MEANS EITHER OF THE FOLLOWING:

26 (i) THE fresh, clean, lacteal secretion obtained by the  
27 complete milking of 1 or more healthy cows, properly fed and

1 kept, excluding ~~that obtained~~ A LACTEAL SECRETION OBTAINED  
2 within 15 days before and 5 days after calving, ~~and~~ THAT con-  
3 tains not less than ~~8 1/2%~~ 8.25% of milk solids not fat, and  
4 not less than ~~3%~~ 3.25% of milk fat.

5 (ii) THE LACTEAL SECRETION, PRACTICALLY FREE FROM COLOSTRUM,  
6 OBTAINED BY THE COMPLETE MILKING OF 1 OR MORE HEALTHY GOATS. ~~→~~  
7 ~~and the term "cream" shall mean that portion of milk, rich in~~  
8 ~~milk fat, which rises to the surface of milk on standing, or is~~  
9 ~~separated from it by centrifugal force, is fresh and clean, and~~  
10 ~~contains not less than 18% of milk fat. Milk which shall be~~  
11 ~~drawn from cows that are kept in barns or stables which are not~~  
12 ~~reasonably well lighted and ventilated, or that are kept in barns~~  
13 ~~or stables that are filthy from an accumulation of animal feces~~  
14 ~~and excreta or from any other cause, or milk which shall be drawn~~  
15 ~~from cows which are themselves in a filthy condition, or milk~~  
16 ~~kept or transported in dirty, rusty or open-seamed cans or other~~  
17 ~~utensils, or milk that is stale or putrid, or milk to which has~~  
18 ~~been added any unclean, or unwholesome foreign substance, or milk~~  
19 ~~that contains excessive amounts of sediment, or milk which has~~  
20 ~~been kept exposed to foul or noxious air or gases in barns occu-~~  
21 ~~pied by animals, or kept exposed in dirty, foul or unclean places~~  
22 ~~or conditions, is hereby declared to be insanitary milk. Cream~~  
23 ~~produced from any such aforesaid insanitary milk, or cream~~  
24 ~~produced by the use of a cream separator, which separator had not~~  
25 ~~been thoroughly washed, cleansed and scalded after previous use~~  
26 ~~in the separation of cream from milk, or cream produced by the~~  
27 ~~use of a cream separator placed or stationed in any unclean or~~

~~1 filthy room or place or in any building containing a stable  
2 wherein are kept cattle or other animals, unless such cream sepa-  
3 rator is so separated and shielded by a partition from the stable  
4 portion of such building as to be free from all foul or noxious  
5 air or gases which issue or may issue from such place or stable,  
6 or cream which contains excessive amounts of sediment, filth or  
7 other foreign matter; or cream that is stale, putrid or decom-  
8 posed; or cream that has an acidity of more than 7/10 of 1%  
9 expressed as lactic acid; or cream that is kept or transported in  
10 dirty, rusty or open-seamed cans or other utensils; or cream  
11 placed or transported in any container theretofore used in the  
12 transfer of buttermilk; or cream which has been kept exposed to  
13 foul or noxious air or gases in barns occupied by animals, or in  
14 dirty, foul or unclean places or conditions, or cream which con-  
15 tains a gasoline, kerosene or oil taste or odor is hereby  
16 declared to be insanitary cream. Any manufactured dairy product  
17 containing any filth or substance unnatural to the product or  
18 that contains excessive amounts of sediment is hereby declared to  
19 be an insanitary dairy product.~~

20 (I) "MILK PRODUCT" OR "MANUFACTURED DAIRY PRODUCT" MEANS  
21 BUTTER, DRY SKIM MILK, DRY CREAM, MILK CASEIN, ICE CREAM, MALTED  
22 OR MILK SUGAR, INFANT FORMULA MANUFACTURED WITH DAIRY INGREDI-  
23 ENTS, OR OTHER FORM OF PROCESSED DAIRY PRODUCT.

24 (J) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, COOPERATIVE,  
25 ASSOCIATION, OR CORPORATION.

26 (K) "STERILIZATION" MEANS THE COMPLETE DESTRUCTION OF LIVING  
27 ORGANISMS BY 1 OF THE FOLLOWING METHODS:

1 (i) HEATING A CONTAINER AND ITS CONTENTS TO A TEMPERATURE  
2 BETWEEN 212 DEGREES FAHRENHEIT TO 280 DEGREES FAHRENHEIT FOR A  
3 PERIOD OF TIME ESTABLISHED BY THE DEPARTMENT.

4 (ii) CREATING A CONTINUOUS PRODUCT FLOW ABOVE A TEMPERATURE  
5 OF 280 DEGREES FAHRENHEIT FOR A PERIOD OF TIME ESTABLISHED BY THE  
6 DEPARTMENT.

7 (iii) EMPLOYING A PROCESS DESCRIBED IN SUBDIVISION (i) OR  
8 (ii), AND FOLLOWING PACKAGING OF THE STERILIZED PRODUCT, APPLYING  
9 A HEAT TREATMENT APPROVED BY THE DEPARTMENT.

10 Sec. 2. ~~No~~ A person shall ~~by himself, his servant or~~  
11 ~~agent, or as the servant or agent of any other person, or as the~~  
12 ~~officer, servant or agent of any firm, partnership or~~  
13 ~~corporation,~~ NOT DIRECTLY, THROUGH AN AGENT, OR ON BEHALF OF  
14 ANOTHER PERSON sell or offer for sale, furnish, ~~or deliver,~~ or  
15 ~~have in possession or under his~~ POSSESS OR control with intent  
16 to sell or offer for sale, or furnish ~~, or deliver to any~~  
17 ~~person, firm or corporation as feed for man, or to any~~ AN INSAN-  
18 ITARY MILK, CREAM, OR DAIRY PRODUCT TO A PERSON. AS USED IN THIS  
19 SECTION, "PERSON" INCLUDES EACH OF THE FOLLOWING:

20 (A) A creamery. ~~,~~

21 (B) A cheese ~~factory,~~ PLANT.

22 (C) A milk condensing ~~factory, or~~ PLANT, milk or cream  
23 dealer, or any other manufacturing dairy plant. ~~, any insanitary~~  
24 ~~milk or any insanitary cream or any insanitary dairy product.~~

25 Sec. 2a. (1) ~~Milk or cream shall come from cows that are~~  
26 ~~located in areas under federal and state supervision for the~~  
27 ~~eradication of tuberculosis and brucellosis.~~

1     ~~(2) When a recognized test or examination of a dairy herd~~  
2 ~~indicates that a cow is infected with mastitis, that cow's milk~~  
3 ~~or a product of that milk shall not be sold or offered for sale.~~

4     ~~(3) Milk that is bloody, stringy, or otherwise abnormal, or~~  
5 ~~which is produced from a diseased cow, or any products of such~~  
6 ~~milk, shall not be sold or offered for sale.~~

7     ~~(4) A cow shall be kept clean. Flanks, bellies, and tails~~  
8 ~~of a milking cow shall be free from visible dirt at the time of~~  
9 ~~milking. After preparation and cleaning of cows, and before~~  
10 ~~milking, udders and teats shall be wiped with a clean towel~~  
11 ~~moistened with bactericidal solutions.~~

12     ~~(5) A cow shall be milked in a sanitary manner. Wet handed~~  
13 ~~milking is prohibited.~~

14     ~~(6) Cow stables or milking parlors shall be provided in~~  
15 ~~which all milking shall be done, and cow stables or milking par-~~  
16 ~~lors shall be well ventilated.~~

17     ~~(7) Floors and gutters or drops shall be provided in that~~  
18 ~~portion of the barn or stable in which cows are milked and shall~~  
19 ~~be constructed of concrete or other impervious, easily cleaned~~  
20 ~~materials. Floors and gutters or drops shall be graded so as to~~  
21 ~~drain properly and shall be kept clean and in good repair. A~~  
22 ~~calf shall not be tied behind a cow. Quarters housing swine or~~  
23 ~~fowl shall be separated from milking area by partitions. If a~~  
24 ~~horse, dry cow, calf, or bull is stabled in the milking barn, it~~  
25 ~~shall be confined in a stall, stanchion, or pen which shall be~~  
26 ~~kept clean and in good repair.~~

1       ~~(8) Walls, ceilings, and partitions of the barn shall be~~  
2 ~~kept clean.~~

3       ~~(9) The milking portion of the barn shall be provided with~~  
4 ~~sufficient natural or artificial light so arranged so that work-~~  
5 ~~ing areas will be easily visible and so that cleaning and milking~~  
6 ~~operations can be effectively performed.~~

7       ~~(10) Barnyards shall be properly graded and kept reasonably~~  
8 ~~clean. Cow stable doors and stock watering tanks shall have~~  
9 ~~approaches of at least 6 feet of concrete, clean gravel, or other~~  
10 ~~suitable materials.~~

11       ~~(11) Manure shall be removed and stored or disposed of in a~~  
12 ~~manner as will best prevent the breeding of flies and all manure~~  
13 ~~piles shall be protected to prevent cows from having access~~  
14 ~~thereto.~~

15       ~~(12) Pen type barns shall be well drained and sufficiently~~  
16 ~~bedded to keep cows clean. No animals except cattle shall be~~  
17 ~~housed in the lounging area of pen type barns.~~

18       ~~(13) A milking parlor is a place where cows are milked and,~~  
19 ~~except for the feeding of concentrates, shall be used for milking~~  
20 ~~purposes only except as herein otherwise provided. A milking~~  
21 ~~parlor shall have impervious floors, adequate light and ventila-~~  
22 ~~tion and, at all times, shall be maintained in a clean and sani-~~  
23 ~~tary condition.~~

24       ~~(14) Equipment for properly cooling and storing all milk and~~  
25 ~~cream handled shall be provided. Cooling tanks shall be con-~~  
26 ~~structed of concrete or other impervious materials and shall be~~



~~1 of the capacities as will afford proper cooling and storing of~~  
~~2 all milk and cream handled.~~

~~3 (15) Utensil racks, made of metal, shall be provided upon~~  
~~4 which cleaned containers, equipment, utensils, and milking~~  
~~5 machines shall be stored when not in use. Lower shelves of the~~  
~~6 racks shall not be less than 12 inches above floors.~~

~~7 (16) Milk or cream to be delivered to milk plants or receiv-~~  
~~8 ing stations in cans shall be cooled to a temperature of 60~~  
~~9 degrees fahrenheit or less within 2 hours after milking and shall~~  
~~10 be maintained at that temperature until delivered. Milk cooled~~  
~~11 in a farm bulk milk tank shall be cooled to 50 degrees fahrenheit~~  
~~12 or less within 2 hours after milking and shall be maintained at~~  
~~13 that temperature until delivered.~~

~~14 (17) Each farm bulk milk tank shall be located in a suitable~~  
~~15 room. The room shall be provided with a smooth floor constructed~~  
~~16 of concrete or equally impervious material graded to drain and~~  
~~17 maintained in good repair. Adequate hot water heating facilities~~  
~~18 shall be in or easily available to the room.~~

~~19 (18) Containers, equipment, and utensils used in the han-~~  
~~20 dling, storing, and transporting of milk and cream shall be made~~  
~~21 of smooth, nonabsorbent material and of such construction as to~~  
~~22 be easily cleaned, with all joints and seams finished smooth and~~  
~~23 flush, and shall be maintained in good repair.~~

~~24 (19) Containers, equipment, and utensils used in handling,~~  
~~25 storing, and transporting milk and cream shall be thoroughly~~  
~~26 cleaned with dairy brushes or other approved equipment, hot~~  
~~27 water, and dairy cleansers immediately after use. Immediately~~

~~1 before reusing, all containers, equipment, and utensils shall be~~  
~~2 subjected to approved bactericidal treatment.~~

~~3 (20) Milk shall be strained only through approved single~~  
~~4 service strainer pads. Unused strainer pads shall be stored so~~  
~~5 as to be protected from contamination.~~ A PERSON WHO OFFERS MILK  
6 TO THE PUBLIC FOR HUMAN CONSUMPTION SHALL OBTAIN THAT MILK FROM  
7 COWS OR GOATS THAT ARE LOCATED IN AREAS UNDER FEDERAL OR STATE  
8 SUPERVISION FOR THE ERADICATION OF TUBERCULOSIS AND BRUCELLOSIS.  
9 EACH ANIMAL THAT PRODUCES MILK FOR HUMAN CONSUMPTION SHALL BE  
10 PROPERLY MAINTAINED AND FED IN A MANNER CONSISTENT WITH DEPART-  
11 MENT RECOMMENDATIONS FOR THE MAINTENANCE OF ANIMALS OF THAT  
12 KIND.

13 (2) A PERSON SHALL NOT SELL OR OFFER FOR HUMAN CONSUMPTION  
14 MILK THAT IS KNOWN TO THE PERSON TO BE ANY OF THE FOLLOWING:

15 (A) INFECTED WITH MASTITIS.

16 (B) CARRYING A DRUG RESIDUE IN AN AMOUNT THAT EXCEEDS THE  
17 MAXIMUM PERMITTED UNDER STATE OR FEDERAL LAW.

18 (C) CONTAINING A PESTICIDE OR OTHER CHEMICAL IN EXCESS OF  
19 THE MAXIMUM AMOUNT PERMITTED UNDER STATE OR FEDERAL LAW.

20 (3) A PERSON IN POSSESSION OF MILK DESCRIBED IN SUBSECTION  
21 (2) SHALL DISPOSE OF THAT MILK IN THE MANNER DIRECTED BY THE  
22 DEPARTMENT.

23 (4) A MILKING BARN OR MILKING PARLOR SHALL BE ALL OF THE  
24 FOLLOWING:

25 (A) WELL LIGHTED AND VENTILATED.

26 (B) OF A SIZE AND ARRANGEMENT ADEQUATE TO PROVIDE FOR  
27 SANITARY MILKING OPERATIONS.

1 (C) CONSTRUCTED WITH FLOORS AND GUTTERS OF CONCRETE OR OTHER  
2 IMPERVIOUS MATERIAL.

3 (D) KEPT CLEAN, WITH MANURE REMOVED DAILY AND STORED OUT OF  
4 REACH OF THE ANIMALS THAT ARE SUBJECT TO MILKING.

5 (E) KEPT FREE OF SWINE OR FOWL AT ALL TIMES.

6 (F) CONSTRUCTED WITH A DUST TIGHT CEILING.

7 (5) THE YARD AND LOAFING AREA OF COWS OR GOATS SHALL BE ALL  
8 OF THE FOLLOWING:

9 (A) OF AMPLE SIZE TO PREVENT OVERCROWDING.

10 (B) DRAINED TO PREVENT THE FORMATION OF STANDING POOLS.

11 (C) KEPT AS CLEAN AS IS PRACTICABLY POSSIBLE.

12 (6) A PERSON WHO OBTAINS MILK FROM A COW OR GOAT SHALL DO  
13 ALL OF THE FOLLOWING:

14 (A) ENSURE THAT THE UDDERS AND FLANKS OF THE ANIMAL ARE KEPT  
15 CLEAN.

16 (B) WASH AND WIPE THE UDDERS AND TEATS OF THE ANIMAL IMMEDI-  
17 ATELY BEFORE MILKING WITH A CLEAN CLOTH OR PAPER TOWEL THAT IS  
18 TREATED WITH A SANITIZER SOLUTION.

19 (C) WEAR CLEAN OUTER CLOTHING.

20 (D) MAINTAIN CLEAN AND DRY HANDS DURING MILKING.

21 (E) REFRAIN FROM HANDLING THE ANIMAL, MILK CONTAINERS, MILK-  
22 ING UTENSILS AND EQUIPMENT AT ANY TIME THE PERSON HAS AN INFECTED  
23 CUT OR OPEN SORE ON EITHER OF HIS OR HER HANDS OR ARMS.

24 (F) MILK LAST OR WITH SEPARATE EQUIPMENT THOSE ANIMALS THAT  
25 SECRETE ABNORMAL MILK, AND EXCLUDE THAT ABNORMAL MILK FROM THE  
26 MILK THAT WILL BE OFFERED FOR HUMAN CONSUMPTION.

1 (G) MAINTAIN AND PROPERLY STORE MILK STOOLS, SURCINGLES, AND  
2 ANTIKICKERS.

3 (H) REFRAIN FROM CONDUCTING AN ACTIVITY THAT RAISES DUST IN  
4 THE MILKING AREA IMMEDIATELY BEFORE OR DURING MILKING.

5 (I) STORE FEED AND CONCENTRATES IN A TIGHTLY COVERED  
6 CONTAINER.

7 (J) COOL AND STORE MILK THAT IS CONTAINED IN CANS AND THAT  
8 WILL BE USED EXCLUSIVELY FOR HARD CHEESE MANUFACTURING AT 60  
9 DEGREES FAHRENHEIT OR LOWER IMMEDIATELY AFTER MILKING, UNLESS THE  
10 MILK IS DELIVERED TO A PROCESSING PLANT WITHIN 2 HOURS AFTER THE  
11 MILKING.

12 (K) COOL MILK THAT IS STORED IN A DAIRY FARM BULK TANK TO 45  
13 DEGREES FAHRENHEIT OR LESS WITHIN 2 HOURS AFTER MILKING. AFTER  
14 REACHING A TEMPERATURE OF 45 DEGREES OR LESS, THE MILK MAY BE  
15 MAINTAINED AT A TEMPERATURE OF NOT MORE THAN 50 DEGREES  
16 FAHRENHEIT.

17 (7) A MILKHOUSE OR MILKROOM SHALL BE ALL OF THE FOLLOWING:

18 (A) WELL LIGHTED AND VENTILATED.

19 (B) LOCATED IN CONVENIENT PROXIMITY TO A MILKING BARN OR  
20 MILKING PARLOR.

21 (C) CONSTRUCTED IN ACCORDANCE WITH APPLICABLE BUILDING  
22 CODES, WITH EACH OF THE FOLLOWING:

23 (i) A FLOOR OF CONCRETE OR OTHER IMPERVIOUS MATERIAL, GRADED  
24 TO PROVIDE APPROPRIATE DRAINAGE.

25 (ii) WALLS AND CEILING OF A SMOOTH, READILY CLEANABLE  
26 MATERIAL.

1       (iii) A PLATFORM OR SLAB CONSTRUCTED OF CONCRETE OR OTHER  
2 IMPERVIOUS MATERIAL AT THE EXTERIOR OF THE MILKHOUSE OR MILKROOM,  
3 CENTERED BENEATH A SUITABLE OPENING, FITTED WITH A TIGHT,  
4 SELF-CLOSING DOOR, LOCATED ON THE EXTERIOR WALL FOR MILKHOUSE OR  
5 MILKROOM CONNECTIONS.

6       (iv) A TRUCK APPROACH TO THE MILKHOUSE OR MILKROOM, PROPERLY  
7 GRADED AND SURFACED TO PREVENT MUD OR POOLING OF WATER AT THE  
8 MILK LOADING POINT.

9       (D) EQUIPPED WITH A WASH AND RINSE VAT, UTENSIL RACK, AND  
10 MILK COOLING FACILITIES, FOR THE HANDLING AND COOLING OF MILK,  
11 AND FOR THE WASHING, HANDLING, AND STORAGE OF MILKING UTENSILS  
12 AND EQUIPMENT.

13       (E) FREE OF ANY PRODUCT THAT THE DEPARTMENT DETERMINES IS  
14 LIKELY TO CONTAMINATE MILK OR CREATE A PUBLIC HEALTH HAZARD.

15       (F) EQUIPPED WITH A SUPPLY OF HOT WATER ADEQUATE FOR CLEAN-  
16 ING MILK UTENSILS AND EQUIPMENT.

17       (G) DESIGNED WITHOUT A DIRECT OPENING, AND WITH A SOLID,  
18 TIGHT-FITTING, SELF-CLOSING DOOR, AT ANY ENTRANCE TO A BARN,  
19 STABLE, OR MILKING PARLOR.

20       (H) DESIGNED WITH SCREENS AT ALL OUTSIDE OPENINGS, UNLESS  
21 ANOTHER MEANS IS PROVIDED TO PREVENT THE ENTRANCE OF INSECTS OR  
22 RODENTS INTO THE MILKHOUSE OR MILKROOM.

23       (8) A DAIRY FARM BULK TANK SHALL BE LOCATED IN A MILKHOUSE  
24 OR MILKROOM IN A MANNER THAT ALLOWS ACCESS TO ALL AREAS OF THE  
25 TANK FOR CLEANING AND SERVICING. A DAIRY FARM BULK TANK SHALL  
26 NOT BE PLACED OVER A FLOOR DRAIN OR UNDER A VENTILATOR OR  
27 UNPROTECTED LIGHT FIXTURE.

1 (9) THE OWNER OR OPERATOR OF A MILKHOUSE OR MILKROOM SHALL  
2 ENSURE ALL OF THE FOLLOWING:

3 (A) THAT THE MILKHOUSE OR MILKROOM IS CLEAN AND FREE OF CON-  
4 TAMINANTS, ANIMALS, AND FOWL.

5 (B) THAT A PESTICIDE IS NOT STORED IN THE MILKHOUSE OR  
6 MILKROOM.

7 (C) THAT ANY PESTICIDE USED IN OR NEAR THE MILKHOUSE OR  
8 MILKROOM IS USED IN ACCORDANCE WITH LABEL INSTRUCTIONS TO PREVENT  
9 THE CONTAMINATION OF MILK OR EQUIPMENT.

10 (D) THAT EACH UTENSIL, MILK CAN, MILKING MACHINE, PIPELINE  
11 SYSTEM ASSOCIATED WITH A MILKING MACHINE, AND OTHER EQUIPMENT  
12 USED IN THE HANDLING OF MILK IS MAINTAINED IN GOOD CONDITION,  
13 FREE FROM RUST, OPEN SEAMS, MILKSTONE, AND ANY UNSANITARY  
14 CONDITION.

15 (E) THAT EACH UTENSIL AND ITEM OF EQUIPMENT USED IN THE HAN-  
16 DLING OF MILK IS OF A SMOOTH, NONCORROSIVE MATERIAL, WASHED,  
17 RINSED, AND DRAINED AFTER EACH MILKING, STORED IN AN APPROPRIATE  
18 MANNER, AND SANITIZED IMMEDIATELY BEFORE USE WITH A SANITIZER  
19 APPROVED BY THE DEPARTMENT.

20 (F) THAT EACH DAIRY FARM TANK USED ON THE PREMISES IS CON-  
21 STRUCTED OF A MATERIAL OR MATERIALS APPROVED BY THE DEPARTMENT,  
22 AND INSTALLED IN ACCORDANCE WITH DEPARTMENT REGULATIONS.

23 (G) THAT EACH ITEM THAT IS DESIGNED FOR A SINGLE USE IS  
24 PROPERLY STORED, AND IS NOT REUSED.

25 (H) THAT THE DAIRY FARM WATER SUPPLY COMPLIES WITH THE SAFE  
26 DRINKING WATER ACT, ACT NO. 399 OF THE PUBLIC ACTS OF 1976, BEING  
27 SECTIONS 325.1001 TO 325.1023 OF THE MICHIGAN COMPILED LAWS, OR,

1 IF THE WATER SUPPLY IS NOT NEW OR RECONSTRUCTED AFTER THE  
2 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION,  
3 THE WATER SUPPLY IS ANNUALLY TESTED BY A LABORATORY APPROVED BY  
4 THE DEPARTMENT AND FOUND TO BE OF SAFE AND SATISFACTORY QUALITY,  
5 AND IN COMPLIANCE WITH GUIDELINES ESTABLISHED BY THE DEPARTMENT  
6 OF PUBLIC HEALTH.

7 (I) THAT WASTE PRODUCTS ARE DISPOSED OF IN A MANNER THAT  
8 WILL NOT POLLUTE THE SOIL SURFACE, CONTAMINATE A FEED, MILK, OR  
9 WATER SUPPLY, OR BE EXPOSED TO INSECTS.

10 Sec. 2b. (1) ~~At least once each 45 days samples of milk~~  
11 ~~shall be taken and tested for bacterial estimate, antibiotics,~~  
12 ~~and abnormal milk in a laboratory approved by the department of~~  
13 ~~agriculture. All tests shall be conducted according to proce-~~  
14 ~~dures as outlined in the latest edition of the standard methods~~  
15 ~~for the examination of dairy products.~~

16 ~~(2) Bacterial estimates shall be performed by 1 of the fol-~~  
17 ~~lowing tests:~~

18 ~~(a) Standard plate count.~~

19 ~~(b) Plate loop count.~~

20 ~~(c) Direct microscopic count.~~

21 ~~(d) The methylene blue or the resazurin reduction tests for~~  
22 ~~can milk only.~~

23 ~~(3) The test for antibiotics shall be with the bacillus sub-~~  
24 ~~tilis disc assay method or equivalent.~~

25 ~~(4) Abnormal milk may be checked by any of the following~~  
26 ~~screening tests and may be used as the official count:~~

1       ~~(a) California mastitis test weak positive (California~~  
2 ~~mastitis test 1+).~~

3       ~~(b) Catalase test 30% oxygen.~~

4       ~~(c) Modified whiteside test positive (1+).~~

5       ~~(d) Wisconsin mastitis test (Wisconsin mastitis test value~~  
6 ~~of 21 millimeters).~~

7       ~~If the screening test result exceeds any of the values~~  
8 ~~stated in the tests permitted by this subsection, a somatic cell~~  
9 ~~count shall be run and that result reported as the official~~  
10 ~~count.~~

11       ~~(5) The standards of quality for raw milk shall be as~~  
12 ~~follows:~~

13       ~~(a) Bacterial estimate not to exceed 1,000,000 per~~  
14 ~~milliliter.~~

15       ~~(b) No detectable zone for antibiotics.~~

16       ~~(c) Abnormal milk somatic cell counts shall not exceed~~  
17 ~~1,500,000 cells per milliliter.~~

18       ~~(6) When it is determined that a producer has a positive~~  
19 ~~test indicating the presence of antibiotics, the buyer shall~~  
20 ~~notify the department of agriculture and the producer and shall~~  
21 ~~discontinue purchasing milk from that producer until the condi-~~  
22 ~~tions causing the positive tests have been corrected and the sub-~~  
23 ~~sequent testing for antibiotics is negative.~~

24       ~~(7) When it is determined that a producer's milk exceeds the~~  
25 ~~standard for bacterial estimate or abnormal milk, the buyer shall~~  
26 ~~within 7 days make an inspection in an effort to determine the~~  
27 ~~cause or causes so that the high count can be eliminated. When~~



~~1 the buyer finds that a producer's milk exceeds the standards for  
2 bacteria or abnormal milk in 2 out of the last 4 most recent  
3 tests, the buyer shall notify the producer and the department of  
4 agriculture so that an inspection can be made by the department  
5 to help alleviate the problem. The buyer then shall take another  
6 sample of the producer's milk, not less than 3 days, but not more  
7 than 21 days after the inspection made by the department. If  
8 that sample also exceeds the standard for bacteria or abnormal  
9 milk, the department of agriculture shall be notified and the  
10 department or the buyer shall exclude the producer from all  
11 markets. The exclusion shall remain in effect until a subsequent  
12 sample meets standards and corrections have been made justifying  
13 reinstatement. Reinstatement may be made by either the depart-  
14 ment or the industry field representative.~~

~~15 (8) The department shall be notified immediately of all new  
16 shippers and they shall be visited by the dairy plant or receiv-  
17 ing station operator or his or her representative and a written  
18 farm inspection shall be made before the first shipment of milk  
19 or cream. The written inspection shall show substantial compli-  
20 ance with this act before the first shipment of milk.~~

~~21 (9) At least once annually all farms shipping milk or cream  
22 to a dairy plant or receiving station shall be inspected by the  
23 dairy plant or receiving station operator or by his or her  
24 representative. A carbon copy of the inspection shall be left  
25 with the producer and a copy filed at the dairy plant or receiv-  
26 ing station. Reinspections shall be made within 30 days after  
27 the original inspection on those farms where conditions are found~~

~~1 which adversely or seriously affect milk or cream quality. The~~  
~~2 farm inspection form used shall include all minimum requirements~~  
~~3 for manufacturing milk standards and shall be approved by the~~  
~~4 department of agriculture.~~ A LICENSED BULK MILK HAULER SHALL  
5 COLLECT SAMPLES OF MILK FROM EACH LOAD OF MILK HE OR SHE RECEIVES  
6 FOR TRANSPORT PURSUANT TO THE FLUID MILK ACT OF 1965, ACT NO. 233  
7 OF THE PUBLIC ACTS OF 1965, BEING SECTIONS 288.21 TO 288.29A OF  
8 THE MICHIGAN COMPILED LAWS, AND AT LEAST ONCE EACH 45 DAYS SHALL  
9 DELIVER COLLECTED SAMPLES TO A DAIRY PLANT OR RECEIVING STATION.  
10 THE DAIRY PLANT OR RECEIVING STATION, OR A LABORATORY SELECTED BY  
11 THE DAIRY PLANT OR RECEIVING STATION THAT IS APPROVED BY THE  
12 DEPARTMENT, SHALL TEST THE MILK FOR EACH OF THE FOLLOWING IN  
13 ACCORDANCE WITH THE LATEST EDITION OF THE STANDARD METHODS FOR  
14 DAIRY PRODUCT EXAMINATION APPROVED BY THE DEPARTMENT:

15 (A) THE PRESENCE OF BACTERIA BY STANDARD PLATE COUNT OR  
16 PLATE-LOOP COUNT.

17 (B) THE PRESENCE OF A DRUG RESIDUE USING THE BACILLUS STEA-  
18 ROTHERMOPHILIS DISC-ASSAY METHOD OR AN EQUIVALENT TEST APPROVED  
19 BY THE DEPARTMENT.

20 (C) THE PRESENCE OF AN ABNORMALITY USING ANY OF THE FOLLOW-  
21 ING TESTS:

22 (i) THE WISCONSIN MASTITIS TEST, USING A TEST VALUE APPROVED  
23 BY THE DEPARTMENT.

24 (ii) A DIRECT MICROSCOPIC SOMATIC CELL COUNT.

25 (iii) AN ELECTRONIC SOMATIC CELL COUNT.

26 (2) THE DAIRY PLANT OR RECEIVING STATION RESPONSIBLE FOR A  
27 TEST DESCRIBED IN THIS SECTION SHALL DELIVER A COPY OF THE TEST

1 RESULT TO THE DEPARTMENT WITHIN 10 DAYS AFTER THE DAIRY PLANT OR  
2 RECEIVING STATION RECEIVES THE TEST RESULT. THE DAIRY PLANT OR  
3 RECEIVING STATION SHALL MAINTAIN AN ORIGINAL OR COPY OF THE TEST  
4 RESULT FOR AT LEAST 1 YEAR. IF THE RESULT OF A TEST CONDUCTED ON  
5 A MILK SAMPLE UNDER THIS SECTION EXCEEDS A TEST NORM APPROVED BY  
6 THE DEPARTMENT, THE LABORATORY SHALL CONDUCT A SOMATIC CELL COUNT  
7 OF THE MILK SAMPLE, AND THE RESULTS OF THE SOMATIC CELL COUNT  
8 SHALL BE THE OFFICIAL COUNT FOR THAT MILK SAMPLE.

9 (3) RAW MILK SHALL NOT BE PROCESSED OR MADE AVAILABLE FOR  
10 HUMAN CONSUMPTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

11 (A) THE BACTERIAL ESTIMATE FOR THAT MILK EXCEEDS 500,000 PER  
12 MILLILITER.

13 (B) THE MILK CONTAINS DRUG RESIDUE AT A LEVEL THAT EXCEEDS  
14 DEPARTMENT LIMITS FOR DRUG RESIDUE CONTENT.

15 (C) THE ABNORMAL MILK-SOMATIC COUNT FOR THAT MILK EXCEEDS  
16 1,000,000 CELLS PER MILLILITER.

17 (4) IF A TEST UNDER THIS SECTION INDICATES THE PRESENCE OF A  
18 DRUG RESIDUE AT A LEVEL THAT EXCEEDS DEPARTMENT LIMITS FOR DRUG  
19 RESIDUE CONTENT, THE PERSON WHO PROVIDED THE MILK FOR TESTING  
20 SHALL NOTIFY THE PRODUCER OF THAT MILK AND THE DEPARTMENT OF THE  
21 TEST RESULT. UPON RECEIPT OF A NOTICE UNDER THIS SUBSECTION, THE  
22 PRODUCER OF THAT MILK AND ANY PROCESSOR OF THAT MILK SHALL ENSURE  
23 THAT THE MILK IS NOT MADE AVAILABLE FOR HUMAN CONSUMPTION, AND A  
24 PROCESSOR SHALL NOT PURCHASE ADDITIONAL MILK FROM THAT PRODUCER  
25 UNTIL THE DEPARTMENT DETERMINES THAT THE PRODUCER HAS ELIMINATED  
26 THE CAUSE OF THE EXCESSIVE DRUG RESIDUE LEVEL.

1       (5) A MILK PROCESSOR WHO RECEIVES NOTICE THAT A PRODUCER'S  
2 MILK IS ABNORMAL OR THAT A PRODUCER'S MILK CONTAINS BACTERIA AT A  
3 LEVEL EXCEEDING DEPARTMENT LIMITS FOR BACTERIA SHALL DO ALL OF  
4 THE FOLLOWING:

5       (A) WITHIN 7 DAYS AFTER RECEIPT OF THE NOTICE INSPECT THE  
6 MILK PRODUCER'S FACILITY AND ATTEMPT TO DETERMINE THE CAUSE OR  
7 CAUSES OF THE EXCESS BACTERIAL CONTENT OR ABNORMALITY.

8       (B) IF THE MILK PROCESSOR DETERMINES THAT THE PRODUCER'S  
9 MILK IS ABNORMAL OR CONTAINS BACTERIA AT A LEVEL EXCEEDING  
10 DEPARTMENT LIMITS FOR BACTERIA IN 2 OF THE 4 MOST RECENT TESTS OF  
11 THE PRODUCER'S MILK, NOTIFY THE DEPARTMENT AND THE PRODUCER OF  
12 THAT DETERMINATION.

13       (C) OBTAIN A SUBSEQUENT SAMPLE OF THE PRODUCER'S MILK NOT  
14 LESS THAN 3 DAYS OR MORE THAN 21 DAYS AFTER THE DEPARTMENT  
15 INSPECTS THE PRODUCER'S FACILITY PURSUANT TO SUBSECTION (6).

16       (D) IF THE SAMPLE DESCRIBED IN SUBDIVISION (C) IS ABNORMAL  
17 OR CONTAINS BACTERIA AT A LEVEL EXCEEDING DEPARTMENT LIMITS,  
18 NOTIFY THE DEPARTMENT, AND REFRAIN FROM OBTAINING ANY FURTHER  
19 MILK FROM THE PRODUCER ABSENT APPROVAL OF THE DEPARTMENT OR THE  
20 DEPARTMENT'S DESIGNEE.

21       (6) IMMEDIATELY FOLLOWING RECEIPT OF NOTICE DESCRIBED IN  
22 SUBSECTION (5) (D), THE DEPARTMENT SHALL INSPECT A MILK PRODUCER'S  
23 FACILITY AND ATTEMPT TO DETERMINE AND REMEDY THE CAUSE OF AN  
24 ABNORMALITY OR EXCESSIVE BACTERIA. THE DEPARTMENT SHALL PROVIDE  
25 THE MILK PRODUCER WITH A WRITTEN WARNING NOTICE OF INTENT TO SUS-  
26 PEND PERMIT, AND THE NOTICE SHALL REMAIN IN EFFECT FOR THE PERIOD  
27 DURING WHICH 2 OF THE 4 MOST RECENT SAMPLES COLLECTED UNDER THIS

1 SECTION REMAIN ABNORMAL OR CONTAIN BACTERIA AT A LEVEL EXCEEDING  
2 DEPARTMENT LIMITS.

3 (7) IF A DAIRY FARM IS NOT SHIPPING MILK IN ACCORDANCE WITH  
4 THIS ACT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED  
5 THIS SECTION, THE DAIRY FARM SHALL NOT SHIP MILK FOR HUMAN CON-  
6 SUMPTION UNTIL THE OCCURRENCE OF EACH OF THE FOLLOWING:

7 (A) THE DAIRY FARM NOTIFIES THE DEPARTMENT OF ITS INTENT TO  
8 BECOME A MILK SHIPPER.

9 (B) THE DEPARTMENT INSPECTS THE DAIRY FARM AND COMPLETES A  
10 WRITTEN REPORT VERIFYING THAT THE DAIRY FARM IS IN SUBSTANTIAL  
11 COMPLIANCE WITH THIS ACT.

12 (C) THE DEPARTMENT ISSUES TO THE DAIRY FARM A PERMIT WITHOUT  
13 CHARGE.

14 (8) A REPRESENTATIVE OF A DAIRY PLANT OR RECEIVING STATION  
15 SHALL DO EACH OF THE FOLLOWING:

16 (A) AT LEAST ONCE ANNUALLY, INSPECT ALL FARMS SHIPPING MILK  
17 TO THAT DAIRY PLANT OR RECEIVING STATION.

18 (B) FOR EACH INSPECTION DESCRIBED IN SUBDIVISION (A), COM-  
19 PLETE AN INSPECTION FORM APPROVED BY THE DEPARTMENT THAT IDENTI-  
20 FIES ALL MINIMUM REQUIREMENTS FOR MILK MANUFACTURING.

21 (C) DELIVER A COPY OF THE COMPLETED INSPECTION FORM TO THE  
22 OWNER OR OPERATOR OF THE INSPECTED FARM, AND FILE A COPY OF THAT  
23 FORM WITH THE RECORDS OF THE DAIRY PLANT OR RECEIVING STATION.

24 (D) IF AN INSPECTION UNDER THIS SUBSECTION ESTABLISHES THE  
25 EXISTENCE OF A CONDITION THAT ADVERSELY AFFECTS MILK QUALITY,  
26 CONDUCT A SUBSEQUENT INSPECTION NOT LATER THAN 30 DAYS AFTER THE  
27 ORIGINAL INSPECTION.

1 (9) IF ADVERSE CONDITIONS CONTINUE AFTER AN INSPECTION  
2 DESCRIBED IN SUBSECTION (8) (D), PERMIT SUSPENSION MAY OCCUR.

3 Sec. 2c. ~~A dairy plant and receiving station shall main-~~  
4 ~~tain records of producer quality tests for a period of at least 1~~  
5 ~~year and these records shall be kept available for review by rep-~~  
6 ~~resentatives of the department of agriculture. The department of~~  
7 ~~agriculture representative may review quality records and inspect~~  
8 ~~farm conditions of producers shipping milk or cream to all manu-~~  
9 ~~facturing plants or receiving stations as often as the department~~  
10 ~~deems necessary to assure compliance with minimum manufacturing~~  
11 ~~milk and cream standards.~~

12 ~~The department shall provide a copy of its inspection~~  
13 ~~reports of a dairy farm upon written request of a purchaser of~~  
14 ~~milk from the dairy farm.~~ THE DEPARTMENT MAY EXAMINE TEST  
15 RESULTS AND INSPECT DAIRY FARMS AS FREQUENTLY AS THE DEPARTMENT  
16 DETERMINES NECESSARY TO ASSURE COMPLIANCE WITH THIS ACT. UPON  
17 RECEIPT OF A WRITTEN REQUEST FROM A PERSON WHO PURCHASES MILK  
18 PRODUCED AT A DAIRY FARM SUBJECT TO THIS ACT, THE DEPARTMENT  
19 SHALL PROVIDE THAT PERSON WITH A COPY OF THE DEPARTMENT'S INSPEC-  
20 TION REPORTS FOR THE DAIRY FARM.

21 Sec. 2d. (1) ~~Producers~~ A PRODUCER who ~~fail~~ FAILS to  
22 meet minimum quality standards or correct insanitary farm condi-  
23 tions after ~~receiving help from the~~ A dairy plant, ~~or~~ receiv-  
24 ing station operator, or ~~his representative, or~~ the department  
25 ~~of agriculture, shall be excluded~~ INTERVENES UNDER THIS ACT IS  
26 PROHIBITED from selling milk ~~or cream~~ for human consumption.  
27 ~~Reinstatement of an excluded~~ AFTER BEING EXCLUDED, THAT

1 producer ~~shall be made~~ MAY SELL MILK FOR HUMAN CONSUMPTION only  
2 ~~after the dairy plant or receiving station operator or his rep-~~  
3 ~~resentative, or the~~ IF THE department ~~of agriculture, has~~  
4 ~~determined~~ DETERMINES that the conditions ~~on the farm which~~  
5 THAT caused the noncompliance have been corrected.

6 ~~Milk or cream may not be accepted from any producer who has~~  
7 ~~been excluded from the market by the department of agriculture~~  
8 ~~for insanitary conditions or quality until the cause for exclu-~~  
9 ~~sion has been corrected, as determined by inspection by the~~  
10 ~~department of agriculture or the dairy plant.~~

11 (2) A PERSON SHALL NOT ACCEPT MILK FROM A PRODUCER PROHIB-  
12 ITED FROM SELLING MILK UNDER THIS SECTION UNLESS THE DEPARTMENT  
13 HAS DETERMINED THAT THE CONDITION CAUSING THE PROHIBITION AGAINST  
14 THAT PRODUCER HAS BEEN REMEDIED.

15 Sec. 2e. ~~Plants receiving milk for manufacture into~~  
16 ~~butter, cheese, cottage cheese, evaporated milk, condensed milk,~~  
17 ~~dry skimmed milk, and dry whole milk shall conform to the follow-~~  
18 ~~ing standards and requirements:~~

19 (a) ~~The premises and surroundings shall be kept neat and~~  
20 ~~clean. Trash and waste materials shall be disposed of~~  
21 ~~regularly.~~

22 (b) ~~An adequate drainage system shall be provided which~~  
23 ~~drains readily all water from the plant and removes surface water~~  
24 ~~readily from the premises.~~

25 (c) ~~Plant buildings shall be of sound construction and kept~~  
26 ~~in good repair.~~

1       ~~(d) The walls, ceilings, and partitions shall be~~  
2 ~~substantially impervious to moisture, clean, tight, and kept in~~  
3 ~~good repair. Doors and windows shall be kept clean and in good~~  
4 ~~repair.~~

5       ~~(e) In rooms where milk and milk products are processed or~~  
6 ~~packaged or where utensils are washed, the floors shall be con-~~  
7 ~~structed of easily cleanable impervious material and shall be~~  
8 ~~constructed to provide for proper drainage and ease of cleaning.~~

9       ~~(f) All plants and storage areas shall be free from insects~~  
10 ~~and rodents. During the fly season, all regularly used doors and~~  
11 ~~other openings shall be screened or otherwise protected against~~  
12 ~~insects.~~

13       ~~(g) Rooms shall be ventilated to prevent off odors and~~  
14 ~~excessive condensation on walls and ceilings.~~

15       ~~(h) Sufficient amounts of natural or artificial light shall~~  
16 ~~be provided to accomplish the visual aspects of processing, han-~~  
17 ~~dling and storage of manufactured products.~~

18       ~~(i) Convenient and sufficient toilet facilities and~~  
19 ~~hand-washing facilities complete with soap, towels, and hot and~~  
20 ~~cold running water shall be provided, and shall be kept clean.~~  
21 ~~Each toilet room shall be ventilated to the outside air, provided~~  
22 ~~with a self-closing door and have a "wash hands" sign posted in a~~  
23 ~~conspicuous place. An employee shall not return to work after~~  
24 ~~using the toilet without first having washed his or her hands.~~

25       ~~(j) All plants shall have adequate and safe water supplies~~  
26 ~~that comply with all regulations governing such supplies and the~~  
27 ~~safe drinking water act, Act No. 399 of the Public Acts of 1976,~~



1 ~~being sections 325.1001 to 325.1023 of the Michigan Compiled~~  
2 ~~laws, and rules promulgated under that act.~~

3 ~~(k) Equipment, sanitary piping and utensils with which milk~~  
4 ~~and milk products come in contact shall be made of stainless~~  
5 ~~steel or other noncorrosive sanitary material and shall be smooth~~  
6 ~~and maintained in good repair, free from rust, pits, and open~~  
7 ~~seams. Churns shall be of noncorrosive sanitary metal construe-~~  
8 ~~tion or sound wood construction.~~

9 ~~(l) Equipment, sanitary piping and utensils with which milk~~  
10 ~~and milk products come in contact shall be completely disassem-~~  
11 ~~bled and thoroughly cleaned at least every 24 hours. However,~~  
12 ~~permanently installed equipment and sanitary piping may be~~  
13 ~~cleaned by C.I.P., cleaned in place, procedures when the plans,~~  
14 ~~installation, and cleaning methods are approved by the department~~  
15 ~~of agriculture. This equipment, after having been exposed to~~  
16 ~~approved C.I.P. procedures, shall be visually inspected for~~  
17 ~~cleanliness and recleaned if necessary. Immediately before~~  
18 ~~reuse, all cleaned equipment, sanitary piping and utensils shall~~  
19 ~~be given adequate bactericidal treatment.~~

20 ~~(m) Good housekeeping practices shall be carried out daily~~  
21 ~~in the plant.~~

22 ~~(n) All employees whose work brings them in contact with the~~  
23 ~~receiving, processing, handling, packaging, and storage of milk~~  
24 ~~or milk products shall wear clean outer garments and caps or~~  
25 ~~hairnets.~~

26 ~~(o) Tobacco in any form shall not be used in receiving and~~  
27 ~~processing rooms.~~

~~1 (p) At least every 4 months a can audit shall be made by the~~  
~~2 plant personnel to determine the number of unsatisfactory~~  
~~3 producer cans in use. A record shall be maintained at the plant~~  
~~4 revealing the total number of cans examined and the percentage of~~  
~~5 unclean, definite rusty, and open seamed cans noted in each~~  
~~6 audit.~~

~~7 (q) Persons afflicted with communicable diseases shall not~~  
~~8 be employed in plants receiving milk or milk products for~~  
~~9 manufacturing.~~

10 (1) THE OWNER OR OPERATOR OF A PLANT RECEIVING MILK FOR MAN-  
11 UFACTURE INTO A DAIRY PRODUCT SHALL DO EACH OF THE FOLLOWING:

12 (A) MAINTAIN PREMISES IN A CLEAN AND ORDERLY CONDITION.

13 (B) PREVENT THE EMISSION OF AN ODOR, SMOKE, OR POLLUTANT  
14 THAT EXCEEDS DEPARTMENT GUIDELINES.

15 (C) CONSTRUCT PLANT DRIVEWAYS AND ADJACENT VEHICULAR TRAFFIC  
16 AREAS USING CONCRETE, ASPHALT, OR OTHER MATERIAL APPROVED BY THE  
17 DEPARTMENT FOR MINIMIZING DUST AND MUD, AND MAINTAIN THOSE SITES  
18 PURSUANT TO DEPARTMENT GUIDELINES.

19 (D) CONSTRUCT A DRAINAGE SYSTEM THAT PROVIDES FOR RAPID,  
20 NONHAZARDOUS WATER DRAINAGE FROM THE PLANT, DRIVEWAYS, ADJACENT  
21 TRAFFIC AREAS, AND SURFACE WATER SITES LOCATED ON PLANT PROPERTY,  
22 IN A MANNER THAT PREVENTS THE DEVELOPMENT OF A NUISANCE.

23 (E) ENSURE THAT EACH PLANT STRUCTURE IS OF SOUND CONSTRUC-  
24 TION AND KEPT IN GOOD REPAIR TO PREVENT THE ENTERING OR HARBORING  
25 OF RODENTS, BIRDS, INSECTS, VERMIN, DOGS, AND CATS.

1 (F) ENSURE THAT ALL EXTERIOR WALL OPENINGS FOR PIPES ARE  
2 EFFECTIVELY SEALED AROUND THE PIPES OR FITTED WITH TIGHT METAL  
3 COLLARS.

4 (G) ENSURE THAT ALL OPENINGS TO THE OUTDOORS, INCLUDING  
5 DOORS, WINDOWS, SKYLIGHTS, AND TRANSOMS ARE EFFECTIVELY MAIN-  
6 TAINED AND PROTECTED OR SCREENED AGAINST THE ENTRANCE OF INSECTS,  
7 RODENTS, BIRDS, DUST, AND DIRT.

8 (H) ENSURE THAT ALL EXTERIOR DOORS FIT PROPERLY AND THAT ALL  
9 HINGED, EXTERIOR SCREEN DOORS OPEN OUTWARD.

10 (I) ENSURE THAT ALL CONVEYOR AND OTHER EXTERIOR OPENINGS ARE  
11 EFFECTIVELY MAINTAINED AND PROTECTED BY THE USE OF DOORS,  
12 SCREENS, FLAPS, FANS, OR TUNNELS TO PREVENT THE ENTRANCE OF  
13 INSECTS, RODENTS, BIRDS, DUST, AND DIRT.

14 (J) COVER EXTERIOR SANITARY PIPELINES WHEN NOT IN USE.

15 (K) ENSURE THAT WALL, CEILING, PARTITION, AND POST SURFACES  
16 OF EACH ROOM IN WHICH A MILK OR DAIRY PRODUCT IS STORED, OR IN  
17 WHICH A DAIRY UTENSIL IS WASHED OR STORED, ARE SMOOTHLY FINISHED  
18 IN A LIGHT COLORED MATERIAL IMPERVIOUS TO MOISTURE.

19 (l) REFINISH A SURFACE DESCRIBED IN SUBDIVISION (K) AS FRE-  
20 QUENTLY AS NECESSARY TO MAINTAIN A SMOOTH FINISH.

21 (M) ENSURE THAT THE FLOOR OF EACH ROOM IN WHICH A MILK OR  
22 DAIRY PRODUCT IS PROCESSED, MANUFACTURED, PACKAGED, HANDLED OR  
23 STORED, OR IN WHICH A DAIRY UTENSIL IS WASHED OR STORED, IS EACH  
24 OF THE FOLLOWING:

25 (i) EXCEPT AS PROVIDED IN SUBDIVISION (N), CONSTRUCTED OF AN  
26 IMPERVIOUS MATERIAL APPROVED BY THE DEPARTMENT.

- 1       (ii) MAINTAINED IN GOOD REPAIR.
- 2       (iii) GRADED TO PREVENT THE FORMING OF STANDING WATER OR  
3 MILK.
- 4       (iv) EQUIPPED WITH DRAINS CONTAINING PROPERLY CONSTRUCTED  
5 AND MAINTAINED TRAPS, AND DESIGNED TO PREVENT SEWAGE BACKUP INTO  
6 DRAIN LINES AND THE FLOOR OF THE PLANT.
- 7       (N) STORE NEW CONTAINERS, SUPPLIES, AND CERTAIN PACKAGED  
8 PRODUCTS IN A ROOM OR ROOMS WITH FLOORS DESCRIBED IN SUBDIVISION  
9 (1), OR UPON DEPARTMENT APPROVAL, IN A ROOM OR ROOMS WITH A  
10 CLEAN, SMOOTH WOOD FLOOR.
- 11       (O) EQUIP THE PLANT WITH ADEQUATE AND WELL-DISTRIBUTED  
12 LIGHTING.
- 13       (P) PROTECT FROM POTENTIAL BROKEN GLASS CONTAMINATION ALL  
14 MILK OR DAIRY PRODUCTS LOCATED BENEATH A SUSPENDED LIGHT BULB,  
15 FIXTURE, WINDOW, OR OTHER GLASS.
- 16       (Q) ENSURE THAT EACH ROOM AND COMPARTMENT HAS ADEQUATE HEAT-  
17 ING, AIR CONDITIONING, AND VENTILATION TO MAINTAIN SANITARY CON-  
18 DITIONS, AND PROVIDE EXHAUST OR INLET FANS, VENTS, HOODS, AND  
19 TEMPERATURE AND HUMIDITY CONTROL FACILITIES AS NEEDED TO MINIMIZE  
20 OR ELIMINATE UNDESIRABLE ROOM TEMPERATURES, ODORS, MOISTURE, CON-  
21 DENSATION, OR MOLD.
- 22       (R) INSTALL ADEQUATE AIR FILTERING DEVICES ON AIR INLET FANS  
23 TO PREVENT THE ENTRANCE OF DIRT AND DUST, AND ENSURE THAT EACH  
24 EXHAUST OUTLET IS SCREENED OR PROVIDED WITH SELF-CLOSING LOUVRES  
25 TO PREVENT THE ENTRANCE OF INSECTS WHEN NOT IN USE.
- 26       (S) CLEAN AND MAINTAIN IN GOOD REPAIR EACH VENTILATION  
27 SYSTEM.

1 (T) ENSURE THAT EACH ROOM AND COMPARTMENT IN WHICH A RAW  
2 DAIRY MATERIAL, PACKAGING, INGREDIENT, SUPPLY, OR DAIRY PRODUCT  
3 IS MANUFACTURED, HANDLED, PACKAGED, OR STORED IS DESIGNED, CON-  
4 STRUCTED, AND MAINTAINED TO ASSURE A STABLE AND APPROPRIATE TEM-  
5 PERATURE AND CLEAN OPERATING CONDITIONS.

6 (U) SEPARATE A PROCESSING ROOM FROM A BULK MILK RECEIVING  
7 ROOM BY WALLS OR PARTITIONS AND A SOLID, TIGHT-FITTING,  
8 SELF-CLOSING DOOR.

9 (V) KEEP PROCESSING ROOMS FREE FROM EQUIPMENT NOT REGULARLY  
10 USED.

11 (W) MAINTAIN COOLERS AND FREEZERS CONTAINING MILK OR DAIRY  
12 PRODUCTS AS FOLLOWS:

13 (i) AT TEMPERATURE AND HUMIDITY LEVELS THAT PROTECT COOLER  
14 OR FREEZER CONTENTS AND MINIMIZE MOLD GROWTH ON OR WITHIN THE  
15 COOLER OR FREEZER.

16 (ii) IN A CONDITION THAT PROTECTS COOLER OR FREEZER CONTENTS  
17 FROM RODENTS, INSECTS, AND VERMIN.

18 (iii) WITH SHELVES THAT ARE CLEAN AND DRY.

19 (iv) WITH EQUIPMENT FOR THE COLLECTION AND DISPOSAL OF  
20 CONDENSATE.

21 (X) MAINTAIN A SUPPLY ROOM USED FOR THE STORING OF PACKAGING  
22 MATERIALS AND MISCELLANEOUS INGREDIENTS IN A CLEAN, DRY CONDI-  
23 TION, FREE FROM INSECTS, RODENTS, AND MOLD AND MAINTAINED IN GOOD  
24 REPAIR.

25 (Y) PROTECT ITEMS STORED IN A SUPPLY ROOM FROM DUST, DIRT,  
26 OR OTHER EXTRANEIOUS MATTER AND ARRANGE THOSE ITEMS ON RACKS,

1 SHELVES, OR PALLETS TO PERMIT CLEANING AND INSPECTION OF THE ROOM  
2 AND ACCESS TO THE ITEMS.

3 (Z) LABEL, SEGREGATE, AND STORE INSECTICIDES, RODENTICIDES,  
4 CLEANING COMPOUNDS, AND OTHER NONFOOD PRODUCTS IN A SEPARATE  
5 SUPPLY ROOM OR CABINET AWAY FROM MILK, DAIRY PRODUCTS, INGREDI-  
6 ENTS, OR PACKAGING SUPPLIES.

7 (AA) SEPARATE A BOILERROOM AND A SHOPROOM FROM OTHER ROOMS  
8 WHERE MILK AND DAIRY PRODUCTS ARE PROCESSED, PACKAGED, HANDLED,  
9 OR STORED, AND KEEP A BOILER ROOM AND A SHOP ROOM ORDERLY AND  
10 REASONABLY CLEAN.

11 (BB) MAINTAIN CONVENIENTLY LOCATED AND ADEQUATE TOILET  
12 FACILITIES THAT COMPLY WITH THE FOLLOWING:

13 (i) TOILET ROOMS SHALL NOT OPEN DIRECTLY INTO ANY ROOM IN  
14 WHICH MILK OR DAIRY PRODUCTS ARE PROCESSED, PACKAGED, OR STORED.

15 (ii) TOILET ROOM DOORS SHALL BE SELF-CLOSING AND TOILET ROOM  
16 VENTILATION SHALL BE PROVIDED BY MECHANICAL MEANS OR SCREENED  
17 OPENINGS TO THE OUTSIDE AIR.

18 (iii) TOILET ROOM FIXTURES SHALL BE KEPT CLEAN AND IN GOOD  
19 REPAIR.

20 (CC) FURNISH EACH EMPLOYEE WITH A LOCKER OR OTHER SUITABLE  
21 FACILITY THAT IS KEPT CLEAN AND ORDERLY.

22 (DD) CONSPICUOUSLY POST SIGNS IN EACH TOILET AND LOCKER ROOM  
23 DIRECTING EMPLOYEES TO WASH THEIR HANDS BEFORE RETURNING TO  
24 WORK.

25 (EE) MAINTAIN AND ADEQUATELY EQUIP A LABORATORY CONSISTENT  
26 WITH THE SIZE AND TYPE OF PLANT AND THE VOLUME OF DAIRY PRODUCTS

1 MANUFACTURED AND STAFF THAT LABORATORY WITH PERSONNEL QUALIFIED  
2 AND TRAINED FOR QUALITY CONTROL AND ANALYTICAL TESTING.

3 (FF) MAINTAIN A CENTRAL LABORATORY SERVING MORE THAN 1 PLANT  
4 ONLY IF THAT LABORATORY IS APPROVED BY THE DEPARTMENT AND IS CON-  
5 VENIENTLY LOCATED TO THE DAIRY PLANTS.

6 (GG) PROVIDE ADEQUATE SANITARY STARTER FACILITIES FOR THE  
7 HANDLING OF STARTER CULTURES.

8 (HH) PROVIDE AN ADEQUATE SUPPLY OF BOTH HOT AND COLD WATER  
9 OF SAFE AND SANITARY QUALITY, PROTECTED AGAINST CONTAMINATION AND  
10 POLLUTION, WITH ADEQUATE FACILITIES FOR PROPER DISTRIBUTION OF  
11 WATER THROUGHOUT THE PLANT. UPON DEPARTMENT APPROVAL, WATER FROM  
12 OTHER FACILITIES MAY BE USED FOR BOILER FEED WATER AND CONDENSER  
13 WATER IF WATER LINES ARE COMPLETELY SEPARATED FROM THE PLANT  
14 WATER SUPPLY, AND THE EQUIPMENT CONSTRUCTED AND CONTROLLED TO  
15 PRECLUDE CONTAMINATION OF PRODUCT CONTACT SURFACES.

16 (II) PREVENT ANY CROSS CONNECTION BETWEEN SAFE WATER SUPPLY  
17 AND EITHER AN UNSAFE OR QUESTIONABLE WATER SUPPLY, OR ANOTHER  
18 SOURCE THROUGH WHICH CONTAMINATION OF THE SAFE WATER SUPPLY IS  
19 POSSIBLE.

20 (JJ) RETAIN A LABORATORY APPROVED BY THE DEPARTMENT TO CON-  
21 DUCT A BACTERIOLOGICAL EXAMINATION OF THE SANITARY WATER SUPPLY  
22 AT LEAST TWICE A YEAR, OR AFTER ANY CONSTRUCTION OR REPAIR OF THE  
23 WATER SUPPLY SYSTEM, AND FILE THE RESULTS OF EACH TEST IN THE  
24 MANNER DIRECTED BY THE DEPARTMENT.

25 (KK) ENSURE THAT THE LOCATION, CONSTRUCTION, AND OPERATION  
26 OF A WELL COMPLIES WITH THE SAFE DRINKING WATER ACT, ACT NO. 399

1 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 325.1001 TO 325.1023  
2 OF THE MICHIGAN COMPILED LAWS.

3 (11) PROVIDE CONVENIENTLY LOCATED DRINKING WATER FACILITIES  
4 OF A SANITARY TYPE IN THE PLANT.

5 (MM) PROVIDE CONVENIENT HAND WASHING FACILITIES, INCLUDING  
6 HOT AND COLD RUNNING WATER, SOAP OR OTHER DETERGENTS, SANITARY  
7 SINGLE-SERVICE TOWELS OR AIR DRYERS AND COVERED TRASH CONTAINERS  
8 FOR USED TOWELS OR OTHER WASTES, AND LOCATE THOSE FACILITIES IN  
9 OR ADJACENT TO TOILET AND DRESSING ROOMS AND CONVENIENT TO THE  
10 AREAS WHERE MILK AND MILK PRODUCTS ARE HANDLED, PROCESSED OR  
11 STORED, OR WHERE EQUIPMENT IS CLEANED, SANITIZED, AND STORED.

12 (NN) PROHIBIT HANDWASHING IN VATS USED FOR THE CLEANING OF  
13 EQUIPMENT OR UTENSILS.

14 (OO) SUPPLY STEAM IN SUFFICIENT VOLUME AND PRESSURE FOR SAT-  
15 ISFACTORY OPERATION OF EACH APPLICABLE PIECE OF EQUIPMENT, AND  
16 ENSURE EACH OF THE FOLLOWING:

17 (i) THAT CULINARY STEAM USED IN DIRECT CONTACT WITH MILK OR  
18 DAIRY PRODUCTS COMPLIES WITH STANDARDS ESTABLISHED OR APPROVED BY  
19 THE DEPARTMENT AND IS FREE FROM HARMFUL SUBSTANCES OR EXTRANEOUS  
20 MATERIAL.

21 (ii) THAT ONLY NONTOXIC BOILER COMPOUNDS ARE USED.

22 (iii) THAT STEAM TRAPS, STRAINERS, AND CONDENSATE TRAPS ARE  
23 USED AS NECESSARY TO ENSURE A SAFE STEAM SUPPLY.

24 (PP) ENSURE THAT AIR UNDER PRESSURE THAT COMES IN CONTACT  
25 WITH MILK OR MILK PRODUCTS OR ANY PRODUCT CONTACT SURFACE COM-  
26 PLIES WITH STANDARDS ESTABLISHED OR APPROVED BY THE DEPARTMENT,  
27 AND THAT THE AIR UNDER PRESSURE AT THE POINT OF APPLICATION IS



1 FREE FROM VOLATILE SUBSTANCES, VOLATILES WHICH MAY IMPART ANY  
2 FLAVOR OR ODOR TO THE PRODUCTS, AND EXTRANEIOUS OR HARMFUL  
3 SUBSTANCES.

4 (QQ) PROPERLY DISPOSE OF WASTES FROM THE PLANT AND PREMISES,  
5 AND ENSURE THAT THE PLANT SEWER SYSTEM HAS SUFFICIENT CAPACITY TO  
6 READILY REMOVE ALL WASTES FROM THE VARIOUS PROCESSING AND PLANT  
7 OPERATIONS SO AS NOT TO CONTAMINATE PRODUCTS OR EQUIPMENT OR  
8 CREATE A NUISANCE OR PUBLIC HEALTH HAZARD.

9 (RR) ENSURE THAT CONTAINERS USED FOR THE COLLECTION AND  
10 HOLDING OF WASTES ARE CONSTRUCTED OF METAL, PLASTIC, OR OTHER  
11 EQUALLY IMPERVIOUS MATERIAL AND KEPT COVERED WITH TIGHT-FITTING  
12 LIDS, AND ENSURE THAT SOLID WASTES ARE DISPOSED OF REGULARLY AND  
13 THE CONTAINERS AND SURROUNDINGS KEPT REASONABLY CLEAN.

14 (SS) IN ACCORDANCE WITH DEPARTMENT RULES, PERIODICALLY  
15 INSPECT AND ANALYZE MILK PRODUCTS BEING PROCESSED AT THE PLANT  
16 DURING EACH PROCESS.

17 (2) THE OWNER OR OPERATOR OF A PLANT RECEIVING MILK FOR MAN-  
18 UFACTURE INTO A MILK PRODUCT SHALL DO ALL OF THE FOLLOWING:

19 (A) ENSURE THAT THE EQUIPMENT AND UTENSILS USED FOR THE PRO-  
20 CESSING OF MILK AND MILK PRODUCTS ARE CONSTRUCTED TO BE READILY  
21 DEMOUNTABLE WHEN THE DEPARTMENT DETERMINES NECESSARY FOR CLEANING  
22 AND SANITIZING.

23 (B) ENSURE THAT THE PRODUCT CONTACT SURFACES OF ALL EQUIP-  
24 MENT AND UTENSILS INCLUDING HOLDING TANKS, PASTEURIZERS, COOLERS,  
25 VATS, AGITATORS, PUMPS, SANITARY PIPING AND FITTINGS, AND ANY  
26 SPECIALIZED EQUIPMENT IS CONSTRUCTED OF STAINLESS STEEL, OR OTHER  
27 EQUALLY CORROSION-RESISTANT MATERIAL.

1 (C) ENSURE THAT NONMETALLIC PARTS OTHER THAN GLASS HAVING  
2 PRODUCT CONTACT SURFACES MEET SANITARY STANDARDS FOR PLASTIC OR  
3 RUBBER AND RUBBERLIKE MATERIALS ESTABLISHED OR APPROVED BY THE  
4 DEPARTMENT.

5 (D) ENSURE THAT ALL EQUIPMENT AND PIPING IS DESIGNED AND  
6 INSTALLED TO BE EASILY ACCESSIBLE FOR CLEANING, KEPT IN GOOD  
7 REPAIR, AND FREE FROM CRACKS AND CORRODED SURFACES.

8 (E) ENSURE THAT NEW OR REARRANGED EQUIPMENT IS KEPT AWAY  
9 FROM ANY WALL OR SPACED IN A MANNER THAT FACILITATES PROPER  
10 CLEANING AND GOOD HOUSEKEEPING.

11 (F) EXCEPT FOR PIPING APPROVED BY THE DEPARTMENT, ENSURE  
12 THAT ALL PARTS OR INTERIOR SURFACES OF EQUIPMENT, PIPES, OR FIT-  
13 TINGS, INCLUDING VALVES AND CONNECTIONS, ARE ACCESSIBLE FOR  
14 INSPECTION.

15 (G) ENSURE THAT MILK AND MILK PRODUCTS PUMPS ARE OF SANITARY  
16 TYPE AND EASILY DISMANTLED FOR CLEANING OR OF CONSTRUCTION  
17 APPROVED BY THE DEPARTMENT TO ALLOW EFFECTIVE CLEANING IN PLACE.

18 (H) ENSURE THAT ALL CLEANED-IN-PLACE SYSTEMS COMPLY WITH  
19 SANITARY STANDARDS ESTABLISHED OR APPROVED BY THE DEPARTMENT FOR  
20 PERMANENTLY INSTALLED SANITARY PRODUCT, PIPELINES, AND CLEANING  
21 SYSTEMS.

22 (I) ENSURE THAT WEIGH CANS AND RECEIVING TANKS MEET SANITARY  
23 STANDARDS ESTABLISHED OR APPROVED BY THE DEPARTMENT, ARE EASILY  
24 ACCESSIBLE FOR INTERIOR OR EXTERIOR CLEANING, AND ARE ELEVATED  
25 ABOVE THE FLOOR AND PROTECTED SUFFICIENTLY WITH THE NECESSARY  
26 COVERS TO PREVENT CONTAMINATION FROM SPLASH, CONDENSATE, AND  
27 DRIPPAGE.

1 (J) ENSURE THAT EACH CAN WASHER HAS SUFFICIENT CAPACITY AND  
2 ABILITY TO DISCHARGE A CLEAN, DRY CAN AND COVER AND IS KEPT PROP-  
3 ERLY TIMED IN ACCORDANCE WITH THE INSTRUCTIONS OF THE  
4 MANUFACTURER.

5 (K) ENSURE THAT EACH WATER AND STEAM LINE SUPPLYING A CAN  
6 WASHER MAINTAINS A REASONABLY UNIFORM PRESSURE AND IF NECESSARY  
7 IS EQUIPPED WITH PRESSURE REGULATING VALVES.

8 (L) ENSURE THAT PRODUCT STORAGE TANKS OR VATS COMPLY WITH  
9 ALL OF THE FOLLOWING:

10 (i) EACH TANK OR VAT IS FULLY ENCLOSED OR TIGHTLY COVERED,  
11 AND WELL INSULATED.

12 (ii) THE ENTIRE INTERIOR SURFACE, AGITATOR, AND ALL APPURTE-  
13 NANCES OF EACH TANK OR VAT ARE ACCESSIBLE FOR THOROUGH CLEANING  
14 AND INSPECTION.

15 (iii) ANY OPENING AT THE TOP OF EACH TANK OR VAT, INCLUDING  
16 THE ENTRANCE OF THE SHAFT, IS SUITABLY PROTECTED AGAINST THE  
17 ENTRANCE OF DUST, MOISTURE, INSECTS, OIL, OR GREASE.

18 (iv) SIGHT GLASSES, IF USED, ARE SOUND, CLEAR, AND IN GOOD  
19 REPAIR.

20 (v) A VAT WITH HINGED COVERS IS DESIGNED SO THAT MOISTURE OR  
21 DUST ON THE SURFACE CANNOT ENTER THE VAT WHEN THE COVERS ARE  
22 RAISED.

23 (vi) STORAGE TANKS OR VATS EQUIPPED WITH AIR AGITATION CON-  
24 TAIN A PROPERLY INSTALLED AIR AGITATION SYSTEM APPROVED BY THE  
25 DEPARTMENT.

1 (vii) STORAGE TANKS AND VATS INTENDED TO HOLD MILK PRODUCTS  
2 FOR LONGER THAN 8 HOURS ARE EQUIPPED WITH ADEQUATE REFRIGERATION  
3 OR ADEQUATE INSULATION.

4 (viii) EACH STORAGE TANK OR VAT IS EQUIPPED WITH THERMOME-  
5 TERS IN GOOD OPERATING ORDER.

6 (M) ENSURE THAT ALL PRODUCT CONTACT SURFACES OF SEPARATORS  
7 ARE FREE FROM RUST AND PITS AND IF PRACTICABLE ARE OF STAINLESS  
8 STEEL OR OTHER EQUALLY NONCORROSIVE METALS.

9 (N) ENSURE THAT EACH BATCH PASTEURIZER HAS A TEMPERATURE  
10 INDICATOR AND RECORDING DEVICE AND CONFORMS TO DEPARTMENT  
11 SPECIFICATIONS.

12 (O) ENSURE THAT HIGH TEMPERATURE, SHORT-TIME PASTEURIZATION  
13 EQUIPMENT IS SEALED BY THE DEPARTMENT AND COMPLIES WITH THE FOL-  
14 LOWING, AS APPLICABLE:

15 (i) PROVIDE LONG-STEM INDICATING THERMOMETERS THAT ARE ACCU-  
16 RATE WITHIN 0.5 DEGREE FAHRENHEIT FOR THE APPLICABLE TEMPERATURE  
17 RANGE, FOR CHECKING THE TEMPERATURE OF PASTEURIZATION AND COOLING  
18 OF PRODUCTS IN VATS AND CHECKING THE ACCURACY OF RECORDING  
19 THERMOMETERS. IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS,  
20 INSTALL, IN EACH HIGH TEMPERATURE, SHORT-TIME PASTEURIZER A  
21 SHORT-STEM INDICATING THERMOMETER THAT IS ACCURATE WITHIN 0.5  
22 DEGREE FAHRENHEIT FOR THE APPLICABLE TEMPERATURE RANGE.

23 (ii) INSTALL IN EACH STORAGE TANK FOR WHICH THE DEPARTMENT  
24 REQUIRES A TEMPERATURE READING A THERMOMETER THAT IS ACCURATE  
25 WITHIN 2.0 DEGREES FAHRENHEIT.

26 (iii) INSTALL AIR-SPACE INDICATING THERMOMETERS THAT ARE  
27 ACCURATE WITHIN 1.0 DEGREE FAHRENHEIT FOR THE PROPER TEMPERATURE

1 RANGE AT LEAST 1 INCH ABOVE THE SURFACE OF THE PRODUCTS  
2 PASTEURIZED IN A VAT TO ENSURE THAT FOAM IN THE VAT OR AIR ABOVE  
3 THE PRODUCT PASTEURIZED RECEIVES THE MINIMUM TEMPERATURE TREAT-  
4 MENT REQUIRED BY THE DEPARTMENT.

5 (iv) PROVIDE EACH BATCH PASTEURIZER WITH RECORDING THERMOME-  
6 TERS THAT ARE ACCURATE WITHIN 1.0 DEGREE FAHRENHEIT FOR THE  
7 PROPER TEMPERATURE RANGE.

8 (v) USE RECORDING THERMOMETERS ACCURATE WITHIN 2.0 DEGREES  
9 FAHRENHEIT IF THE DEPARTMENT DETERMINES THAT A RECORD OF TEMPERA-  
10 TURE OR TIME OF COOLING AND HOLDING IS OF SIGNIFICANT  
11 IMPORTANCE.

12 (vi) EQUIP SURFACE COOLERS WITH LEAKPROOF GASKETS AND CON-  
13 NECTIONS, AND WITH HINGED OR REMOVABLE COVERS FOR THE PROTECTION  
14 OF THE PRODUCT, AND ENSURE THAT THE EDGES OF THE COVERS ARE  
15 DESIGNED TO DIVERT CONDENSATE ON NONPRODUCT CONTACT SURFACES AWAY  
16 FROM PRODUCT CONTACT SURFACES.

17 (vii) ENSURE THAT PLATE-TYPE HEAT EXCHANGERS MEET SANITARY  
18 STANDARDS ESTABLISHED OR APPROVED BY THE DEPARTMENT, AND COMPLY  
19 WITH EACH OF THE FOLLOWING:

20 (A) ALL GASKETS ARE TIGHT AND KEPT IN GOOD REPAIR.

21 (B) PLATES ARE OPENED AT SUFFICIENTLY FREQUENT INTERVALS TO  
22 DETERMINE IF THE EQUIPMENT IS CLEAN AND IN SATISFACTORY  
23 CONDITION.

24 (P) ENSURE COMPLIANCE WITH EACH OF THE FOLLOWING:

25 (i) INTERNAL RETURN TUBULAR HEAT EXCHANGERS MEET SANITARY  
26 STANDARDS ESTABLISHED OR APPROVED BY THE DEPARTMENT.

1       (ii) PUMPS USED FOR MILK AND MILK PRODUCTS ARE OF THE  
2 SANITARY TYPE AND CONSTRUCTED TO MEET SANITARY STANDARDS  
3 ESTABLISHED OR APPROVED BY THE DEPARTMENT.

4       (iii) UNLESS A PUMP IS SPECIFICALLY DESIGNED FOR EFFECTIVE  
5 CLEANING IN PLACE, PUMPS ARE DISASSEMBLED AND CLEANED AFTER USE.

6       (iv) HOMOGENIZERS AND HIGH PRESSURE PUMPS OF THE PLUNGER  
7 TYPE MEET SANITARY STANDARDS ESTABLISHED OR APPROVED BY THE  
8 DEPARTMENT.

9       (v) NEW EQUIPMENT AND REPLACEMENTS, INCLUDING ALL PLASTIC  
10 PARTS AND RUBBER AND RUBBERLIKE MATERIALS FOR PARTS AND GASKETS  
11 HAVING PRODUCT CONTACT SURFACES, MEET SANITARY STANDARDS ESTAB-  
12 LISHED OR APPROVED BY THE DEPARTMENT.

13       (vi) A VACUUM CHAMBER, IF USED, MEETS ALL OF THE FOLLOWING  
14 REQUIREMENTS:

15       (A) MADE OF STAINLESS STEEL OR OTHER EQUALLY NONCORROSIVE  
16 MATERIAL.

17       (B) CONSTRUCTED TO FACILITATE CLEANING WITH ALL PRODUCT CON-  
18 TACT SURFACES ACCESSIBLE FOR INSPECTION.

19       (C) EQUIPPED WITH A VACUUM BREAKER AND A CHECK VALVE AT THE  
20 PRODUCT DISCHARGE LINE.

21       (D) USES ONLY STEAM THAT MEETS THE REQUIREMENTS SET BY THE  
22 DEPARTMENT FOR CULINARY STEAM.

23       (E) REGULATES INCOMING STEAM SUPPLY BY AN AUTOMATIC VALVE  
24 THAT CUTS OFF THE STEAM SUPPLY IF THE FLOW DIVERSION VALVE OF THE  
25 HIGH TEMPERATURE SHORT-TIME PASTEURIZER IS NOT IN THE FORWARD  
26 FLOW POSITION.

1 (F) USES ONLY CONDENSERS EQUIPPED WITH A WATER LEVEL CONTROL  
2 AND AN AUTOMATIC SAFETY SHUTOFF VALVE.

3 (3) A PERSON EMPLOYED BY A PLANT RECEIVING MILK FOR MANUFAC-  
4 TURE INTO A MILK PRODUCT SHALL COMPLY WITH ALL OF THE FOLLOWING,  
5 IF APPLICABLE:

6 (A) WASH HIS OR HER HANDS BEFORE BEGINNING WORK AND UPON  
7 RETURNING TO WORK AFTER USING TOILET FACILITIES, EATING, SMOKING,  
8 OR OTHERWISE SOILING HIS OR HER HANDS.

9 (B) KEEP HIS OR HER HANDS CLEAN AND FOLLOW GOOD HYGIENIC  
10 PRACTICES WHILE ON DUTY.

11 (C) REFRAIN FROM USING TOBACCO IN ANY FORM IN EACH ROOM AND  
12 COMPARTMENT WHERE ANY MILK, MILK PRODUCT, OR OTHER SUPPLIES ARE  
13 PREPARED, STORED, OR OTHERWISE HANDLED.

14 (D) WEAR CLEAN, WHITE, OR LIGHT-COLORED WASHABLE OUTER GAR-  
15 MENTS AND A CAP OR HAIRNET WHILE ENGAGED IN RECEIVING, TESTING,  
16 PROCESSING MILK OR MILK PRODUCTS, PACKAGING, OR HANDLING MILK  
17 PRODUCTS.

18 (E) IF AFFLICTED WITH A COMMUNICABLE DISEASE, DO NOT ENTER  
19 ANY ROOM OR COMPARTMENT WHERE MILK AND MILK PRODUCTS ARE PRE-  
20 PARED, MANUFACTURED, OR OTHERWISE HANDLED.

21 (F) IF HE OR SHE HAS A DISCHARGING OR INFECTED WOUND, SORE,  
22 OR LESION ON HANDS, ARMS, OR OTHER EXPOSED PORTION OF THE BODY,  
23 DO NOT WORK IN ANY DAIRY PROCESSING ROOMS OR IN ANY CAPACITY  
24 RESULTING IN CONTACT WITH THE PROCESSING OR HANDLING OF MILK  
25 PRODUCTS.

26 (G) EACH EMPLOYEE WHOSE WORK BRINGS HIM OR HER IN CONTACT  
27 WITH THE PROCESSING OR HANDLING OF MILK PRODUCTS, CONTAINERS, OR

1 EQUIPMENT SHALL HAVE A MEDICAL AND PHYSICAL EXAMINATION BY A  
2 PHYSICIAN LICENSED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,  
3 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.16101  
4 TO 333.18838 OF THE MICHIGAN COMPILED LAWS, OR BY A LOCAL HEALTH  
5 DEPARTMENT AT THE TIME OF EMPLOYMENT.

6 (H) A PERSON RETURNING TO WORK AT A PLANT DESCRIBED IN THIS  
7 SUBSECTION FOLLOWING ILLNESS FROM A COMMUNICABLE DISEASE SHALL  
8 PROVIDE THE OWNER OR OPERATOR OF THAT PLANT A CERTIFICATE FROM A  
9 PHYSICIAN TO ESTABLISH PROOF OF COMPLETE RECOVERY.

10 (4) A PLANT DESCRIBED IN SUBSECTION (3) SHALL MAINTAIN ON  
11 PLANT PREMISES A MEDICAL CERTIFICATE ATTESTING THE FACT THAT WHEN  
12 LAST EXAMINED, AN EMPLOYEE WHO HAD A COMMUNICABLE DISEASE WAS  
13 FREE FROM THAT COMMUNICABLE DISEASE.

14 (5) A DAIRY FARM SHALL ENSURE THAT EACH NEW FARM BULK TANK  
15 MEETS THE DEPARTMENT'S SANITARY STANDARDS FOR CONSTRUCTION, AND  
16 IS INSTALLED IN ACCORDANCE WITH DEPARTMENT SPECIFICATIONS.

17 (6) A LICENSED BULK MILK HAULER SHALL DO EACH OF THE  
18 FOLLOWING:

19 (A) ENSURE THAT EACH MILK CAN USED IN TRANSPORTING MILK FROM  
20 DAIRY FARM TO PLANT IS SEAMLESS WITH AN UMBRELLA LID FOR EASY  
21 CLEANING.

22 (B) INSPECT, REPAIR, AND REPLACE MILK CANS AS NECESSARY TO  
23 PREVENT THE USE OF CANS AND LIDS WITH OPEN SEAMS, CRACKS, RUST,  
24 MILKSTONE, OR ANY UNSANITARY CONDITION.

25 (C) ENSURE THAT VEHICLES USED FOR THE TRANSPORTATION OF MILK  
26 CONTAINED IN CANS COMPLY WITH EACH OF THE FOLLOWING:



1 (i) EACH VEHICLE IS ENCLOSED, CONSTRUCTED, AND OPERATED TO  
2 PROTECT THE PRODUCT FROM EXTREME TEMPERATURE, DUST, OR OTHER  
3 ADVERSE CONDITIONS, AND KEPT CLEAN.

4 (ii) IF MORE THAN 1 TIER OF CANS IS CARRIED, THE VEHICLE  
5 CONTAINS DECKING BOARDS OR RACKS.

6 (iii) EACH VEHICLE CONTAINS CANS, OR BULK TANKS THAT ARE  
7 USED SOLELY FOR THE TRANSPORTATION OF MILK FROM THE FARM TO THE  
8 PLANT, AND FOR NO OTHER PURPOSE.

9 (D) ENSURE THAT THE EXTERIOR SHELL OF EACH FARM BULK MILK  
10 PICKUP TANK IS CLEAN AND FREE FROM OPEN SEAMS OR CRACKS.

11 (E) ENSURE THAT THE INTERIOR SHELL OF EACH FARM BULK MILK  
12 PICKUP TANK IS STAINLESS STEEL AND CONSTRUCTED TO PREVENT BUCKL-  
13 ING, SAGGING, OR COMPLETE DRAINAGE.

14 (F) ENSURE THAT ALL PRODUCT CONTACT SURFACES ARE SMOOTH,  
15 EASILY CLEANED, AND MAINTAINED IN GOOD REPAIR.

16 (G) FULLY ENCLOSE THE PUMP AND HOSE CABINET WITH TIGHT FIT-  
17 TING DOORS AND PROVIDE INLET AND OUTLET DUST COVERS TO GIVE ADE-  
18 QUATE PROTECTION FROM ROAD DUST.

19 (H) ENSURE THAT EACH NEW AND REPLACEMENT FARM BULK PICKUP  
20 TANK TRUCK COMPLIES WITH SANITARY STANDARDS ESTABLISHED OR  
21 APPROVED BY THE DEPARTMENT.

22 (7) THE OWNER OR OPERATOR OF A MILK PLANT SHALL DO ALL OF  
23 THE FOLLOWING:

24 (A) MAKE AVAILABLE ENCLOSED OR COVERED FACILITIES FOR WASH-  
25 ING AND SANITIZING OF MILK PICKUP TANK TRUCKS, PIPING AND ACCES-  
26 SORIES, AT CENTRAL LOCATIONS OR AT SITES THAT RECEIVE OR SHIP  
27 MILK OR MILK PRODUCTS IN MILK TRANSPORT TANKS.

1 (B) TRANSFER MILK UNDER SANITARY CONDITIONS FROM FARM BULK  
2 TANKS THROUGH STAINLESS STEEL PIPING OR APPROVED TUBING, AND CAP  
3 THE SANITARY PIPING AND TUBING WHEN NOT IN USE.

4 (C) HOLD AND PROCESS MILK UNDER CONDITIONS AND AT TEMPERA-  
5 TURES THAT WILL AVOID CONTAMINATION AND RAPID DETERIORATION.

6 (D) REFRAIN FROM USING DRIP MILK FROM CAN WASHERS OR ANY  
7 OTHER SOURCE FOR THE MANUFACTURE OF MILK PRODUCTS.

8 (E) MAINTAIN MILK IN BULK STORAGE TANKS WITHIN THE DAIRY  
9 PLANT IN A MANNER THAT MINIMIZES BACTERIAL INCREASE AND, EXCEPT  
10 WHEN AUTHORIZED BY THE DEPARTMENT, MAINTAIN THAT MILK AT 45  
11 DEGREES FAHRENHEIT, OR LOWER, UNTIL PROCESSING BEGINS.

12 (F) ENSURE THAT THE BACTERIOLOGICAL CONTENT OF COMMINGLED  
13 MILK IN STORAGE TANKS IS 1 MILLION OR LESS TOTAL BACTERIA PER  
14 MILLILITER.

15 (G) ENSURE THE PROPER PASTEURIZATION OF EACH PARTICLE OF  
16 MILK OR MILK PRODUCT.

17 (H) TEST SAMPLES OF MILK OR A MILK PRODUCT FOR PHOSPHATASE  
18 BY THE METHOD PRESCRIBED BY THE DEPARTMENT.

19 (I) TAKE ALL NECESSARY PRECAUTIONS TO PREVENT CONTAMINATION  
20 OR ADULTERATION OF THE MILK OR MILK PRODUCTS DURING  
21 MANUFACTURING.

22 (J) MAKE AVAILABLE FOR DEPARTMENT INSPECTION ALL SUBSTANCES  
23 AND INGREDIENTS USED IN THE PROCESSING OR MANUFACTURING OF ANY  
24 MILK PRODUCT AND ENSURE THAT THOSE SUBSTANCES AND INGREDIENTS ARE  
25 WHOLESOME AND PRACTICALLY FREE FROM IMPURITIES.

26 (K) ENSURE THAT MILK OR MILK PRODUCTS COMPLY WITH THE  
27 FEDERAL FOOD, DRUG, AND COSMETIC ACT, CHAPTER 675, 52 STAT. 1040,

1 21 U.S.C. 301, 321, 331 TO 333, 334 TO 337, 341 TO 343-1, 344 TO  
2 346a, 347, 348 TO 353, 355 TO 360, 360b TO 360dd, 360hh TO 360ss,  
3 361 TO 363, 371 TO 376, 378 TO 379d, 381 TO 382, AND 391 TO 394.

4 (1) MAINTAIN THE EQUIPMENT, SANITARY PIPING, AND UTENSILS  
5 USED IN RECEIVING AND PROCESSING OF THE MILK, AND MANUFACTURING  
6 AND HANDLING OF THE PRODUCT IN A SANITARY CONDITION.

7 (M) ENSURE THAT SANITARY SEAL ASSEMBLIES ARE KEPT CLEAN, AND  
8 ARE REMOVABLE ON ALL AGITATORS, PUMPS, AND VATS, AND INSPECT  
9 THOSE ASSEMBLIES AT REGULAR INTERVALS.

10 (N) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, DISMANTLE ALL  
11 EQUIPMENT NOT DESIGNED FOR CIP CLEANING AFTER EACH DAY'S USE FOR  
12 THOROUGH CLEANING USING DAIRY CLEANERS, DETERGENTS, SANITIZING  
13 AGENTS OR OTHER SIMILAR MATERIALS THAT WILL NOT CONTAMINATE OR  
14 ADVERSELY AFFECT THE PRODUCTS.

15 (O) REFRAIN FROM USING STEEL WOOL OR METAL SPONGES IN THE  
16 CLEANING OF ANY DAIRY EQUIPMENT OR UTENSILS.

17 (P) IMMEDIATELY PRIOR TO USE, SUBJECT ALL PRODUCT CONTACT  
18 SURFACES TO AN EFFECTIVE SANITIZING TREATMENT EXCEPT WHERE DRY  
19 CLEANING IS PERMITTED.

20 (Q) STORE UTENSILS AND PORTABLE EQUIPMENT USED IN PROCESSING  
21 AND MANUFACTURING OPERATIONS ABOVE THE FLOOR IN CLEAN, DRY LOCA-  
22 TIONS AND IN A SELF-DRAINING POSITION ON RACKS CONSTRUCTED OF  
23 IMPERVIOUS CORROSION RESISTANT MATERIAL.

24 (R) USE CIP CLEANING, INCLUDING SPRAY-BALL SYSTEMS, ONLY ON  
25 EQUIPMENT AND PIPELINE SYSTEMS WHICH HAVE BEEN DESIGNED AND ENGI-  
26 NEERED FOR THAT PURPOSE, AND EMPLOY CAREFUL ATTENTION TO THE  
27 PROPER PROCEDURES TO ASSURE SATISFACTORY CLEANING.

1 (S) ENSURE THAT ALL CIP INSTALLATIONS AND CLEANING  
2 PROCEDURES ARE IN ACCORDANCE WITH STANDARDS ESTABLISHED OR  
3 APPROVED BY THE DEPARTMENT, AND POST AND FOLLOW THE ESTABLISHED  
4 CLEANING PROCEDURE.

5 (T) FOLLOWING THE CIRCULATION OF THE CLEANING SOLUTION,  
6 THOROUGHLY RINSE AND EXAMINE THE EQUIPMENT AND LINES FOR EFFEC-  
7 TIVENESS OF CLEANING, AND ENSURE THAT ALL CAPS, ENDS, PUMPS,  
8 PLATES, AND TEE ENDS ARE OPENED OR REMOVED AND BRUSHED CLEAN.

9 (U) IMMEDIATELY BEFORE STARTING THE PRODUCT FLOW AFTER THE  
10 CLEANING PROCEDURE DESCRIBED IN SUBDIVISION (S), TREAT THE PROD-  
11 UCT CONTACT SURFACES WITH A BACTERICIDAL.

12 (V) CLEAN, SANITIZE, AND DRY MILK CANS AND LIDS BEFORE  
13 RETURNING TO PRODUCERS, AND INSPECT, REPAIR, OR REPLACE CANS AND  
14 LIDS TO SUBSTANTIALLY EXCLUDE FROM USE CANS AND LIDS SHOWING OPEN  
15 SEAMS, CRACKS, RUST, MILKSTONE, OR ANY UNSANITARY CONDITION.

16 (W) MAINTAIN WASHERS IN A CLEAN AND SATISFACTORY OPERATING  
17 CONDITION AND KEEP EACH WASHER FREE FROM ACCUMULATION OF SCALE OR  
18 DEBRIS THAT MAY ADVERSELY AFFECT THE EFFICIENCY OF THE WASHER.

19 (X) PROVIDE A COVERED OR ENCLOSED WASH DOCK AND A CLEANING  
20 AND SANITIZING FACILITY AT EACH SITE THAT RECEIVES OR SHIPS MILK  
21 IN TANKS.

22 (Y) CLEAN AND SANITIZE MILK PICKUP OR TRANSPORT TANKS, SANI-  
23 TARY PIPING, FITTINGS, AND PUMPS AT LEAST ONCE EACH DAY, AFTER  
24 USE, AND IF THOSE ITEMS ARE NOT TO BE USED IMMEDIATELY AFTER THE  
25 EMPTYING OF A LOAD OF MILK, PROMPTLY WASH THOSE ITEMS AFTER USE  
26 AND GIVE BACTERICIDAL TREATMENT IMMEDIATELY BEFORE USE.

1 (Z) IDENTIFY EACH TANK THAT IS WASHED AND SANITIZED BY  
2 ATTACHING A TAG TO THE OUTLET VALVE, BEARING ALL OF THE FOLLOWING  
3 INFORMATION:

4 (i) PLANT AND SPECIFIC LOCATION WHERE CLEANED.

5 (ii) DATE AND TIME OF WASHING AND SANITIZING.

6 (iii) THE NAME OF EACH PERSON WHO WASHED AND NAME OF EACH  
7 PERSON WHO SANITIZED THE TANK.

8 (AA) MAINTAIN ON THE TANK THE TAG ATTACHED PURSUANT TO  
9 SUBDIVISION (Z) UNTIL THE TANK IS AGAIN WASHED AND SANITIZED, AND  
10 ENSURE THE RECEIVING PLANT RETAINS THE TAG FOR AT LEAST 15 DAYS  
11 OR AS THE DEPARTMENT MAY DIRECT.

12 (BB) WASH ALL WINDOWS, GLASS, PARTITIONS, SKYLIGHTS, WALLS,  
13 CEILINGS, AND DOORS AS OFTEN AS NECESSARY TO KEEP THEM CLEAN AND  
14 REPLACE CRACKED OR BROKEN GLASS PROMPTLY.

15 (CC) WIPE OR VACUUM SHELVES AND LEDGES AS OFTEN AS NECESSARY  
16 TO KEEP THEM FREE FROM DUST AND DEBRIS, AND PROPERLY DISPOSE OF  
17 THE MATERIAL PICKED UP BY A VACUUM CLEANER TO DESTROY ANY INSECT  
18 THAT MAY BE PRESENT.

19 (DD) IN ADDITION TO ANY COMMERCIAL PEST CONTROL SERVICE, IF  
20 ONE IS UTILIZED, DESIGNATE AN EMPLOYEE TO PERFORM A REGULARLY  
21 SCHEDULED INSECT AND RODENT CONTROL PROGRAM.

22 (EE) PROPERLY LABEL, HANDLE, STORE, AND USE POISONOUS SUB-  
23 STANCES, INSECTICIDES, AND RODENTICIDES IN SUCH A MANNER AS NOT  
24 TO CREATE A PUBLIC HEALTH HAZARD.

25 (FF) MAINTAIN PLANT RECORDS, MAKE THOSE RECORDS AVAILABLE AT  
26 ALL REASONABLE TIMES FOR DEPARTMENT INSPECTION, AND IN ACCORDANCE  
27 WITH EACH OF THE FOLLOWING SEND PRODUCER QUALITY TESTS CONTAINED

1 IN THOSE RECORDS TO THE DEPARTMENT WITHIN 10 DAYS OF THE  
2 COMPLETION OF THOSE TESTS:

3 (i) RETAIN FOR 12 MONTHS SEDIMENT AND BACTERIAL TEST RESULTS  
4 ON RAW MILK FROM EACH PRODUCER.

5 (ii) RETAIN FOR A PERIOD OF 12 MONTHS ROUTINE TEST RESULTS  
6 AND A MONTHLY SUMMARY OF ALL PRODUCERS SHOWING NUMBER AND PERCENT  
7 OF TOTAL IN EACH CLASS.

8 (iii) RETAIN FOR 12 MONTHS RETEST RESULTS, IF AN INITIAL  
9 TEST PLACES MILK IN PROBATIONARY STATUS.

10 (iv) RETAIN FOR 12 MONTHS REJECTIONS OF RAW MILK OVER THE  
11 NO. 3 SEDIMENT STANDARD FOR QUALITY AS ESTABLISHED BY THE UNITED  
12 STATES DEPARTMENT OF AGRICULTURE.

13 (v) RETAIN FOR 6 MONTHS PASTEURIZATION RECORDER CHARTS.

14 (vi) RETAIN FOR AT LEAST 6 MONTHS CIP RECORDING CHARTS.

15 (vii) RETAIN THE MOST RECENT COPY OF AN EMPLOYEE'S EMPLOYEE  
16 HEALTH CERTIFICATE UNTIL THE EMPLOYEE IS NO LONGER EMPLOYED BY  
17 THE PLANT.

18 (GG) PACKAGE MILK AND MILK PRODUCTS IN DEPARTMENT APPROVED  
19 CONTAINERS AND PACKAGING MATERIALS THAT DO OR ARE EACH OF THE  
20 FOLLOWING:

21 (i) COVER AND PROTECT THE QUALITY OF THE CONTENTS DURING  
22 STORAGE AND HANDLING UNDER NORMAL CONDITIONS.

23 (ii) AS UNIFORM IN WEIGHT AND SHAPE WITHIN EACH PRODUCT SIZE  
24 OR STYLE AS IS PRACTICAL.

25 (iii) PROVIDE LOW PERMEABILITY TO AIR AND VAPOR TO PREVENT  
26 THE FORMATION OF MOLD GROWTH AND SURFACE OXIDATION.

1 (iv) CONTAIN A WRAPPER RESISTANT TO PUNCTURING, TEARING,  
2 CRACKING, OR BREAKING UNDER NORMAL CONDITIONS OF HANDLING,  
3 SHIPPING, AND STORAGE.

4 (v) SEALED IN CONFORMITY WITH THE INSTRUCTIONS OF THE  
5 MANUFACTURER.

6 (HH) CONDUCT THE PACKAGING OF EACH MILK PRODUCT OR THE CUT-  
7 TING AND REPACKAGING OF EACH DAIRY PRODUCT UNDER SANITARY CONDI-  
8 TIONS PRESCRIBED BY THE DEPARTMENT, AND ENSURE THAT EACH PACKAG-  
9 ING ROOM, ITEM OF EQUIPMENT, AND PACKAGING MATERIAL IS PRACTI-  
10 CALLY FREE FROM MOLD AND BACTERIAL CONTAMINATION BY TESTING THE  
11 LEVEL OF CONTAMINATION IN A MANNER APPROVED BY THE DEPARTMENT.

12 (II) LEGIBLY MARK EACH COMMERCIAL BULK PACKAGE CONTAINING  
13 MILK PRODUCTS MANUFACTURED UNDER THIS ACT WITH THE NAME OF THE  
14 PRODUCT, NET WEIGHT, NAME AND ADDRESS OF PROCESSOR, MANUFACTURER,  
15 OR DISTRIBUTOR AND WITH ANY OTHER IDENTIFYING INFORMATION  
16 REQUIRED BY THE DEPARTMENT.

17 (JJ) DRY STORE A PRODUCT REQUIRING DRY STORAGE AT LEAST 18  
18 INCHES FROM ANY WALL IN AN AISLE, ROW, OR SECTION AND LOT, IN AN  
19 ORDERLY MANNER RENDERING THE PRODUCT EASILY ACCESSIBLE FOR  
20 INSPECTION.

21 (KK) REGULARLY CLEAN EACH ROOM USED FOR PRODUCT STORAGE, AND  
22 ENSURE THAT EACH STORED PRODUCT IS FREE OF ANY OTHER FOREIGN  
23 PRODUCTS, MOLD, ABSORBED ODORS, OR VERMIN OR INSECT INFESTATION.

24 (ll) MAINTAIN CONTROL OF HUMIDITY AND TEMPERATURE IN EACH  
25 STORAGE ROOM AT ALL TIMES TO PREVENT CONDITIONS DETRIMENTAL TO A  
26 STORED PRODUCT AND CONTAINER.

1 (MM) STORE A FINISHED PRODUCT REQUIRING REFRIGERATION ON  
2 SHELVES, DUNNAGE, OR PALLETS AT A TEMPERATURE THAT WILL BEST  
3 MAINTAIN THE INITIAL QUALITY OF THE PRODUCT, AND ENSURE THAT THE  
4 PRODUCT IS NOT EXPOSED TO ANY SUBSTANCE FROM WHICH THE PRODUCT  
5 MAY ABSORB A FOREIGN ODOR OR BE CONTAMINATED BY DRIPPAGE OR  
6 CONDENSATION.

7 (7) THE OWNER OR OPERATOR OF A PLANT MANUFACTURING, PROCESS-  
8 ING, OR PACKAGING INSTANT NONFAT DRY MILK, NONFAT DRY MILK, DRY  
9 WHOLE MILK, DRY BUTTERMILK, DRY WHEY, OR OTHER DRY MILK PRODUCTS  
10 SHALL DO ALL OF THE FOLLOWING:

11 (A) ENSURE THAT EACH STORAGE ROOM FOR THE DRY STORAGE OF A  
12 PRODUCT IS ALL OF THE FOLLOWING:

13 (i) ADEQUATE IN SIZE.

14 (ii) MAINTAINED IN GOOD REPAIR AND KEPT CLEAN, ORDERLY, FREE  
15 FROM RODENTS, INSECTS, AND MOLD.

16 (iii) ADEQUATELY LIGHTED AND VENTILATED.

17 (iv) FREE FROM STRUCTURAL DEFECTS AND INACCESSIBLE AREAS  
18 WHICH MAY HARBOR INSECTS.

19 (B) PROVIDE A SEPARATE ROOM OR AREA CONSTRUCTED IN COMPLI-  
20 ANCE WITH SUBSECTION (1) AND COMPLY WITH ALL OF THE FOLLOWING FOR  
21 FILLING BULK BINS, DRUMS, BAGS, OR OTHER BULK CONTAINERS.

22 (i) KEEP THE NUMBER OF CONTROL PANELS AND SWITCHBOXES IN THE  
23 ROOM OR AREA TO A MINIMUM AND MOUNT EACH CONTROL PANEL A SUFFI-  
24 CIENT DISTANCE FROM WALLS MOUNTED IN A WALL WITH TIGHTFITTING  
25 REMOVABLE DOORS TO FACILITATE CLEANING.

26 (ii) PROVIDE AN EXHAUST SYSTEM ADEQUATE TO MINIMIZE THE  
27 ACCUMULATION OF PRODUCT DUST WITHIN THE ROOM OR AREA.



1 (iii) IF NEEDED, PROVIDE AND MAINTAIN A DUST COLLECTOR TO  
2 KEEP ROOFS AND OUTSIDE AREAS FREE OF DRY PRODUCT.

3 (iv) KEEP ONLY PACKAGING MATERIALS THAT ARE USED WITHIN A  
4 DAY'S OPERATION IN THE PACKAGING AREA.

5 (v) KEEP PACKAGING MATERIALS ON METAL RACKS OR TABLES AT  
6 LEAST 6 INCHES ABOVE THE FLOOR, AND PROHIBIT THE PRESENCE OF  
7 UNNECESSARY FIXTURES, EQUIPMENT, OR AREAS OF INACCESSIBLE SPACE  
8 WHICH MAY COLLECT DUST AND HARBOR INSECTS IN THE PACKAGING ROOM.

9 (C) PROVIDE EITHER OF THE FOLLOWING:

10 (i) A SEPARATE ROOM FOR THE TRANSFER OF BULK DRY MILK PROD-  
11 UCTS FROM BAGS, BINS, OR DRUMS TO HOPPERS AND CONVEYORS LEADING  
12 TO FILLERS THAT MEETS THE REQUIREMENTS FOR CONSTRUCTION AND  
13 FACILITIES OF A BULK PACKAGING PLANT.

14 (ii) AN AREA OR FACILITY FOR THE TRANSFER OF DRY MILK PROD-  
15 UCTS FROM PORTABLE BULK BINS, IF GASKETED SURFACES OR DIRECT CON-  
16 NECTIONS ARE PRESENT AND SUBSTANTIALLY ELIMINATE THE ESCAPE OF  
17 PRODUCT INTO THE AREA.

18 (D) PROVIDE A SEPARATE ROOM FOR THE FILLING OF SMALL PACK-  
19 AGES THAT MEETS THE SAME REQUIREMENTS FOR CONSTRUCTION AND FACIL-  
20 ITIES OF A BULK PACKAGING PLANT.

21 (E) ENSURE THAT EACH PREHEATER IS OF STAINLESS STEEL OR  
22 OTHER EQUALLY CORROSION RESISTANT MATERIAL, AND IS CLEANABLE,  
23 ACCESSIBLE FOR INSPECTION AND EQUIPPED WITH SUITABLE AUTOMATIC  
24 TEMPERATURE CONTROLS.

25 (F) ENSURE THAT EACH HOTWELL IS ENCLOSED OR COVERED AND  
26 EQUIPPED WITH INDICATING THERMOMETERS EITHER WITHIN THE HOTWELL

1 OR IN THE HOT MILK INLET LINE TO THE HOTWELL, AND ENSURE THAT A  
2 HOTWELL USED FOR HOLDING HIGH HEAT PRODUCTS HAS A RECORDER.

3 (G) EQUIP EACH OPEN-TYPE EVAPORATOR OR VACUUM PANS WITH AN  
4 AUTOMATIC CONDENSER WATER LEVEL CONTROL, BAROMETRIC LEG, OR  
5 ENSURE THAT THE EVAPORATOR OR PAN IS CONSTRUCTED TO PREVENT WATER  
6 FROM ENTERING THE PRODUCT, AND MEETS STANDARDS ESTABLISHED OR  
7 APPROVED BY THE DEPARTMENT.

8 (H) IF SURGE TANKS ARE USED FOR HOT MILK AND TEMPERATURES OF  
9 PRODUCT INCLUDING FOAM BEING HELD IN THE SURGE TANK DURING PRO-  
10 CESSING IS NOT MAINTAINED AT A MINIMUM OF 145 DEGREES FAHRENHEIT,  
11 INSTALL 2 OR MORE SURGE TANKS WITH CONNECTIONS TO PERMIT FLUSHING  
12 AND CLEANING DURING OPERATION, AND FLUSH AND CLEAN EACH TANK AT  
13 LEAST ONCE EVERY 4 HOURS DURING OPERATION TO PREVENT THE BUILDUP  
14 OF BACTERIAL LEVELS OR TOXINS.

15 (I) PROVIDE SURGE TANK COVERS EASILY REMOVABLE FOR CLEANING  
16 AND USE A SURGE TANK COVER AT ALL TIMES A SURGE TANK IS IN USE.

17 (J) PROVIDE HIGH PRESSURE LINES APPROVED BY THE DEPARTMENT  
18 THAT MAY BE CLEANED IN PLACE AND ARE OF SUCH CONSTRUCTION THAT  
19 DEADENDS, VALVES AND HIGH PRESSURE PUMPS CAN BE DISASSEMBLED FOR  
20 HAND CLEANING.

21 (K) PROVIDE SPRAY DRYERS OF CONTINUOUS DISCHARGE TYPE THAT  
22 HAVE ALL OF THE FOLLOWING:

23 (i) PRODUCT CONTACT SURFACES OF STAINLESS STEEL OR OTHER  
24 EQUALLY CORROSION RESISTANT MATERIAL.

25 (ii) JOINTS AND SEAMS ON THE PRODUCT CONTACT SURFACES THAT  
26 ARE WELDED AND GROUND SMOOTH.

1 (iii) A DESIGN THAT FACILITATES EASE IN CLEANING AND  
2 INSPECTION.

3 (iv) SIGHT GLASSES OR PORTS OF SUFFICIENT SIZE LOCATED AT  
4 STRATEGIC POSITIONS.

5 (v) AIR INTAKE FILTERS AND AIR INTAKE AND EXHAUST RECORDING  
6 THERMOMETERS.

7 (vi) A FILTER SYSTEM CONSISTING OF FILTERING MEDIA OR  
8 DEVICES THAT WILL EFFECTIVELY, AND IN ACCORDANCE WITH GOOD MANU-  
9 FACTURING PRACTICES, PREVENT THE ENTRANCE OF FOREIGN SUBSTANCES  
10 INTO THE DRYING CHAMBER.

11 (1) CLEAN THE FILTERING SYSTEM AND REPLACE COMPONENT PARTS  
12 OF A DRYER AS OFTEN AS NECESSARY TO MAINTAIN A CLEAN AND ADEQUATE  
13 AIR SUPPLY, AND TAKE PRECAUTIONS TO ASSURE COMPLETE COMBUSTION IN  
14 GAS FIRED DRYERS.

15 (M) ENSURE THAT AIR IS DRAWN INTO THE DRYER FROM SOURCES  
16 FREE FROM ODORS AND SMOKE, DUST, OR DIRT.

17 (N) ENSURE THAT THE DRUMS OF A ROLLER DRYER ARE SMOOTH,  
18 READILY CLEANABLE AND FREE OF PITS AND RUST.

19 (O) MAINTAIN DRYER KNIVES IN A MANNER THAT PREVENTS SCORING  
20 OF THE DRYER DRUMS.

21 (P) ENSURE THAT A DRYER HAS EACH OF THE FOLLOWING:

22 (i) END BOARDS THAT ARE READILY CLEANABLE, HAVE AN IMPERVI-  
23 OUS SURFACE, AND A MEANS OF ADJUSTMENT TO PREVENT LEAKAGE AND  
24 ACCUMULATION OF MILK SOLIDS.

25 (ii) A STACK, HOOD, THE DRIP PAN INSIDE OF THE HOOD AND  
26 RELATED SHIELDS CONSTRUCTED OF STAINLESS STEEL AND READILY  
27 CLEANABLE.

1       (iii) A LOWER EDGE OF THE HOOD CONSTRUCTED TO PREVENT  
2 CONDENSATE FROM ENTERING THE PRODUCT ZONE.

3       (iv) A HOOD LOCATED IN COMPLIANCE WITH DEPARTMENT  
4 GUIDELINES.

5       (v) A STACK THAT REMAINS CLOSED WHEN THE DRYER IS NOT IN  
6 OPERATION, AND REMOVES ALL VAPORS WHEN THE DRYER IS IN  
7 OPERATION.

8       (vi) AUGERS OF STAINLESS STEEL OR OF PLATED METAL APPROVED  
9 BY THE DEPARTMENT, AND READILY CLEANABLE.

10       (vii) AUGER TROUGHS AND RELATED SHIELDS OF STAINLESS STEEL  
11 THAT ARE READILY CLEANABLE.

12       (Q) PROVIDE A FILTERING SYSTEM APPROVED BY THE DEPARTMENT TO  
13 PREVENT DUST, DIRT, AND ALL AIR ENTERING THE DRYER FROM ENTERING  
14 THE DRYING ROOM.

15       (R) CLEAN THE FILTERING SYSTEM AND REPLACE COMPONENT PARTS  
16 AS OFTEN AS NECESSARY TO MAINTAIN A CLEAN AND ADEQUATE AIR  
17 SUPPLY.

18       (S) MAKE ALL DRYER ADJUSTMENTS AND ENSURE THAT THE DRYER IS  
19 OPERATING NORMALLY BEFORE COLLECTING FOOD GRADE POWDER FROM THE  
20 DRYER.

21       (T) ENSURE THAT COLLECTORS ARE MADE OF STAINLESS STEEL OR  
22 EQUALLY NONCORROSIVE MATERIAL AND CONSTRUCTED TO FACILITATE  
23 CLEANING AND INSPECTION.

24       (U) ENSURE THAT FILTER SACK COLLECTORS, IF USED, ARE IN GOOD  
25 CONDITION AND THAT THE SYSTEM IS CONSTRUCTED TO RENDER ALL PARTS  
26 ACCESSIBLE FOR CLEANING AND INSPECTION.

1 (V) ENSURE THAT CONVEYORS ARE OF STAINLESS STEEL OR EQUALLY  
2 CORROSION RESISTANT MATERIAL AND CONSTRUCTED TO FACILITATE  
3 THOROUGH CLEANING AND INSPECTION.

4 (W) PROVIDE COOLING EQUIPMENT WITH SUFFICIENT CAPACITY TO  
5 COOL THE PRODUCT TO 110 DEGREES FAHRENHEIT OR LOWER IMMEDIATELY  
6 AFTER THE PRODUCT'S REMOVAL FROM DRYER AND PRIOR TO PACKAGING.

7 (X) IF BULK BINS ARE USED, COOL THE PRODUCT TO AT LEAST 90  
8 DEGREES FAHRENHEIT AND NO MORE THAN 110 DEGREES FAHRENHEIT.

9 (Y) PROVIDE A SUITABLE DRY AIR SUPPLY WITH EFFECTIVE FILTER-  
10 ING WHEN AIR COOLING AND CONVEYING IS USED.

11 (Z) ENSURE THAT ALL SPECIAL EQUIPMENT, INCLUDING INSTANTI-  
12 ZING SYSTEMS, FLAKERS, PULVERIZERS, AND HAMMER MILLS USED TO PRO-  
13 CESS DRY MILK PRODUCTS ARE OF SANITARY CONSTRUCTION AND THAT ALL  
14 PARTS ARE ACCESSIBLE FOR CLEANING AND INSPECTION.

15 (AA) ENSURE THAT ALL NEWLY INSTALLED SIFTERS USED FOR DRY  
16 MILK AND DRY MILK PRODUCTS MEET STANDARDS ESTABLISHED OR APPROVED  
17 BY THE DEPARTMENT AND THAT ALL OTHER SIFTERS ARE CONSTRUCTED OF  
18 STAINLESS STEEL OR OTHER EQUALLY NONCORROSIVE MATERIAL AND ARE OF  
19 SANITARY CONSTRUCTION AND ACCESSIBLE FOR CLEANING AND  
20 INSPECTION.

21 (BB) ENSURE THAT THE MESH SIZE OF SIFTER SCREEN USED FOR  
22 VARIOUS DRY MILK PRODUCTS ARE THOSE RECOMMENDED IN THE APPENDIX  
23 OF THE 3-A STANDARDS APPROVED BY THE DEPARTMENT FOR SIFTERS THAT  
24 ARE APPROVED BY THE DEPARTMENT.

25 (CC) ENSURE THAT BULK BINS ARE CONSTRUCTED OF STAINLESS  
26 STEEL, ALUMINUM, OR OTHER EQUALLY CORROSION RESISTANT MATERIALS,

1 FREE FROM CRACKS AND SEAMS, AND HAVE AN INTERIOR SURFACE AND ALL  
2 PRODUCT CONTACT SURFACES THAT ARE SMOOTH AND EASILY CLEANABLE.

3 (DD) IF AUTOMATIC SAMPLING DEVICES ARE USED, ENSURE THAT  
4 THEY ARE CONSTRUCTED IN A MANNER THAT PREVENTS CONTAMINATION OF  
5 THE PRODUCT, WITH ALL PARTS READILY ACCESSIBLE FOR CLEANING.

6 (EE) ENSURE THAT THE PRODUCT CONTACT SURFACES OF DUMP HOP-  
7 PERS, SCREENS, MIXERS, AND CONVEYORS USED FOR TRANSFERRING DRY  
8 PRODUCTS FROM BULK CONTAINERS TO FILLERS FOR SMALL PACKAGES OR  
9 CONTAINERS ARE OF STAINLESS STEEL OR EQUALLY CORROSION RESISTANT  
10 MATERIAL DESIGNED TO PREVENT CONTAMINATION, AND HAVE ALL PARTS  
11 ACCESSIBLE FOR CLEANING.

12 (FF) ENSURE THAT A DUMP HOPPER IS AT A HEIGHT ABOVE FLOOR  
13 LEVEL TO PREVENT FOREIGN MATERIAL OR SPILLED PRODUCT FROM ENTER-  
14 ING THE HOPPER.

15 (GG) ENSURE THAT ALL FILLING AND PACKAGING EQUIPMENT IS OF  
16 SANITARY CONSTRUCTION AND ALL PARTS, INCLUDING VALVES AND FILLER  
17 HEADS, ARE ACCESSIBLE FOR CLEANING.

18 (HH) ENSURE THAT EACH PLANT HANDLING DRY MILK PRODUCTS IS  
19 EQUIPPED WITH A HEAVY DUTY INDUSTRIAL VACUUM CLEANER, AND ESTAB-  
20 LISH A VACUUMING SCHEDULE APPROVED BY THE DEPARTMENT.

21 (II) PROVIDE PERSONS WITH CLEAN CLOTHING AND SHOE COVERS  
22 EXCLUSIVELY FOR THE PURPOSE OF CLEANING THE INTERIOR OF THE DRYER  
23 WHEN IT IS NECESSARY TO ENTER THE DRYER TO PERFORM THE CLEANING  
24 OPERATION.

25 (JJ) PASTEURIZE ALL MILK, BUTTERMILK, AND WHEY USED IN THE  
26 MANUFACTURE OF DRY MILK PRODUCTS AT THE PLANT WHERE DRIED, EXCEPT  
27 THAT CONDENSED WHEY AND ACIDIFIED BUTTERMILK CONTAINING 40% OR

1 MORE SOLIDS MAY BE TRANSPORTED TO ANOTHER PLANT FOR DRYING  
2 WITHOUT REPASTEURIZATION.

3 (KK) PASTEURIZE MILK OR SKIM MILK TO BE USED IN THE MANUFAC-  
4 TURE OF NONFAT DRY MILK PRIOR TO CONDENSING.

5 (8) A PERSON MAY TRANSPORT TO A DRYING PLANT CONDENSED SKIM  
6 MADE FROM PASTEURIZED SKIM MILK, AND THE CONDENSED SKIM SHALL BE  
7 EFFECTIVELY REPASTEURIZED AT THE DRYING PLANT, PRIOR TO DRYING,  
8 AT NOT LESS THAN 175 DEGREES FAHRENHEIT FOR 25 SECONDS OR THE  
9 EQUIVALENT PERIOD IN BACTERIAL DESTRUCTION APPROVED BY THE  
10 DEPARTMENT.

11 (9) A PERSON SHALL PASTEURIZE ALL BUTTERMILK OR SUBSTANCE  
12 FROM WHICH THE CREAM IS DERIVED PRIOR TO CONDENSING AT A TEMPERA-  
13 TURE OF 185 DEGREES FAHRENHEIT FOR 15 SECONDS OR THE EQUIVALENT  
14 PERIOD IN BACTERIAL DESTRUCTION APPROVED BY THE DEPARTMENT.

15 (10) A PERSON SHALL PASTEURIZE ALL CHEESE WHEY OR MILK FROM  
16 WHICH THE CHEESE WHEY IS DERIVED PRIOR TO CONDENSING AT A TEMPER-  
17 ATURE OF 161 DEGREES FAHRENHEIT FOR 15 SECONDS OR THE EQUIVALENT  
18 PERIOD IN BACTERIAL DESTRUCTION APPROVED BY THE DEPARTMENT.

19 (11) A PERSON SHALL USE SURGE TANKS OR BALANCE TANKS BETWEEN  
20 EVAPORATORS AND A DRYER ONLY TO HOLD THE MINIMUM AMOUNT OF CON-  
21 DENSED PRODUCT NECESSARY FOR A UNIFORM FLOW TO THE DRYERS, AND  
22 SHALL DO EACH OF THE FOLLOWING:

23 (A) ENSURE EACH TANK HOLDS THE CONDENSED PRODUCT AT TEMPERA-  
24 TURES BELOW 145 DEGREES FAHRENHEIT.

25 (B) COMPLETELY EMPTY AND WASH EACH TANK AFTER EACH 4 HOURS  
26 OF OPERATION OR LESS.

1 (C) PROVIDE ALTERNATE TANKS TO PERMIT CONTINUOUS OPERATION  
2 DURING WASHING OF TANKS.

3 (12) PRODUCTION OF A CONDENSED PRODUCT THAT EXCEEDS THE  
4 AMOUNT A DRYER WILL TAKE CONTINUOUSLY FROM PANS MAY BE BYPASSED  
5 THROUGH A COOLER INTO A STORAGE TANK AT NOT MORE THAN 50 DEGREES  
6 FAHRENHEIT, AND HELD AT THAT TEMPERATURE UNTIL A DRYER IS  
7 AVAILABLE.

8 (13) A PERSON SHALL MAKE PRODUCT CUT-OFF POINTS AT LEAST  
9 EVERY 24 HOURS AND COMPLETELY EMPTY, WASH, AND SANITIZE A STORAGE  
10 TANK BEFORE REUSING THE TANK.

11 (14) A PERSON SHALL OPERATE A DRYER AT NOT MORE THAN THE  
12 MANUFACTURER'S RECOMMENDED CAPACITY FOR THE HIGHEST QUALITY DRY  
13 PRODUCT AND MAY REMODEL OR REDESIGN A DRYER AFTER INSTALLATION  
14 UPON DEPARTMENT APPROVAL. A PERSON SHALL REMOVE DRY PRODUCTS  
15 FROM THE DRYING CHAMBER UPON COMPLETION OF EACH DRYING CYCLE.

16 (15) BEFORE PACKAGING AND IMMEDIATELY FOLLOWING REMOVAL OF A  
17 DRY PRODUCT FROM THE DRYING CHAMBER, A PERSON SHALL COOL THE DRY  
18 PRODUCT TO A TEMPERATURE NOT EXCEEDING 110 DEGREES FAHRENHEIT.

19 (16) A PACKAGER OF A DRY MILK PRODUCT SHALL ENSURE THAT EACH  
20 PACKAGE OR CONTAINER USED FOR THE PACKAGING OF A DRY MILK PRODUCT  
21 IS OF A CLEAN, SOUND, COMMERCIALY ACCEPTED MATERIAL THAT WILL  
22 PROTECT THE PACKAGED CONTENTS TO THE DEPARTMENT'S SATISFACTION.  
23 A DRY MILK PRODUCT PACKAGER SHALL NOT PACKAGE A DRY MILK PRODUCT  
24 IN A CONTAINER PREVIOUSLY USED FOR NONFOOD ITEMS OR FOOD DELETE-  
25 RIOUS TO THE MILK PRODUCT.

26 (17) A DRY MILK PACKAGER SHALL ENSURE ALL OF THE FOLLOWING:



1 (A) THAT EMPTY CONTAINERS ARE PROTECTED AT ALL TIMES FROM  
2 POSSIBLE CONTAMINATION.

3 (B) THAT A LINED CONTAINER IS NOT LINED MORE THAN 1 HOUR  
4 BEFORE THE CONTAINER IS FILLED.

5 (C) THAT PRECAUTION IS TAKEN DURING THE FILLING OPERATION TO  
6 ADEQUATELY MINIMIZE PRODUCT DUST AND SPILLAGE.

7 (D) THAT WHEN NECESSARY, A MECHANICAL SHAKER IS PROVIDED.

8 (E) THAT THE TAPPING OR POUNDING OF CONTAINERS DOES NOT  
9 OCCUR.

10 (F) THAT A CONTAINER IS CLOSED IMMEDIATELY AFTER FILLING.

11 (G) THAT A CONTAINER'S EXTERIOR IS VACUUMED OR BRUSHED WHEN  
12 NECESSARY TO RENDER IT PRACTICALLY FREE OF PRODUCT REMNANTS  
13 BEFORE THAT CONTAINER IS REMOVED FROM THE FILLING SITE.

14 (H) THAT EACH DRYER, CONVEYOR, SIFTER, AND STORAGE BIN IS  
15 CLEAN AND MAINTAINED IN A SANITARY CONDITION.

16 (I) THAT IN ADDITION TO A COMMERCIAL PEST CONTROL SERVICE,  
17 IF ANY, A PERSON DESIGNATED BY THE PACKAGER IMPLEMENTS A REGU-  
18 LARLY SCHEDULED INSECT AND RODENT CONTROL PROGRAM APPROVED BY THE  
19 DEPARTMENT.

20 (18) A PERSON CONDUCTING A DRY MILK PRODUCT REPACKAGING  
21 OPERATION SHALL DO ALL OF THE FOLLOWING:

22 (A) ENSURE THAT REPACKAGING OCCURS IN A SANITARY MANNER AND  
23 TAKE ALL PRECAUTIONS TO PREVENT CONTAMINATION AND MINIMIZE DUST.

24 (B) ENSURE THAT ALL EXTERIOR SURFACES OF EACH INDIVIDUAL  
25 CONTAINER ARE PRACTICALLY FREE OF PRODUCT BEFORE THE CONTAINER IS  
26 WRAPPED OR PACKAGED IN SHIPPING CONTAINERS.

1 (C) KEEP THE FLOOR OF EACH PACKAGING SITE FREE OF DUST  
2 ACCUMULATION, WASTE, CARTONS, LINERS, OR OTHER REFUSE.

3 (D) VACUUM CONVEYORS, PACKAGING AND CARTONMAKING EQUIPMENT  
4 THROUGHOUT EACH PACKAGING DAY TO PREVENT THE ACCUMULATION OF  
5 DUST.

6 (E) PROHIBIT BOTTLES OR GLASS MATERIAL OF ANY KIND IN THE  
7 REPACKAGING OR HOPPER ROOM.

8 (F) ENSURE THAT THE INLET OPENINGS OF ALL HOPPERS AND BINS  
9 ARE OF A SIZE APPROVED BY THE DEPARTMENT, SCREENED, AND PLACED AT  
10 LEAST 6 INCHES ABOVE THE FLOOR LEVEL.

11 (G) CLEAN THE PACKAGING SITE AND ALL PACKAGING EQUIPMENT AS  
12 OFTEN AS NECESSARY TO MAINTAIN A SANITARY OPERATION, AND THOR-  
13 OUGHLY EXAMINE AND CLEAN POINTS OF EQUIPMENT WHERE RESIDUES OF  
14 THE DRY PRODUCT MAY ACCUMULATE.

15 (H) THOROUGHLY CLEAN WINDOWS, DOORS, WALLS, LIGHT FIXTURES,  
16 AND LEDGES OF THE PACKAGING SITE AS FREQUENTLY AS NECESSARY TO  
17 MAINTAIN DEPARTMENT STANDARDS OF CLEANLINESS AND SANITATION.

18 (I) IDENTIFY AND DISPOSE OF WASTE DRY MILK PRODUCTS AT THE  
19 FILLERS IN A MANNER THAT ENSURES THAT THE WASTE DRY MILK PRODUCT  
20 IS NOT USED FOR HUMAN CONSUMPTION.

21 (19) A PERSON PACKAGING A DRY MILK PRODUCT SHALL DO ALL OF  
22 THE FOLLOWING:

23 (A) STORE OR ARRANGE THE PACKAGED DRY MILK PRODUCT IN  
24 AISLES, ROWS, OR SECTIONS AND LOTS AT LEAST 18 INCHES FROM ANY  
25 WALL AND IN AN ORDERLY MANNER THAT ALLOWS EASY ACCESS FOR INSPEC-  
26 TION OR FOR CLEANING OF THE SITE.

1 (B) PLACE ALL BAGS AND SMALL CONTAINERS OF PRODUCT ON  
2 PALLETS ELEVATED APPROXIMATELY 6 INCHES FROM THE FLOOR.

3 (C) KEEP THE STORAGE SITE CLEAN AND DRY AND ALL OPENINGS TO  
4 THE STORAGE SITE PROTECTED AGAINST INSECTS AND RODENTS.

5 (D) ARRANGE ALL SUPPLIES ON DUNNAGE OR PALLETS IN AN ORDERLY  
6 MANNER FOR ACCESSIBILITY AND CLEANING OF THE STORAGE SITE.

7 (E) KEEP SUPPLIES ENCLOSED IN THEIR ORIGINAL WRAPPING MATE-  
8 RIAL UNTIL USED.

9 (F) KEEP SUPPLIES REMOVED FROM THEIR ORIGINAL CONTAINERS IN  
10 AN ENCLOSED METAL CABINET, BIN, OR ON SHELVING, AND PROTECTED  
11 FROM POWDER AND DUST OR OTHER CONTAMINATION.

12 (G) VACUUM THE STORAGE SITE AS OFTEN AS NECESSARY TO PRE-  
13 SERVE CLEANLINESS AND ORDER.

14 (H) TAKE ALL NECESSARY PRECAUTIONS THROUGHOUT THE ENTIRE  
15 OPERATION TO PREVENT THE ADULTERATION OF 1 PRODUCT WITH ANOTHER.

16 SEC. 2F. (1) THE DEPARTMENT SHALL SAMPLE AND TEST ALL  
17 INSTANT NONFAT DRY MILK OFFERED FOR SALE TO THE PUBLIC AT LEAST  
18 ONCE EACH MONTH TO ASSURE THAT THE PRODUCT MEETS THE REQUIREMENTS  
19 OF THIS ACT.

20 (2) A DRY MILK PLANT SHALL ENSURE THAT EACH PRODUCT SUBLLOT  
21 OF APPROXIMATELY 4,000 POUNDS IS TESTED AND ANALYZED PRIOR TO  
22 BEING PACKAGED OR OFFERED FOR SALE. A PRODUCT NOT MEETING THE  
23 REQUIREMENTS OF THIS ACT AND DEPARTMENT SPECIFICATIONS FOR EXTRA  
24 GRADE INSTANT NONFAT DRY MILK SHALL NOT BE OFFERED FOR SALE AS  
25 EXTRA GRADE INSTANT NONFAT DRY MILK.

26 (3) THE FLAVOR AND ODOR OF EXTRA GRADE INSTANT NONFAT DRY  
27 MILK SHALL CONFORM TO DEPARTMENT STANDARDS.

1 (4) EXTRA GRADE INSTANT NONFAT DRY MILK SHALL COMPLY WITH  
2 ALL OF THE FOLLOWING:

3 (A) THE STANDARD BACTERIAL ESTIMATE PLATE COUNT IS NOT MORE  
4 THAN 30,000 PER GRAM.

5 (B) THE COLIFORM COUNT IS NOT MORE THAN 10 PER GRAM.

6 (C) THE MILK FAT IS NOT MORE THAN 1.25%.

7 (D) THE MOISTURE IS NOT MORE THAN 4.5%.

8 (E) SCORCHED PARTICLES ARE NOT MORE THAN 15 MILLIGRAMS.

9 (F) THE SOLUBILITY INDEX IS NOT MORE THAN 1 MILLIGRAM.

10 (G) THE TITRATABLE ACIDITY IS NOT MORE THAN 0.15%.

11 (H) THE DISPERSIBILITY IS NOT LESS THAN 85% BY THE MODIFIED  
12 MOATS-DABBAH METHOD ESTABLISHED BY THE ASSOCIATION OF APPLIED  
13 CHEMISTS AND APPROVED BY THE DEPARTMENT, OR ANY OTHER METHOD  
14 APPROVED BY THE DEPARTMENT.

15 (I) THE DIRECT MICROSCOPIC CLUMP COUNT IS NOT MORE THAN  
16 75,000,000 PER GRAM.

17 (4) A PLANT MANUFACTURING, PROCESSING, AND PACKAGING BUTTER  
18 AND RELATED PRODUCTS SHALL COMPLY WITH ALL OF THE FOLLOWING:

19 (A) CONTAIN COOLERS AND FREEZERS THAT ARE EACH OF THE  
20 FOLLOWING:

21 (i) EQUIPPED WITH FACILITIES FOR MAINTAINING PROPER TEMPERA-  
22 TURE AND HUMIDITY CONDITIONS, CONSISTENT WITH GOOD MANUFACTURING  
23 PRACTICES FOR THE APPLICABLE PRODUCT, TO PROTECT THE QUALITY AND  
24 CONDITION OF THE PRODUCTS DURING STORAGE OR PROCESSING.

25 (ii) KEPT CLEAN, ORDERLY, FREE FROM INSECTS, RODENTS, AND  
26 MOLD.

1 (iii) MAINTAINED IN GOOD REPAIR.

2 (iv) ADEQUATELY LIGHTED.

3 (v) CAPABLE OF MAINTAINING PROPER CIRCULATION OF AIR AT ALL  
4 TIMES.

5 (vi) CONSTRUCTED TO ALLOW THOROUGH CLEANING OF THE FLOORS,  
6 WALLS, AND CEILINGS.

7 (B) CONTAIN PROPERLY CONSTRUCTED AND SANITARY CHURN ROOMS  
8 EQUIPPED TO KEEP AIR FREE FROM ODORS AND VAPORS AND EXTREME TEM-  
9 PERATURES BY MEANS OF ADEQUATE VENTILATION AND EXHAUST SYSTEMS OR  
10 AIR CONDITIONING AND HEATING FACILITIES.

11 (C) PROVIDE AN ATMOSPHERE WITH NO MORE THAN 10 MOLD COLONIES  
12 PER CUBIC FOOT OF AIR THAT IS FREE OF DUST OR OTHER AIRBORNE CON-  
13 TAMINATION AND MAINTAINED AT A REASONABLE ROOM TEMPERATURE.

14 (D) IF THE PLANT HAS A CONTINUOUS CHURN, ENSURE THAT ALL  
15 PRODUCT CONTACT SURFACES OF THE CHURN ARE OF NONCORROSIVE MATE-  
16 RIAL READILY ACCESSIBLE FOR CLEANING AND INSPECTION, AND ALL NON-  
17 METALLIC PRODUCT CONTACT SURFACES COMPLY WITH STANDARDS ESTAB-  
18 LISHED OR APPROVED BY THE DEPARTMENT.

19 (E) IF THE PLANT HAS A CONVENTIONAL CHURN, ENSURE THAT THE  
20 CHURN HAS TIGHT SEALS AROUND EACH DOOR, AND IS CONSTRUCTED OF  
21 ALUMINUM, STAINLESS STEEL, OR AN EQUALLY CORROSION RESISTANT  
22 MATERIAL, FREE FROM CRACKS, IN GOOD REPAIR, AND ALL GASKET MATE-  
23 RIAL IS FAT RESISTANT, NONTOXIC AND REASONABLY DURABLE.

24 (F) ENSURE THAT BULK BUTTER TRUCKS, BOATS AND PACKERS ARE  
25 CONSTRUCTED OF ALUMINUM, STAINLESS STEEL OR AN EQUALLY CORROSION  
26 RESISTANT MATERIAL, ARE FREE FROM CRACKS AND SEAMS, AND HAVE  
27 SURFACES THAT ARE SMOOTH AND EASILY CLEANABLE.

1 (G) ENSURE THAT SHAVERS, SHREDDERS OR MELTING MACHINES USED  
 2 FOR THE RAPID MELTING OF BUTTER OR FROZEN OR PLASTIC CREAM ARE  
 3 CONSTRUCTED OF STAINLESS STEEL OR AN EQUALLY CORROSION RESISTANT  
 4 MATERIAL THAT IS SANITARY AND READILY CLEANABLE.

5 (H) ENSURE THAT ALL PRINTING EQUIPMENT IS DESIGNED TO  
 6 READILY ALLOW CLEANING OF PRODUCT CONTACT SURFACES, AND THAT ALL  
 7 PRODUCT CONTACT SURFACES EXCEPT CONVEYORS ARE CONSTRUCTED OF ALU-  
 8 MINUM, STAINLESS STEEL OR EQUALLY CORROSION RESISTANT MATERIAL  
 9 THAT MEETS DEPARTMENT STANDARDS.

10 (I) ENSURE THAT CONVEYORS ARE CONSTRUCTED OF MATERIAL THAT  
 11 CAN BE PROPERLY CLEANED AND MAINTAINED IN A MANNER SATISFACTORY  
 12 TO THE DEPARTMENT.

13 (J) ENSURE THAT EACH BRINE TANK USED FOR THE TREATING OF  
 14 PARCHMENT LINERS IS CONSTRUCTED OF NONCORROSIVE MATERIAL, HAS AN  
 15 ADEQUATE AND SAFE MEANS OF HEATING THE SALT SOLUTION FOR THE  
 16 TREATMENT OF THE LINERS, AND HAS A SATISFACTORY DRAINAGE OUTLET.

17 (K) ENSURE THAT EACH BULK STARTER VAT IS BOTH OF THE  
 18 FOLLOWING:

19 (i) CONSTRUCTED OF STAINLESS STEEL OR AN EQUALLY CORROSION  
 20 RESISTANT MATERIAL, IN ACCORDANCE WITH STANDARDS ESTABLISHED OR  
 21 APPROVED BY THE DEPARTMENT.

22 (ii) IN GOOD REPAIR, EQUIPPED WITH TIGHT-FITTING LIDS, AND  
 23 CONTAINING EFFECTIVE TEMPERATURE CONTROLS.

24 Sec. 3a. ~~(1) As used in this act:~~

25 ~~(a) "Dairy plant" means a milk plant, milk or cream depot,~~  
 26 ~~shipping station, creamery, cheese factory, condensed milk or~~  
 27 ~~condensed buttermilk factory, or other factory where dairy~~

~~1 products are received by purchase or otherwise, or where dairy~~  
~~2 products are received and processed into manufactured dairy~~  
~~3 products.~~

~~4 (b) "Dairy product" means milk or cream.~~

~~5 (c) "Department" means the department of agriculture.~~

~~6 (d) "Manufactured dairy product" means butter, cheese, con-~~  
~~7 densed milk, condensed buttermilk, powdered milk, powdered skim~~  
~~8 milk, powdered cream, milk casein, ice cream, malted or milk~~  
~~9 sugar, or other form of processed dairy product. (2) A~~

~~10 OPERATING A DAIRY PLANT, A person, firm, partnership, associa-~~  
~~11 tion, cooperative organization, or corporation, owning or~~  
~~12 operating~~ INTENDING TO OPERATE a dairy plant THAT IS not  
~~13 licensed by the department under other dairy laws , before~~  
~~14 opening of the dairy plant, and annually thereafter on July 1,~~  
~~15 REGULATING DAIRY PLANTS shall obtain a license from the director~~  
~~16 of the department of agriculture. Application shall be made~~  
~~17 upon forms~~ THE PERSON SHALL COMPLETE AN APPLICATION FORM fur-  
~~18 nished by the director . The forms shall show~~ THAT REQUIRES  
~~19 THE PERSON TO IDENTIFY the ownership and location of the dairy~~  
~~20 plant , as well as any~~ AND PROVIDE other information required  
~~21 by the director. The director may issue a temporary license.~~

~~22 A~~ AT THE TIME OF APPLICATION, THE person , firm, partnership,  
~~23 association, cooperative organization, or corporation owning or~~  
~~24 operating a dairy plant~~ shall pay to the director an annual  
~~25 license fee of \$50.00 for each plant operated, at the time~~  
~~26 application for the license is made~~ THE PERSON OPERATES OR  
~~27 INTENDS TO OPERATE, AND WITHIN 130 DAYS AFTER THE CLOSE OF THE~~

1 PERSON'S FISCAL YEAR, PAY A RENEWAL FEE OF \$50.00 FOR EACH PLANT  
2 THE PERSON OPERATES.

3 ~~-(3) Each dairy plant that produces manufactured dairy prod-~~  
4 ~~ucts shall report to the director at least once each calendar~~  
5 ~~year, or as often as the director may require, the amount of~~  
6 ~~dairy products sold, the amount of dairy products shipped into~~  
7 ~~and out of the state, and the kind and amount of manufactured~~  
8 ~~dairy products produced.~~

9 Sec. 3b. Upon receipt of ~~application for a license for any~~  
10 ~~shipping station, milk depot, cream depot, creamery, cheese fac-~~  
11 ~~tory, condensed milk factory, condensed buttermilk factory, or~~  
12 ~~other factory manufacturing dairy products not~~ AN APPLICATION  
13 UNDER SECTION 3A FOR AN UNLICENSED DAIRY PLANT OR FOR A DAIRY  
14 PLANT previously ~~licensed or which has been disapproved for~~  
15 DENIED A license UNDER THIS ACT, the department ~~of agriculture~~  
16 shall investigate the sanitary conditions of the plant or place  
17 of business. The director shall ~~refuse a~~ NOT ISSUE A license  
18 under this act ~~when he determines~~ UPON DETERMINING that the  
19 sanitary conditions of the APPLICANT'S plant or place of business  
20 ~~of any applicant does~~ DO not ~~conform to the provisions of~~  
21 COMPLY WITH this act, ~~or the~~ rules and regulations ~~issued~~  
22 ~~hereunder or the provisions of~~ PROMULGATED UNDER this act, or  
23 ~~other acts pertaining to~~ A LAW THAT REGULATES the dairy  
24 business. ~~have not been complied with or have been violated by~~  
25 ~~the applicant.~~ The director may revoke ~~any~~ A license issued  
26 under ~~the provisions of~~ this act ~~whenever he determines that~~  
27 ~~any of the provisions or rules and regulations of this act or~~



~~1 provisions of other acts pertaining to~~ UPON DETERMINING AFTER A  
~~2 HEARING THAT THE LICENSEE HAS VIOLATED THIS ACT, A RULE OR REGU-~~  
~~3 LATION PROMULGATED UNDER THIS ACT, OR A LAW THAT REGULATES the~~  
~~4 dairy business. have been violated. Any~~ A person ~~, firm,~~  
~~5 association or corporation~~ whose license has been revoked or  
~~6 refused shall IMMEDIATELY discontinue operation of the business~~  
~~7 for which the license was issued or applied for, and shall not~~  
~~8 be~~ THAT PERSON IS NOT eligible for a license until ~~the provi-~~  
~~9 sions of this act have been complied with~~ THE DIRECTOR DETER-  
~~10 MINES THAT THE VIOLATION HAS BEEN REMEDIED.~~

11 Sec. 3c. (1) Before revoking ~~any~~ A license the ~~director~~  
~~12 DEPARTMENT shall give~~ PROVIDE THE AFFECTED LICENSEE WITH A  
~~13 written notice to the licensee affected stating that he contem-~~  
~~14 plates the revocation of the same, giving his reasons therefor.~~  
~~15 The notice shall appoint a~~ THAT IDENTIFIES ALL OF THE  
~~16 FOLLOWING:~~

17 (A) THE INTENT TO REVOKE.

18 (B) THE GROUNDS UPON WHICH THE INTENDED REVOCATION IS  
~~19 BASED.~~

20 (C) THE time and place of hearing. ~~and shall be mailed~~

21 (2) THE DEPARTMENT SHALL PERSONALLY SERVE OR MAIL by certi-  
~~22 fied mail to the licensee or personal service rendered~~ THE  
~~23 NOTICE at least 10 days before the date set for the hearing.~~  
~~24 The licensee may present such evidence of a relevant nature to~~  
~~25 the director as he deems fit and, after hearing all the testimo-~~  
~~26 ny, the director shall decide the question in such manner as to~~  
~~27 him appears just and right.~~ THE HEARING SHALL BE CONDUCTED IN A

1 MANNER PRESCRIBED BY THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
2 ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO  
3 24.328 OF THE MICHIGAN COMPILED LAWS.

4       Sec. 3d. (1) A person shall not ~~pick up~~ RECEIVE FROM A  
5 FARM BULK MILK TANK AND TRANSPORT IN A FARM PICKUP MILK TANK milk  
6 regulated by this act ~~in a farm pickup milk tank from a farm~~  
7 ~~bulk milk tank without a license issued~~ UNLESS THAT PERSON IS  
8 LICENSED by the department ~~of agriculture~~ under this section or  
9 under ~~section 2(1)(d)~~ SECTION 2 of THE FLUID MILK ACT OF 1965,  
10 Act No. 233 of the Public Acts of 1965, ~~as amended,~~ being sec-  
11 tion 288.22 of the Michigan Compiled Laws. ~~The annual~~ AT THE  
12 TIME OF APPLICATION, THE PERSON SHALL PAY A license fee ~~shall~~  
13 ~~be~~ OF \$10.00 ~~and shall be submitted with the~~ AND COMPLETE AN  
14 application ~~for a license on a~~ form provided by the  
15 department. ~~The license shall be renewed~~ THE PERSON SHALL  
16 RENEW THE LICENSE AND PAY A \$10.00 FEE annually on July 1 and  
17 ~~application for a~~ APPLY FOR THE renewal ~~made~~ at least 10 days  
18 before ~~that date~~ JULY 1. ~~Every~~ THE DEPARTMENT SHALL EXAMINE  
19 EACH applicant for a license ~~shall be examined by the department~~  
20 ~~under the provisions of this act and the rules promulgated by the~~  
21 ~~department to~~ AND determine ~~their~~ EACH APPLICANT'S qualifica-  
22 tions to evaluate milk in a farm bulk milk tank, to accurately  
23 measure milk in a farm bulk milk tank, to obtain representative  
24 samples of milk from a farm bulk milk tank, to properly handle  
25 and deliver ~~the~~ MILK samples, and to ~~pick up~~ RECEIVE AND  
26 TRANSPORT milk. ~~It is a violation of this act or section~~  
27 ~~2(1)(d) of Act No. 233 of the Public Acts of 1965, as amended,~~

~~1 and a license so issued may be revoked or suspended if the person~~  
~~2 licensed fails~~ A PERSON WHO FAILS to agitate milk in the farm  
 3 bulk milk tank before taking a sample for delivery to the milk  
 4 plant or TO the department, ~~or~~ WHO fails to take the sample for  
 5 analysis in accordance with ~~the procedures established by~~  
 6 departmental rules, ~~or picks up milk, the temperature of which~~  
 7 WHO RECEIVES OR TRANSPORTS MILK THAT exceeds 50 degrees  
 8 Fahrenheit, or WHO fails to accurately report the weight or tem-  
 9 perature of milk ~~picked up~~ RECEIVED from ~~any~~ A farm milk  
 10 tank, IS IN VIOLATION OF THIS ACT AND SECTION 2 OF ACT NO. 233 OF  
 11 THE PUBLIC ACTS OF 1965 AND IS SUBJECT TO LICENSE REVOCATION OR  
 12 SUSPENSION.

13 (2) ~~"Person" as~~ AS used in this section, "PERSON" means a  
 14 natural person ~~operating~~ ENGAGED IN RECEIVING OR TRANSPORTING  
 15 MILK FROM FARM BULK MILK TANKS IN his or her own farm pickup milk  
 16 tank or the farm milk pickup tank of another. ~~, who is actually~~  
 17 ~~engaged in picking up milk in that farm pickup milk tank from~~  
 18 ~~farm bulk milk tanks.~~

19 Sec. 3e. ~~Every~~ EACH person ~~, firm, association or~~  
 20 ~~corporation~~ purchasing milk for ~~the purposes of reselling or of~~  
 21 ~~manufacturing the same~~ RESALE OR MANUFACTURE into ~~other~~  
 22 ~~products,~~ ANOTHER PRODUCT shall pay the MILK'S producer ~~monthly~~  
 23 ~~or oftener.~~ Payment may be made on or before the first day of  
 24 ~~each month for cream or milk; payment shall be made~~ AND, ON A  
 25 MONTHLY OR MORE FREQUENT BASIS, SHALL TENDER PAYMENT on or before  
 26 the fifteenth day of ~~each~~ THE month for ~~all cream or~~ milk  
 27 received prior to the first day of ~~the same~~ THAT month. The

1 director shall revoke or refuse ~~any~~ A license required by this  
2 act ~~whenever the provisions~~ FOR A VIOLATION of this section.  
3 ~~have been violated.~~

4       Sec. 3j. (1) ~~A license shall be granted under this act~~ IF  
5 1 OF THE FOLLOWING SECURITY DEVICES IS FILED WITH THE DIRECTOR OF  
6 THE DEPARTMENT, THE DEPARTMENT SHALL ISSUE to a dairy plant that  
7 produces manufactured dairy products ~~if 1 of the following~~  
8 ~~security arrangements is filed with the director of the~~  
9 ~~department:~~ A LICENSE AUTHORIZED UNDER THIS ACT, AND SHALL  
10 REVOKE OR DENY A LICENSE IF THE LICENSEE OR LICENSE APPLICANT  
11 FAILS TO PROVIDE 1 OF THE FOLLOWING SECURITY DEVICES UPON THE  
12 DEPARTMENT'S REQUEST:

13       (a) ~~A~~ BEGINNING APRIL 27, 1982, A current certified,  
14 audited financial statement prepared by a certified public  
15 accountant, ~~— The licensee shall also submit to the department~~  
16 ~~copies of~~ AND new year end certified audits within 120 days of  
17 the licensee's year end ~~— The certified audited statement~~  
18 ~~shall~~ THAT verify the licensee's ability to meet THE RATIO OF  
19 1:2:1 FOR minimum liquidity requirements of current assets to  
20 current liabilities. ~~which shall have a ratio of 1:1 the first~~  
21 ~~year after the effective date of this section, 1.1:1 the second~~  
22 ~~year, and 1.2:1 the third year and thereafter, in accordance with~~  
23 ~~rules promulgated by the department. The rules shall be promul-~~  
24 ~~gated within 6 months after the effective date of this section~~  
25 ~~pursuant to Act No. 306 of the Public Acts of 1969, as amended,~~  
26 ~~being sections 24.201 to 24.315 of the Michigan Compiled Laws.~~

1 (b) ~~-A-~~ ANY OF THE FOLLOWING FOR THE BENEFIT OF PRODUCERS  
 2 WHO MAY BE DAMAGED BY A DEFAULT IN PAYMENT:

3 (i) A bond issued by a surety company authorized to do busi-  
 4 ness in this state and conditioned upon the faithful and proper  
 5 discharge of the duty to pay a ~~-dairy product-~~ producer, when  
 6 payment is due, for ~~-dairy products-~~ MILK received by the dairy  
 7 plant. ~~-cash-~~

8 (ii) CASH, in an amount not to exceed the ~~-sum reasonably~~  
 9 ~~likely to be due and accrued at any 1 time for dairy products~~  
 10 ~~received by the dairy plant; or other-~~ VALUE OF THE GREATEST MILK  
 11 RECEIPTS THE DAIRY PLANT RECEIVED WITHIN A CONSECUTIVE 30 DAY  
 12 PERIOD DURING THAT DAIRY PLANT'S MOST RECENT FISCAL YEAR, OR THE  
 13 GREATEST MILK RECEIPTS THAT THE DAIRY PLANT IS ANTICIPATED TO  
 14 RECEIVE DURING A 30 DAY PERIOD WITHIN THE LICENSING PERIOD,  
 15 WHICHEVER IS GREATER.

16 (iii) OTHER security acceptable to the department, ~~-except-~~  
 17 INCLUDING, BUT NOT LIMITED TO, an irrevocable letter of credit,  
 18 LESS ANY AMOUNT THE DAIRY PLANT OWES THE PRODUCER ~~-The bond or~~  
 19 ~~other security shall be-~~ payable to the department. ~~-and the cash~~  
 20 ~~shall be paid to the department, for the benefit of the dairy~~  
 21 ~~product producers who would be damaged by a default in payment.~~

22 (c) ~~-An agreement providing for the complete control over~~  
 23 ~~all dairy products and manufactured dairy products by a trustee,~~  
 24 ~~in the manner provided by this subdivision. A trustee shall be~~  
 25 ~~appointed by the director of the department. The trustee shall~~  
 26 ~~do all of the following:~~ AN AGREEMENT IN WHICH THE DAIRY PLANT

1 PREPAYS FOR ITS MILK SUPPLY BY PROVIDING CASH PAYMENTS BEFORE OR  
2 AT THE TIME OF DELIVERY.

3 ~~(i) Make and file with the department a bond issued by a~~  
4 ~~surety company authorized to do business in this state and condi-~~  
5 ~~tioned upon the faithful and proper discharge of the duties of~~  
6 ~~the trustee as provided in this act and rules promulgated under~~  
7 ~~this act. The bond shall be in an amount not less than 75% of~~  
8 ~~the maximum due and accrued liability of the dairy plant. The~~  
9 ~~dairy plant shall pay any expenses of obtaining the bond.~~

10 ~~(ii) Enter into contracts with the dairy plant and all per-~~  
11 ~~sons to whom dairy products and manufactured dairy products are~~  
12 ~~sold by the dairy plant on forms prescribed by the department.~~  
13 ~~The contracts shall include a provision stating that payment of~~  
14 ~~the gross proceeds of all sales shall be made directly to the~~  
15 ~~trustee. The contracts shall further provide that the purchaser~~  
16 ~~shall not make a deduction or offset any amount from the gross~~  
17 ~~purchase price for any purpose. The trustee shall retain 1 copy~~  
18 ~~and furnish copies to the licensee, the purchaser, and the~~  
19 ~~department.~~

20 ~~(iii) Enter into a trust agreement with the dairy plant on~~  
21 ~~forms prescribed by the department granting the trustee control~~  
22 ~~over all dairy products purchased by the dairy plant, all manu-~~  
23 ~~factured dairy products, and all proceeds derived from the sale~~  
24 ~~or disposition of the dairy products and manufactured dairy~~  
25 ~~products. The agreement shall prohibit the sale or disposition~~  
26 ~~of dairy products and manufactured dairy products except as~~

~~1 provided in this act. A copy of this agreement shall be filed  
2 with the department.~~

~~3 (iv) Obtain from the dairy plant a security agreement grant-  
4 ing to the trustee a security interest in all inventories of  
5 dairy products and manufactured dairy products, and all proceeds  
6 derived therefrom, including accounts receivable. A security  
7 interest granted to the trustee shall not be in compliance with  
8 this subparagraph unless perfected by the filing of financing  
9 statements under article 9 of Act No. 174 of the Public Acts of  
10 1962, as amended, being sections 440.9101 to 440.9994 of the  
11 Michigan Compiled Laws, and as determined under that act, takes  
12 priority over, and is not subject to, any other outstanding  
13 security interest in the collateral. The security agreement and  
14 the financing statements shall specify that the security is  
15 granted to the trustee as trustee for the dairy plant. Evidence  
16 of the perfection of the security interest shall be filed with  
17 the department. The dairy plant shall pay all fees related to  
18 the security agreement.~~

~~19 (v) Maintain a separate escrow account, which may bear  
20 interest, in a regulated financial institution in this state, for  
21 deposit of funds received by the trustee.~~

~~22 (vi) Collect the gross proceeds for dairy products and manu-  
23 factured dairy products sold, and deposit the sums in the trust  
24 account.~~

~~25 (vii) Remit to producers, in accordance with the agreed  
26 price between producers and the dairy plant, cash proceeds~~

~~1 received under purchase contracts. The trustee shall keep a  
2 memorandum of all producer dairy plant price agreements.~~

~~3 (viii) Personally execute or supervise the execution of all  
4 checks written on the trust account.~~

~~5 (ix) Ensure that an advance payment granted to a dairy prod-  
6 uct producer shall be completely set off by the trustee against  
7 the amount due to that producer at the end of each payment  
8 period. An advance to a producer shall not exceed the reasonable  
9 accrued value of the dairy products delivered by the producer  
10 before the date of the advance payment.~~

~~11 (\*) First, apply cash proceeds from the sale of dairy prod-  
12 ucts and manufactured dairy products during a payment period in  
13 payment for dairy products delivered during that period; next,  
14 apply cash proceeds from the sale of dairy products and manufac-  
15 tured dairy products during the payment period for dairy products  
16 delivered during a prior period; and lastly, pay to the dairy  
17 plant any amounts in excess of those required to meet producer  
18 liability for that period or a prior period.~~

~~19 (xi) Except as provided in this section, pay no obligations  
20 of the dairy plant out of the trust account.~~

~~21 (xii) Submit, at least annually, an accounting of the  
22 receipts to the department and to each dairy product producer.~~

~~23 (2) A dairy plant that enters into a trustee arrangement as  
24 provided in subsection (1)(c) shall not commit any act that  
25 impairs the ability of the trustee to carry out the trustee's  
26 duties, or that impairs the security interest granted the trustee  
27 under subsection (1)(c). A dairy plant shall not pledge dairy~~



~~1 product or manufactured dairy product inventories or receivables~~  
~~2 as collateral for a loan without the written consent of the~~  
~~3 trustee and direct payment of the proceeds of the loan to the~~  
~~4 trustee.~~

5       (2) ~~-(3)-~~ Upon ~~receipt of~~ ISSUING, RENEWING, OR ALTERING a  
6 license ~~and any time the type of licensing is altered, a dairy~~  
7 ~~plant that produces manufactured dairy products~~ THE DIRECTOR OF  
8 THE DEPARTMENT shall notify each dairy product producer deliver-  
9 ing dairy products to the LICENSED dairy plant of the financial  
10 basis ~~on~~ UPON which the license was issued, RENEWED, OR  
11 ALTERED. The notice shall state the type and amount of security  
12 provided pursuant to this section. ~~A copy of the notice shall~~  
13 ~~be mailed to the department when mailed to the producers.~~

14       (3) ~~-(4)-~~ A dairy plant that produces manufactured dairy  
15 products shall not receive dairy products ~~which~~ THAT will  
16 increase the amount due and accrued from the dairy plant to an  
17 amount greater than the amount represented as a basis for the  
18 issuance of the license, without first notifying the department.

19       (4) ~~-(5)-~~ This section ~~shall~~ DOES not ~~be construed to~~  
20 apply to the sale of dairy products or manufactured dairy prod-  
21 ucts in interstate commerce to an out of state purchaser not  
22 licensed pursuant to this act. The protection provided by this  
23 section ~~shall be~~ IS available to a producer in another state  
24 selling dairy products to a licensee in this state.

25       (5) ~~-(6)-~~ Financial and product information filed by a dairy  
26 plant that produces manufactured dairy products ~~shall~~ IS not  
27 ~~be~~ subject to disclosure under the freedom of information act,

1 Act No. 442 of the Public Acts of 1976, as amended, being  
2 sections 15.231 to 15.246 of the Michigan Compiled Laws.

3 (6) ~~-(7)-An~~ UPON RECEIPT OF A WRITTEN REQUEST, THE DEPART-  
4 MENT SHALL PROVIDE AN individual dairy product producer or an  
5 agent of the producer ~~shall upon written request to the depart-~~  
6 ~~ment be given~~ a copy of the certified audited financial state-  
7 ment of the dairy plant that produces the dairy products of that  
8 producer.

9 (7) ~~-(8)-~~ An individual dairy product producer or an agent  
10 of the producer may file a written complaint with the department  
11 requesting an audit of the ability of the dairy plant that  
12 produces the dairy products of the individual producer to meet  
13 the minimum liquidity requirements pursuant to subsection  
14 (1)(a). ~~This~~ THE complaint shall be accompanied by a certified  
15 check in the amount of \$100.00 and a signed document guaranteeing  
16 full payment for an audit if required under ~~section 3j(9)-~~  
17 SUBSECTION (8). Upon receipt of the complaint and check, the  
18 department shall notify the appropriate dairy plant and present  
19 to the dairy plant the choice of either having an independent  
20 audit conducted, or voluntarily changing the security arrangement  
21 to either of the alternatives provided for in subsection (1)(b)  
22 or (c).

23 (8) ~~-(9)-If the~~ A dairy plant THAT requests an independent  
24 audit under subsection ~~-(8)-~~, (7) SHALL BEAR THE cost of that  
25 audit ~~shall be borne by the dairy plant~~ if the audit ~~shows an~~  
26 ESTABLISHES TO THE DEPARTMENT'S SATISFACTION THE DAIRY PLANT'S  
27 inability to meet minimum liquidity requirements ~~as defined~~

1 DESCRIBED in subsection (1)(a). ~~and the rules promulgated~~  
2 ~~thereunder, or by the~~ THE complainant SHALL BEAR THE COST OF THE  
3 AUDIT if the AUDIT ESTABLISHES TO THE DEPARTMENT'S SATISFACTION  
4 THAT THE dairy plant meets the minimum liquidity requirements  
5 DESCRIBED IN SUBSECTION (1)(A).

6 (9) ~~(10)~~ If the dairy plant fails to meet the minimum  
7 liquidity requirements DESCRIBED IN SUBSECTION (1)(A), the  
8 department shall ~~—~~ RETURN TO THE COMPLAINANT THE FEE DESCRIBED  
9 IN SUBSECTION (7), AND ~~in conformance with the administrative~~  
10 ~~procedures act, Act No. 306 of the Public Acts of 1969, as~~  
11 ~~amended, being sections 24.201 to 24.315 of the Michigan Compiled~~  
12 ~~Laws,~~ suspend or revoke the dairy plant's license ~~until~~ IN  
13 COMPLIANCE WITH THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT  
14 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO  
15 24.328 OF THE MICHIGAN COMPILED LAWS. THE DEPARTMENT MAY REIN-  
16 STATE A SUSPENDED LICENSE, OR REISSUE A REVOKED LICENSE, IF the  
17 dairy plant ~~meets the licensing requirements in~~ COMPLIES WITH  
18 subsection (1)(b) or (c). ~~and the \$100.00 shall be returned to~~  
19 ~~the complainant.~~ If the DEPARTMENT DETERMINES THAT THE dairy  
20 plant meets the minimum liquidity requirements DESCRIBED IN  
21 SUBSECTION (1)(A), THE \$100.00 SHALL BE FORFEITED TO THE DAIRY  
22 PLANT.

23 (10) ~~(11)~~ A licensee may request a change in its security  
24 arrangement at any time if all requirements for the new security  
25 arrangement have been met and all producers doing business with  
26 the licensee have been duly notified.

1        Sec. 3k. (1) A person injured by the breach of an  
2 obligation ~~for which a security arrangement has been entered~~  
3 ~~into~~ SECURED pursuant to section 3j may file with the department  
4 a verified proof of claim or other evidence of default. Upon  
5 receipt of a verified proof of claim or other evidence of  
6 default, the department ~~, by order, may require all~~ MAY ISSUE  
7 AN ORDER REQUIRING EACH interested ~~creditors~~ CREDITOR to file  
8 ~~their~~ A verified ~~proofs~~ PROOF of claim before a certain date,  
9 or be barred from participating in any recovery made by the  
10 department. ~~Notice~~ THE DEPARTMENT SHALL PROVIDE NOTICE of the  
11 entry of an order ~~shall be given~~ by posting a copy of the order  
12 on the premises described in the license, and by publication ~~of~~  
13 ~~a notice pursuant to the rules for service by publication~~  
14 ~~contained~~ in ACCORDANCE WITH the ~~general~~ MICHIGAN court rules  
15 THAT GOVERN SERVICE OF PROCESS BY PUBLICATION. ~~The date of last~~  
16 ~~publication~~ PUBLICATION shall be ~~not less than~~ COMPLETED AT  
17 LEAST 30 days before the ~~last day~~ THE FINAL DATE for the filing  
18 of claims. The department shall make the necessary audit, and  
19 ~~shall by~~ ISSUE AN order ~~allow~~ ALLOWING or ~~disallow~~  
20 DISALLOWING each claim presented. ~~Notice~~ WITHIN 30 DAYS OF  
21 THAT ORDER, THE DEPARTMENT SHALL SEND TO THE PRINCIPAL AND SURETY  
22 BY CERTIFIED MAIL, NOTICE of allowance or disallowance and  
23 request for the payment. ~~within 30 days of the claims allowed~~  
24 ~~shall be sent to the principal and surety by registered mail.~~  
25 The department may demand, collect, and receive from the licensee  
26 ~~or trustee,~~ or from the surety or sureties of ~~either of them~~  
27 THE LICENSEE, the amount determined to be necessary to satisfy

1 the claims. The department may request THAT the department of  
 2 attorney general ~~to~~ commence an action for that purpose in the  
 3 court of appropriate jurisdiction. Upon receipt of ~~the money to~~  
 4 ~~be applied to the~~ MONEY PAID IN PARTIAL OR COMPLETE satisfaction  
 5 of a claim as provided in this section, the department shall make  
 6 distribution to the claimant in accordance with the order allow-  
 7 ing the claim, in full or proportionally, as the case may be. ~~A~~  
 8 ~~claim for the purchase price of dairy products which was due and~~  
 9 ~~payable more than 30 days before the date the first written~~  
 10 ~~notice of default is received by the department, or a claim cov-~~  
 11 ~~ering a transaction in which the producer has granted to the~~  
 12 ~~licensee a voluntary extension of credit, shall not be allowed or~~  
 13 ~~paid under this subsection. As used in this subsection,~~  
 14 ~~"voluntary extension of credit" means any agreement between a~~  
 15 ~~producer and a dairy plant that produces manufactured dairy prod-~~  
 16 ~~ucts under which the dairy plant directly or indirectly is per-~~  
 17 ~~mitted to pay after the time specified in section 3e.~~

18 (2) This section ~~and section 4a shall~~ DOES not affect or  
 19 impair any other lien, security, or priority for the claim or  
 20 judgment.

21 Sec. 4B. ~~4 b. Any~~ A person ~~, firm or corporation~~  
 22 engaged in the distribution and sale of milk ~~and~~ OR cream ~~and~~  
 23 ~~using in the sale and delivery of the same,~~ IN bottles, cans,  
 24 boxes ~~and~~ OR other containers ~~,~~ may mark and designate ~~such~~  
 25 ~~bottles, cans, boxes and~~ EACH BOTTLE, CAN, BOX, OR other  
 26 ~~containers~~ CONTAINER with ~~his or its~~ THAT PERSON'S name or  
 27 other mark or device ~~printed, stamped, engraved, etched, blown~~

~~1 or otherwise produced upon the same, and file in the office of~~  
~~2 the director of agriculture and also in the office of~~ SHALL DO  
3 EACH OF THE FOLLOWING:

4 (A) FILE A DESCRIPTION OF THE NAME, MARK, OR OTHER DEVICE  
5 WITH THE DEPARTMENT AND WITH the county clerk of the county in  
6 which ~~his or its~~ THAT PERSON'S principal place of business is  
7 situated. ~~, a description of such~~

8 (B) PAY \$1.00 TO THE DEPARTMENT AND \$1.00 TO THE COUNTY  
9 CLERK DESCRIBED IN SUBDIVISION (A) FOR EACH NAME, MARK, OR OTHER  
10 DEVICE DESCRIBED IN COMPLIANCE WITH SUBDIVISION (A).

11 (C) CAUSE A DESCRIPTION OF THE name, mark or other device  
12 ~~and shall also cause such description~~ to be printed once ~~in~~  
13 ~~each~~ A week for 3 CONSECUTIVE weeks ~~successively~~ in a newspa-  
14 per published in ~~said~~ THE county IN WHICH THAT PERSON'S PRINCI-  
15 PAL PLACE OF BUSINESS IS SITUATED. ~~When any such person, firm~~  
16 ~~or corporation shall have complied with the provisions of this~~  
17 ~~section, he or it shall thereupon be deemed~~

18 (2) UPON COMPLIANCE WITH SUBSECTION (1), A PERSON IS PRE-  
19 SUMED TO BE the proprietor of ~~such~~ THE name, mark or device and  
20 of every ~~such~~ bottle, can, box or other container upon which  
21 ~~the said~~ THAT PERSON'S name, mark or device ~~may be printed,~~  
22 ~~stamped, etched, engraved, blown or otherwise~~ IS produced ~~upon~~  
23 ~~the same~~ PURSUANT TO THIS ACT. ~~Upon the filing with the direc-~~  
24 ~~tor of agriculture and county clerk, as herein above provided,~~  
25 ~~such name, mark or device, there shall be paid to the director of~~  
26 ~~agriculture and the county clerk, respectively, \$1.00 for each~~  
27 ~~such name, mark or device so filed.~~

1        Sec. 4C. ~~4 c.~~ (1) ~~Any~~ A person ~~, firm or corporation,~~  
2 ~~having complied~~ WHO COMPLIES with ~~the provisions of section 4 b~~  
3 ~~of this act,~~ SECTION 4B may SELL OR assign ~~by sale or other~~  
4 ~~wise, such~~ THAT PERSON'S name, mark or device, ~~to another~~  
5 ~~person, firm or corporation~~ and the ~~said~~ PURCHASER OR assignee  
6 ~~shall have~~ HAS all the rights, ~~and~~ immunities, and obliga-  
7 tions conferred by this act upon the ~~original~~ seller OR  
8 ASSIGNOR in relation to ~~said bottles, cans, boxes and other~~  
9 ~~containers: Provided, That such~~ ITEMS BEARING THE NAME, MARK,  
10 OR DEVICE, IF THE PURCHASER OR assignee ~~shall file in the office~~  
11 ~~of the director of agriculture~~ DOES BOTH OF THE FOLLOWING:

12        (A) FILES WITH THE DEPARTMENT and ~~also in~~ the office of  
13 the clerk of the county in which ~~his or its~~ THAT PERSON'S prin-  
14 cipal place of business is situated a certificate of ~~said~~ THE  
15 SALE OR assignment. ~~and cause such~~

16        (B) CAUSES THE certificate DESCRIBED IN SUBDIVISION (A) to  
17 be printed once ~~in each~~ A week for 3 CONSECUTIVE weeks succes-  
18 sively in a newspaper published in ~~such~~ THE county DESCRIBED IN  
19 SUBDIVISION (A).

20        (2) All records, books and papers of every nature pertaining  
21 to this section and to section 4B ~~4 b of this act now~~ in the  
22 possession of the secretary of state shall be turned over to the  
23 director of ~~agriculture~~ THE DEPARTMENT and ~~shall be~~ preserved  
24 ~~as a part of the records and files of the director of~~  
25 ~~agriculture~~ BY THE DEPARTMENT.

1       Sec. 4D. ~~4 d.~~ It is hereby declared unlawful for any A  
 2 person ~~, firm or corporation, other than the registered owner,~~  
 3 ~~to sell~~ SHALL NOT DO ANY OF THE FOLLOWING:

4       (A) SELL or offer for sale ~~any~~ milk or cream in ~~any~~ A  
 5 bottle, can or other container ~~, or to sell or offer for sale~~  
 6 ~~such milk or cream in bottles, cans or other containers packed in~~  
 7 ~~or enclosed by boxes or cases, which bottles, cans, boxes, cases~~  
 8 ~~or other containers, or either of them, are so marked or desig-~~  
 9 ~~nated as aforesaid with any~~ BEARING THE name, mark or device ~~of~~  
 10 ~~which a description shall have been filed and published as pro-~~  
 11 ~~vided in sections 4 b and 4 c of this act; or to deface~~  
 12 BELONGING TO ANOTHER PERSON, ABSENT THE AUTHORIZATION OF THAT  
 13 OTHER PERSON.

14       (B) DEFACE, erase, obliterate, cover up, or otherwise remove  
 15 or conceal ~~any such~~ A name, mark or device ~~thereon, or to~~  
 16 ~~sell~~ ON A CONTAINER DESCRIBED IN SUBDIVISION (A).

17       (C) SELL, buy, give, take or otherwise dispose of or traffic  
 18 in ~~such bottles, cans, boxes, cases or other~~ containers ~~,~~  
 19 DESCRIBED IN SUBDIVISION (A) without the written consent of ~~, or~~  
 20 ~~unless the same shall have been purchased from, the person, firm~~  
 21 ~~or corporation whose name, mark or device shall be in or upon the~~  
 22 ~~bottle, can, box, case or other container and registered in~~  
 23 ~~accordance with the provisions in said sections 4 b and 4 c~~ EACH  
 24 PERSON POSSESSING THE LEGAL RIGHT TO USE THE NAME, MARK, OR  
 25 DEVICE ON THOSE CONTAINERS.

26       Sec. 4E. ~~4 e.~~ No A person ~~, firm or corporation~~ shall  
 27 NOT destroy, secrete or withhold ~~the~~ bottles, cans or cases of



1 another ~~dealer and any~~ PERSON. A person ~~, firm or corporation~~  
 2 ~~so offending shall be liable in~~ WHO VIOLATES THIS SECTION IS  
 3 SUBJECT TO treble damages ~~for such offense and such person, firm~~  
 4 ~~or corporation so offending shall,~~ in addition to ~~this and~~ all  
 5 other civil remedies, ~~be~~ AND IS guilty of a misdemeanor. ~~and~~  
 6 ~~shall be punished accordingly under the penal provisions of this~~  
 7 ~~act.~~

8       Sec. 5. ~~Any~~ A person ~~, firm or corporation,~~ WHO IS not  
 9 a common carrier AND who receives from a common carrier ~~in cans,~~  
 10 ~~bottles or other vessels any~~ milk, ~~or~~ cream, ~~ice cream~~ or  
 11 other ~~dairy~~ MILK product intended ~~as food for man, which has~~  
 12 ~~been transported over any railroad or boat line or by other~~  
 13 ~~common carrier, when such cans, bottles or vessels are to be~~  
 14 ~~returned,~~ FOR HUMAN CONSUMPTION AND CONTAINED IN RETURNABLE  
 15 CANS, BOTTLES OR OTHER VESSELS shall ~~cause the said cans, bot-~~  
 16 ~~tles, or~~ THOROUGHLY WASH AND CLEAN EACH CAN, BOTTLE, AND other  
 17 ~~vessels to be thoroughly washed and cleansed~~ VESSEL before  
 18 return shipment.

19       SEC. 5A. (1) A PLANT THAT PROCESSES MILK OR CREAM INTO THE  
 20 FINISHED PRODUCT SHALL PASTEURIZE THE MILK OR CREAM AT THE PRO-  
 21 CESSING SITE. THE CREAM FOR BUTTERMAKING SHALL BE PASTEURIZED  
 22 USING ANY OF THE FOLLOWING METHODS:

23       (A) AT A TEMPERATURE OF NOT LESS THAN 165 DEGREES FAHRENHEIT  
 24 AND HELD AT THAT TEMPERATURE CONTINUOUSLY IN A VAT FOR NOT LESS  
 25 THAN 30 MINUTES.

1 (B) BY HIGH TEMPERATURE, SHORT-TIME METHOD AT A MINIMUM  
2 TEMPERATURE OF NOT LESS THAN 185 DEGREES FAHRENHEIT FOR NOT LESS  
3 THAN 15 SECONDS.

4 (C) BY ANY OTHER TIME AND TEMPERATURE COMBINATION EQUIVALENT  
5 TO (A) OR (B) AND APPROVED BY THE DEPARTMENT.

6 (2) THE DEPARTMENT MAY REQUIRE ADDITIONAL HEAT TREATMENT  
7 ABOVE THE MINIMUM PASTEURIZATION REQUIREMENTS OF THIS SUBSECTION  
8 TO ENSURE IMPROVED KEEPING QUALITY CHARACTERISTICS.

9 (3) A PLANT SHALL PROVIDE ADEQUATE PASTEURIZATION CONTROLS  
10 AND SET A DIVERSION VALVE TO DIVERT A PRODUCT AT NOT LESS THAN  
11 185 DEGREES FAHRENHEIT WITH A 15-SECOND HOLDING TIME OR THE  
12 EQUIVALENT IN TIME AND TEMPERATURE TO ASSURE PASTEURIZATION. IF  
13 THE VAT OR HOLDING METHOD OF PASTEURIZATION IS USED, THE PLANT  
14 SHALL CLOSE AND KEEP CLOSED VAT COVERS PRIOR TO AND DURING THE  
15 HOLDING AND COOLING PERIODS, AND ENSURE THAT VAT AIR SPACE TEM-  
16 PERATURE REACHES THE MINIMUM TEMPERATURE REQUIRED UNDER THIS SEC-  
17 TION BEFORE HOLDING TIME STARTS.

18 (4) A PLANT THAT PROCESSES MILK OR CREAM FOR PLASTIC OR  
19 FROZEN CREAM SHALL PASTEURIZE CREAM IN THE SAME MANNER AS  
20 DESCRIBED IN SUBSECTIONS (1) AND (3), EXCEPT THAT THE TEMPERATURE  
21 FOR THE VAT METHOD SHALL BE NOT LESS THAN 170 DEGREES FAHRENHEIT  
22 FOR AT LEAST 30 MINUTES, THE TEMPERATURE FOR THE HIGH TEMPERATURE  
23 SHORT-TIME METHOD SHALL NOT BE LESS THAN 190 DEGREES FAHRENHEIT  
24 FOR AT LEAST 15 SECONDS, AND THE TEMPERATURE AND HOLDING TIME  
25 SHALL BE AS OTHERWISE REQUIRED BY THE DEPARTMENT TO ASSURE ADE-  
26 QUATE PASTEURIZATION AND COMPARABLE KEEPING QUALITY  
27 CHARACTERISTICS.

1 (5) THE DEPARTMENT MAY INSPECT ALL INGREDIENTS USED IN THE  
2 MANUFACTURE OF BUTTER AND RELATED PRODUCTS TO ENSURE EACH INGRE-  
3 DIENT IS WHOLESOME AND PRACTICALLY FREE FROM IMPURITIES. THE  
4 DEPARTMENT MAY REQUIRE A PLANT TO PROVIDE CHLORINATING FACILITIES  
5 FOR BUTTER WASH WATER, AND EACH PLANT SHALL TAKE ALL OTHER NECES-  
6 SARY PRECAUTIONS TO PREVENT CONTAMINATION OF PRODUCTS.

7 (6) IN THE PACKAGING OF BUTTER AND RELATED PRODUCTS, A PLANT  
8 SHALL USE COMMERCIALY ACCEPTABLE CONTAINERS OR PACKAGING MATE-  
9 RIAL THAT WILL PROTECT THE QUALITY OF THE CONTENTS TO THE  
10 DEPARTMENT'S SATISFACTION. ALL CUPS OR TUBS CONTAINING 2 POUNDS  
11 OR LESS SHALL HAVE TOPS OR COVERS WHICH EXTEND OVER THE LIP OF  
12 THE CONTAINER TO PROTECT THE PRODUCT FROM CONTAMINATION DURING  
13 SUBSEQUENT HANDLING.

14 (7) A PLANT SHALL PROTECT SUPPLIES OF PARCHMENT LINERS,  
15 WRAPPERS, AND OTHER PACKAGING MATERIAL AGAINST DUST, MOLD, AND  
16 OTHER POSSIBLE CONTAMINATION, AND DO EACH OF THE FOLLOWING:

17 (A) PRIOR TO USE, COMPLETELY IMMERSE PARCHMENT LINERS OR  
18 BULK BUTTER PACKAGES IN A BOILING SALT SOLUTION WITHIN A STAIN-  
19 LESS STEEL OR OTHER EQUALLY NONCORROSIVE MATERIAL FOR NOT LESS  
20 THAN 30 MINUTES.

21 (B) ENSURE THAT THE SOLUTION DESCRIBED IN SUBDIVISION (A)  
22 CONSISTS OF AT LEAST 15 POUNDS OF SALT FOR EVERY 85 POUNDS OF  
23 WATER, AND IS STRENGTHENED OR CHANGED AS FREQUENTLY AS NECESSARY  
24 TO KEEP THE SOLUTION FULL STRENGTH AND IN GOOD CONDITION.

25 (C) TREAT OR HANDLE LINERS SUCH AS POLYETHYLENE AND EACH  
26 LINED BUTTER CONTAINER IN SUCH A MANNER AS TO PREVENT  
27 CONTAMINATION OF THE LINER PRIOR TO FILLING.

1 (D) PRINT AND PACKAGE CONSUMER SIZE CONTAINERS OF BUTTER  
2 UNDER SANITARY CONDITIONS.

3 (E) LEGIBLY MARK COMMERCIAL BULK SHIPPING CONTAINERS WITH  
4 THE NAME OF THE PRODUCT, NET WEIGHT, NAME AND ADDRESS OF MANUFAC-  
5 Turer, PROCESSOR OR DISTRIBUTOR, OR AN ASSIGNED PLANT IDENTIFICA-  
6 TION NUMBER OR ANY OTHER IDENTIFICATION THAT THE DEPARTMENT MAY  
7 REQUIRE.

8 (F) MARK PACKAGES OF PLASTIC OR FROZEN CREAM WITH THE PER-  
9 CENT OF MILKFAT.

10 (G) EXCEPT AS PROVIDED IN SUBDIVISIONS (I) THROUGH (K), KEEP  
11 ALL PRODUCTS UNDER REFRIGERATION AT TEMPERATURES OF 40 DEGREES  
12 FAHRENHEIT, OR LOWER AFTER PACKAGING AND UNTIL READY FOR  
13 SHIPMENT.

14 (H) ENSURE THAT THE PRODUCTS ARE NOT PLACED DIRECTLY ON  
15 FLOORS OR EXPOSED TO FOREIGN ODORS OR CONDITIONS SUCH AS DRIPPAGE  
16 DUE TO CONDENSATION WHICH MIGHT CAUSE PACKAGE OR PRODUCT DAMAGE.

17 (I) IF PLASTIC CREAM OR FROZEN CREAM IS TO BE QUICK-FROZEN,  
18 PLACE THE PRODUCT IN QUICK FREEZER ROOMS IMMEDIATELY AFTER PACK-  
19 AGING, AND ENSURE RAPID AND COMPLETE FREEZING WITHIN 24 HOURS BY  
20 DOING ALL OF THE FOLLOWING:

21 (i) PILE OR SPACE THE PACKAGES IN A MANNER THAT ALLOWS AIR  
22 TO FREELY CIRCULATE AMONG AND AROUND THE PACKAGES.

23 (ii) MAINTAIN THE ROOMS AT -10 DEGREES FAHRENHEIT, OR  
24 LOWER.

25 (iii) EQUIP EACH ROOM TO PROVIDE SUFFICIENT HIGH-VELOCITY  
26 AIR CIRCULATION FOR RAPID FREEZING.

1 (iv) AFTER THE PRODUCTS HAVE BEEN COMPLETELY FROZEN, RETAIN  
2 THEM IN THE QUICK FREEZER OR TRANSFER THEM TO A FREEZER STORAGE  
3 ROOM FOR CONTINUED STORAGE.

4 (J) MAINTAIN EACH FREEZER STORAGE ROOM AT A TEMPERATURE OF 0  
5 DEGREES FAHRENHEIT OR LOWER AND ENSURE EACH FREEZER STORAGE ROOM  
6 HAS ADEQUATE AIR CIRCULATION.

7 (K) PLACE BUTTER INTENDED TO BE HELD MORE THAN 30 DAYS IN A  
8 FREEZER STORAGE ROOM IMMEDIATELY AFTER PACKAGING, AND IF THAT  
9 BUTTER IS NOT FROZEN BEFORE BEING PLACED IN THE FREEZER, ARRANGE  
10 EACH UNFROZEN BUTTER PACKAGE IN A MANNER THAT PERMITS RAPID  
11 FREEZING, AND KEEP EACH PACKAGE IN THAT ARRANGEMENT UNTIL  
12 FROZEN.

13 (8) A PLANT THAT MANUFACTURES OR PROCESSES CHEESE SHALL DO  
14 ALL OF THE FOLLOWING:

15 (A) EQUIP AND MAINTAIN STARTER ROOMS OR AREAS FOR THE PROPA-  
16 GATION AND HANDLING OF STARTER CULTURES.

17 (B) PREVENT CONTAMINATION OF STARTER CULTURES, STARTER ROOMS  
18 AND EQUIPMENT, AND THE AIR WITHIN EACH STARTER ROOM.

19 (C) ENSURE THAT THE ROOM IN WHICH CHEESE IS MANUFACTURED IS  
20 OF ADEQUATE SIZE, WITH ALL OF THE FOLLOWING:

21 (i) VATS ADEQUATELY SPACED TO PERMIT MOVEMENT AROUND EACH  
22 VAT.

23 (ii) PRESSES FOR PROPER CLEANING AND SATISFACTORY WORKING  
24 CONDITIONS.

25 (iii) ADEQUATE VENTILATION.

26 (D) IF CHEESE IS TO BE COATED OR SATURATED WITH PARAFFIN,  
27 PROVIDE A DRYING ROOM OF ADEQUATE SIZE TO ACCOMMODATE THE MAXIMUM

1 AMOUNT OF CHEESE THAT THE PLANT CAN PRODUCE AT ITS PEAK OF  
2 OPERATION, AND ENSURE THAT THE DRYING ROOM HAS ADEQUATE SHELVING  
3 AND AIR CIRCULATION FOR PROPER DRYING, AND SUITABLE TEMPERATURE  
4 AND HUMIDITY CONTROLS.

5 (E) FOR PRODUCTION OF RIND CHEESE, PROVIDE A SEPARATE ROOM  
6 OR COMPARTMENT FOR PARAFFINING AND BOXING THE CHEESE, AND ENSURE  
7 THAT THE ROOM OR COMPARTMENT IS OF ADEQUATE SIZE AND THE TEMPERA-  
8 TURE MAINTAINED NEAR THE TEMPERATURE OF THE DRYING ROOM TO AVOID  
9 SWEATING OF THE CHEESE PRIOR TO PARAFFINING.

10 (F) FOR RINDLESS BLOCKS, PROVIDE A SUITABLE SPACE FOR WRAP-  
11 PING AND BOXING OF THE CHEESE AND ENSURE THAT THE AREA IS FREE  
12 FROM DUST, CONDENSATION, MOLD OR OTHER CONDITIONS THAT MAY CON-  
13 TAMINATE THE SURFACE OF THE CHEESE OR CONTRIBUTE TO AN UNSATIS-  
14 FACTORY PACKAGING OF THE CHEESE.

15 (G) MAINTAIN CLEAN COOLERS OR CURING ROOMS WHERE CHEESE IS  
16 HELD FOR CURING OR STORAGE AND ENSURE EACH OF THE FOLLOWING:

17 (i) THAT THE PROPER UNIFORM TEMPERATURE AND HUMIDITY ARE  
18 KEPT TO ADEQUATELY PROTECT THE CHEESE.

19 (ii) THAT PROPER CIRCULATION OF AIR IS MAINTAINED AT ALL  
20 TIMES.

21 (iii) THAT THE COOLERS OR ROOMS ARE FREE FROM RODENTS,  
22 INSECTS, AND PESTS.

23 (iv) THAT SHELVES ARE KEPT CLEAN AND DRY.

24 (H) IF SMALL PACKAGES OF CHEESE ARE CUT AND WRAPPED, PROVIDE  
25 A SEPARATE ROOM FOR THE CLEANING AND PREPARATION OF THE BULK  
26 CHEESE, A SEPARATE ROOM FOR THE CUTTING AND WRAPPING OPERATION,

1 AND ENSURE THAT THE ROOMS ARE WELL LIGHTED, VENTILATED, PROVIDED  
2 WITH FILTERED AIR, AND ENGINEERED TO MOVE AIR OUTWARD.

3 (I) IF BULK STARTER VATS ARE USED, ENSURE THAT EACH IS CON-  
4 STRUCTED OF STAINLESS STEEL OR AN EQUALLY CORROSION RESISTANT  
5 MATERIAL, IS IN GOOD REPAIR, EQUIPPED WITH A TIGHT-FITTING LID,  
6 AND CONTAINS ADEQUATE TEMPERATURE CONTROLS SUCH AS VALVES, INDI-  
7 CATING AND RECORDING THERMOMETERS.

8 (J) ENSURE THAT EACH NEW BULK STARTER VAT THAT IS USED IS  
9 CONSTRUCTED ACCORDING TO STANDARDS ESTABLISHED OR APPROVED BY THE  
10 DEPARTMENT.

11 (K) ENSURE THAT EACH VAT USED FOR MAKING CHEESE IS OF METAL  
12 CONSTRUCTION AND MEETS EACH OF THE FOLLOWING REQUIREMENTS:

13 (i) THE VAT HAS ADEQUATE JACKET CAPACITY FOR UNIFORM  
14 HEATING.

15 (ii) THE INNER LINER OF THE VAT IS A MINIMUM 16-GAUGE STAIN-  
16 LESS STEEL OR OTHER EQUALLY CORROSION RESISTANT MATERIAL, PROP-  
17 ERLY PITCHED FROM SIDE TO CENTER AND FROM REAR TO FRONT FOR ADE-  
18 QUATE DRAINAGE.

19 (iii) THE LINER OF THE VAT IS SMOOTH, FREE FROM EXCESSIVE  
20 DENTS OR CREASES, AND EXTENDS OVER THE EDGE OF THE OUTER JACKET.

21 (iv) THE OUTER JACKET OF THE VAT, IF METAL, IS CONSTRUCTED  
22 OF STAINLESS STEEL OR OTHER MATERIAL THAT CAN BE KEPT CLEAN AND  
23 SANITARY.

24 (v) THE JUNCTION OF THE LINER AND OUTER JACKETS OF THE VAT  
25 IS CONSTRUCTED TO PREVENT MILK OR CHEESE FROM ENTERING THE INNER  
26 JACKET.

1       (vi) THE VAT IS EQUIPPED WITH A SUITABLE SANITARY OUTLET  
2 VALVE.

3       (vii) EACH VAT IS EQUIPPED WITH EFFECTIVE VALVES THAT ARE  
4 PROPERLY MAINTAINED TO CONTROL THE APPLICATION OF HEAT TO THE  
5 VAT.

6       (1) ENSURE THAT MECHANICAL AGITATORS ARE OF SANITARY CON-  
7 STRUCTION AND CONTAIN EACH OF THE FOLLOWING:

8       (i) A CARRIAGE AND TRACK CONSTRUCTED TO PREVENT THE DROPPING  
9 OF DIRT OR GREASE INTO THE VAT.

10       (ii) METAL BLADES, FORKS, OR STIRRERS CONSTRUCTED OF STAIN-  
11 LESS STEEL OR OF MATERIAL APPROVED BY THE DEPARTMENT AND FREE  
12 FROM ROUGH OR SHARP EDGES OR ANY SURFACE THAT MAY SCRATCH THE  
13 EQUIPMENT OR REMOVE METAL PARTICLES.

14       (M) ENSURE THAT CURD MILL KNIVES, HAND RAKES, SHOVELS, PAD-  
15 DLES, STRAINERS, AND MISCELLANEOUS EQUIPMENT ARE STAINLESS STEEL  
16 OR CONSTRUCTED OF A MATERIAL APPROVED BY THE DEPARTMENT.

17       (N) ENSURE THAT THE PRODUCT CONTACT SURFACES OF A CURD MILL,  
18 INCLUDING THE WIRES IN CURD KNIVES, ARE STAINLESS STEEL, AND THAT  
19 EACH PIECE OF EQUIPMENT IS CONSTRUCTED SO THAT IT MAY BE KEPT  
20 CLEAN.

21       (O) ENSURE THAT CURD KNIVES ARE KEPT TIGHT AND REPLACED WHEN  
22 NECESSARY.

23       (P) ENSURE THAT EACH HOOP, FORM AND FOLLOWER IS CONSTRUCTED  
24 OF STAINLESS STEEL OR HEAVY TINNED STEEL, AND THAT A TINNED HOOP,  
25 FORM, OR FOLLOWER IS KEPT TINNED AND FREE FROM RUST.



1 (Q) ENSURE THAT EACH HOOP, FORM, AND FOLLOWER IS KEPT IN  
2 GOOD REPAIR, AND THAT DRUMS OR OTHER SPECIAL FORMS USED TO PRESS  
3 AND STORE CHEESE ARE CLEAN AND SANITARY.

4 (R) ENSURE THAT EACH CHEESE PRESS IS CONSTRUCTED OF STAIN-  
5 LESS STEEL WITH ALL OF THE FOLLOWING:

6 (i) ALL JOINTS WELDED AND ALL SURFACES, SEAMS, AND OPENINGS  
7 READILY CLEANABLE.

8 (ii) A CONTINUOUS PRESSURE DEVICE.

9 (iii) PRESS CLOTHS MAINTAINED IN GOOD REPAIR AND IN A SANI-  
10 TARY CONDITION.

11 (S) ENSURE THAT SINGLE-SERVICE CHEESE PRESS CLOTHS ARE USED  
12 ONLY ONCE.

13 (T) ENSURE THAT THE PRESS USED TO HEAT SEAL THE WRAPPER  
14 APPLIED TO RINDLESS CHEESE SHALL HAVE SQUARE INTERIOR CORNERS,  
15 REASONABLY SMOOTH INTERIOR SURFACE AND HAVE CONTROLS THAT SHALL  
16 PROVIDE UNIFORM PRESSURE AND HEAT EQUALLY TO ALL SURFACES.

17 (U) ENSURE THAT EACH PARAFFIN METAL TANK IS ADEQUATE IN  
18 SIZE, HAS WOOD RATHER THAN METAL RACKS TO SUPPORT CHEESE, AND HAS  
19 HEAT CONTROLS AND AN INDICATING THERMOMETER.

20 (V) ENSURE THAT PARAFFIN TANK CHEESE WAX IS KEPT CLEAN.

21 (9) A PLANT THAT MANUFACTURES OR PROCESSES CHEESE SHALL  
22 PASTEURIZE MILK TO BE USED FOR MAKING CHEESE BY SUBJECTING EVERY  
23 PARTICLE OF THE MILK TO A MINIMUM TEMPERATURE OF 161 DEGREES  
24 FAHRENHEIT FOR NOT LESS THAN 15 SECONDS. A PLANT THAT MANUFAC-  
25 TURES OR PROCESSES CHEESE SHALL EQUIP HIGH TEMPERATURE SHORT-TIME  
26 PASTEURIZATION UNITS WITH THE PROPER CONTROLS AND EQUIPMENT TO  
27 ASSURE PASTEURIZATION. MILK HELD MORE THAN 2 HOURS BETWEEN TIME

1 OF RECEIPT OR PASTEURIZATION AND CULTURING SHALL BE COOLED TO 45  
2 DEGREES FAHRENHEIT, OR LOWER UNTIL THE TIME OF CULTURING.

3 (10) A PLANT THAT MANUFACTURES OR PROCESSES CHEESE AND  
4 ENGAGES IN VAT PASTEURIZATION SHALL USE ONLY EQUIPMENT MEETING  
5 DEPARTMENT SPECIFICATIONS.

6 (11) A PLANT THAT MANUFACTURES OR PROCESSES CHEESE SHALL DO  
7 ALL OF THE FOLLOWING:

8 (A) PROVIDE ADEQUATE SANITARY FACILITIES FOR THE DISPOSAL OF  
9 WHEY, AND TAKE PRECAUTIONS TO MINIMIZE FLIES, INSECTS, AND THE  
10 DEVELOPMENT OF OBJECTIONABLE ODORS AT DISPOSAL SITES.

11 (B) HANDLE WHEY OR WHEY PRODUCTS INTENDED FOR HUMAN FOOD AT  
12 ALL TIMES IN A SANITARY MANNER IN ACCORDANCE WITH THE PROCEDURES  
13 SPECIFIED IN THIS ACT FOR HANDLING MILK AND MILK PRODUCTS.

14 (C) CONDUCT THE PACKAGING OF RINDLESS CHEESE OR THE CUTTING  
15 AND REPACKAGING OF ALL STYLES OF BULK CHEESE UNDER RIGID SANITARY  
16 CONDITIONS, AND ENSURE THAT THE ATMOSPHERE OF THE PACKAGING  
17 ROOMS, THE EQUIPMENT AND THE PACKAGING MATERIAL ARE FREE FROM  
18 MOLD AND BACTERIAL CONTAMINATION.

19 (D) LEGIBLY MARK EACH BULK CHEESE WITH THE NAME OF THE PROD-  
20 UCT, CODE OR DATE OF MANUFACTURE, NAME AND ADDRESS OF MANUFACTUR-  
21 ER, AND VAT NUMBER OR CODE NUMBER OF THE MANUFACTURER.

22 (E) LEGIBLY MARK EACH CONSUMER-SIZED CONTAINER WITH THE NAME  
23 AND ADDRESS OF THE MANUFACTURER, PACKER, OR DISTRIBUTOR, NET  
24 WEIGHT OF THE CONTENTS, NAME OF PRODUCT AND ANY OTHER INFORMATION  
25 REQUIRED BY THE DEPARTMENT.

26 (F) ENSURE THAT CONVEYORS ARE CONSTRUCTED OF MATERIAL  
27 APPROVED BY THE DEPARTMENT AND MAINTAINED IN GOOD REPAIR.

1 (G) ENSURE THAT THE GRINDERS OR SHREDDERS USED IN THE  
2 PREPARATION OF TRIMMED AND CLEANED NATURAL CHEESE FOR COOKERS ARE  
3 ADEQUATE IN SIZE, WITH PRODUCT CONTACT SURFACES OF CORROSION  
4 RESISTANT MATERIAL, AND CONSTRUCTED TO PREVENT CONTAMINATION OF  
5 THE CHEESE AND ALLOW THOROUGH CLEANING OF ALL PARTS AND PRODUCT  
6 CONTACT SURFACES.

7 (H) ENSURE THAT EACH COOKER IS ALL OF THE FOLLOWING:

8 (i) STEAM JACKETED OR OF DIRECT STEAM TYPE.

9 (ii) CONSTRUCTED OF STAINLESS STEEL OR OTHER EQUALLY CORRO-  
10 SION RESISTANT MATERIAL WITH ALL PRODUCT CONTACT SURFACES READILY  
11 ACCESSIBLE FOR CLEANING.

12 (iii) EQUIPPED WITH AN INDICATING THERMOMETER.

13 (iv) EQUIPPED WITH A TEMPERATURE RECORDING DEVICE.

14 (v) EQUIPPED WITH A RECORDING THERMOMETER STEM PLACED IN THE  
15 COOKER IF TIME CHARTS SATISFACTORY TO THE DEPARTMENT ARE USED OR  
16 PLACED IN THE HOTWELL OR FILLER HOPPER.

17 (I) ENSURE THAT STEAM CHECK VALVES ON DIRECT STEAM TYPE  
18 COOKERS ARE MOUNTED FLUSH WITH COOKER WALL, CONSTRUCTED OF STAIN-  
19 LESS STEEL, AND DESIGNED TO PREVENT THE BACKUP OF PRODUCT INTO  
20 THE STEAM LINE, OR ENSURE THAT EACH STEAM LINE IS CONSTRUCTED OF  
21 STAINLESS STEEL PIPES AND FITTINGS THAT CAN BE READILY CLEANED.

22 (J) IF DIRECT STEAM IS APPLIED TO THE PRODUCT, ENSURE THAT  
23 ONLY CULINARY STEAM IS USED.

24 (K) ENSURE EACH OF THE FOLLOWING:

25 (i) THAT EXCEPT FOR SIGHT PORTS, THE HOPPERS OF ALL FILLERS  
26 ARE COVERED.

1       (ii) THAT IF THE DEPARTMENT DETERMINES NECESSARY, THE HOPPER  
2 HAS AN AGITATOR TO PREVENT BUILDUP ON SIDE WALLS.

3       (iii) THAT THE FILLER VALVES AND HEAD ARE KEPT IN GOOD  
4 REPAIR AND CAPABLE OF ACCURATE MEASUREMENTS.

5       (iv) THAT NATURAL CHEESE IS CLEANED FREE OF ALL NONEDIBLE  
6 PORTIONS.

7       (v) THAT PARAFFIN, WRAPPINGS, RIND SURFACE, MOLD, OR UNCLEAN  
8 AREAS OR ANY OTHER PART OF NATURAL CHEESE THAT IS BY DEPARTMENT  
9 STANDARDS UNWHOLESOME OR UNAPPETIZING IS REMOVED.

10       (vi) THAT EACH BATCH OF CHEESE WITHIN A COOKER, INCLUDING  
11 OPTIONAL INGREDIENTS, IS THOROUGHLY COMMINGLED AND PASTEURIZED AT  
12 A TEMPERATURE OF AT LEAST 161 DEGREES FAHRENHEIT FOR NOT LESS  
13 THAN 30 SECONDS.

14       (vii) THAT CHEESE PARTICLES OR INGREDIENTS DO NOT ENTER THE  
15 COOKER BATCH AFTER THE COOKER BATCH OF CHEESE HAS REACHED THE  
16 FINAL HEATING TEMPERATURE.

17       (viii) AFTER HOLDING FOR THE REQUIRED PERIOD OF TIME, THAT  
18 THE HOT CHEESE IS EMPTIED FROM THE COOKER AS QUICKLY AS  
19 POSSIBLE.

20       (ix) THAT CONTAINERS EITHER LINED OR UNLINED ARE ASSEMBLED  
21 AND STORED IN A SANITARY MANNER TO PREVENT CONTAMINATION.

22       (x) THAT FILLER CREWS HANDLE CONTAINERS WITH EXTREME CARE  
23 AND OBSERVANCE OF PERSONAL CLEANLINESS.

24       (xi) THAT PREFORMING AND ASSEMBLING OF POUCH LINERS AND CON-  
25 TAINERS ARE KEPT TO A MINIMUM AND THE SUPPLY ROTATED TO LIMIT THE  
26 LENGTH OF TIME A PRODUCT IS EXPOSED TO POSSIBLE CONTAMINATION  
27 PRIOR TO FILLING.

1 (12) HOT FLUID CHEESE FROM COOKERS MAY BE HELD IN HOT WELLS  
2 OR HOPPERS TO ASSURE A CONSTANT AND EVEN SUPPLY OF PROCESSED  
3 CHEESE TO THE FILLER OR SLICE FORMER. A PLANT THAT MANUFACTURES  
4 OR PROCESSES CHEESE SHALL ENSURE ALL OF THE FOLLOWING:

5 (A) THAT FILLER VALVES EFFECTIVELY MEASURE THE DESIRED  
6 AMOUNT OF PRODUCT INTO A POUCH OR CONTAINER IN A SANITARY MANNER  
7 AND SHALL CUT OFF SHARPLY WITHOUT DRIP OR DRAG OF CHEESE ACROSS  
8 THE OPENING.

9 (B) THAT AN EFFECTIVE SYSTEM IS USED TO MAINTAIN ACCURATE  
10 AND PRECISE WEIGHT CONTROL.

11 (C) THAT DAMAGED OR UNSATISFACTORY PACKAGES ARE REMOVED FROM  
12 PRODUCTION, AND THAT CHEESE IS, AT THE PLANT'S OPTION, SALVAGED  
13 INTO SANITARY CONTAINERS, AND ADDED BACK TO THE COOKERS.

14 (D) THAT POUCHES, LINERS, OR CONTAINERS HAVING PRODUCT CON-  
15 TACT SURFACES AFTER FILLING ARE FOLDED OR CLOSED AND SEALED IN A  
16 SANITARY MANNER APPROVED BY THE DEPARTMENT TO PREVENT  
17 CONTAMINATION.

18 (E) THAT IN ADDITION TO OTHER REQUIRED LABELING, EACH CON-  
19 TAINER IS CODED IN A MANNER AS TO BE EASILY IDENTIFIED AS TO DATE  
20 OF MANUFACTURE BY LOT OR SUBLOT NUMBER.

21 (13) A PLANT THAT MANUFACTURES, PROCESSES, OR PACKAGES EVAP-  
22 ORATED, CONDENSED, OR STERILIZED MILK PRODUCTS SHALL ENSURE THAT  
23 THE EQUIPMENT AND UTENSILS USED FOR PROCESSING AND PACKAGING  
24 EVAPORATED, CONDENSED, OR STERILIZED MILK PRODUCTS COMPLY WITH  
25 SECTION 2E(2) AND EACH OF THE FOLLOWING REQUIREMENTS:

26 (A) ALL EQUIPMENT USED IN THE REMOVAL OF MOISTURE FROM MILK  
27 OR MILK PRODUCTS FOR THE PURPOSE OF CONCENTRATING THE SOLIDS

1 MEETS THE REQUIREMENTS ESTABLISHED OR APPROVED BY THE  
2 DEPARTMENT.

3 (B) GRAVITY AND VACUUM-TYPE FILLERS ARE OF SANITARY DESIGN  
4 AND EXCEPT AS PROVIDED IN SUBDIVISION (C) ALL PRODUCT CONTACT  
5 SURFACES, IF METAL, ARE MADE OF STAINLESS STEEL OR AN EQUALLY  
6 CORROSION RESISTANT MATERIAL APPROVED BY THE DEPARTMENT.

7 (C) THE DEPARTMENT MAY APPROVE CERTAIN EVAPORATED MILK  
8 FILLERS HAVING BRASS PARTS IF THOSE BRASS PARTS ARE FREE FROM  
9 CORRODED SURFACES AND KEPT IN GOOD REPAIR.

10 (D) NONMETALLIC PRODUCT CONTACT SURFACES MEET STANDARDS  
11 ESTABLISHED OR APPROVED BY THE DEPARTMENT.

12 (E) FILLERS ARE DESIGNED TO PREVENT CONTAMINATION OF, OR  
13 DETRACTION FROM THE QUALITY OF THE PRODUCT BEING PACKAGED.

14 (F) BATCH, OR CONTINUOUS IN-CONTAINER STERILIZERS ARE  
15 EQUIPPED WITH ACCURATE TEMPERATURE CONTROLS AND EFFECTIVE VALVES  
16 FOR REGULATING THE STERILIZATION PROCESS AND THE EQUIPMENT IS  
17 MAINTAINED TO ASSURE CONTROL OF THE LENGTH OF TIME OF PROCESSING,  
18 AND TO MINIMIZE THE NUMBER OF DAMAGED CONTAINERS.

19 (14) IF APPLICABLE, A PLANT DESCRIBED IN SUBSECTION (13)  
20 SHALL USE HOMOGENIZERS TO REDUCE THE SIZE OF FAT PARTICLES AND TO  
21 EVENLY DISPERSE THOSE PARTICLES IN THE PRODUCT, AND ENSURE THAT  
22 EACH HOMOGENIZER MEETS STANDARDS ESTABLISHED OR APPROVED BY THE  
23 DEPARTMENT.

24 (15) PASTEURIZATION SHALL BE PERFORMED BY SYSTEMS AND EQUIP-  
25 MENT MEETING THE REQUIREMENTS IDENTIFIED IN SECTION 2E(2).

1 (16) A PERSON SHALL FILL AND HERMETICALLY SEAL CONTAINERS  
2 WITH PRODUCT IN A SANITARY MANNER, AND ENSURE THAT EACH CONTAINER  
3 DOES NOT CONTAMINATE OR DETRACT FROM THE QUALITY OF THE PRODUCT.

4 (17) A PERSON SHALL ENSURE THAT BULK CONTAINERS FOR UNSTER-  
5 ILIZED PRODUCT MEET DEPARTMENT STANDARDS TO PROTECT A PRODUCT IN  
6 STORAGE OR TRANSIT. EACH BULK CONTAINER, INCLUDING BULK TANKERS,  
7 SHALL BE CLEANED AND SANITIZED BEFORE FILLING, AND FILLED AND  
8 CLOSED IN A SANITARY MANNER.

9 (18) A PREVIOUSLY STERILIZED PRODUCT SHALL BE FILLED UNDER  
10 CONDITIONS WHICH PREVENT CONTAMINATION OF THE PRODUCT BY LIVING  
11 ORGANISMS OR SPORES. PRIOR TO BEING FILLED A CONTAINER SHALL BE  
12 STERILIZED AND MAINTAINED IN A STERILE CONDITION. A FILLED CON-  
13 TAINER SHALL BE SEALED IN A MANNER THAT PREVENTS CONTAMINATION OF  
14 THE PRODUCT.

15 Sec. 6. (1) Subject to subsection (4), ~~any~~ A person who  
16 ~~, alone or~~ DIRECTLY, through ~~a servant or~~ AN agent, or as the  
17 ~~servant or~~ agent of ~~any other~~ ANOTHER person ~~, or as the~~  
18 ~~officer, servant, or agent of any firm or corporation,~~ violates  
19 ~~any provision of this act ; or rule no. 406 governing the~~  
20 ~~standards and labeling requirements for cottage cheese, lowfat~~  
21 ~~cottage cheese, and cottage cheese dry curd, or rule no. 407~~  
22 ~~promulgated pursuant to this act and as in effect on July 18,~~  
23 ~~1980~~ OR R 285.407.1 TO 285.407.6 OF THE MICHIGAN ADMINISTRATIVE  
24 CODE, is guilty of a misdemeanor, punishable by a fine of not  
25 less than \$50.00 ~~and not~~ OR more than \$500.00, or imprisonment  
26 for not more than 90 days, or both.

1       (2) In addition to the remedies provided ~~in~~ BY this act,  
 2 the department may apply to THE circuit court for, and the court  
 3 ~~shall have~~ HAS jurisdiction upon hearing and for cause shown,  
 4 to grant a temporary or permanent injunction restraining ~~any~~ A  
 5 person from violating ~~any provision of~~ this act or ~~any~~ A rule  
 6 promulgated ~~pursuant to~~ UNDER this act, ~~irrespective of~~  
 7 ~~whether there exists~~ DESPITE THE EXISTENCE OF an adequate remedy  
 8 at law.

9       (3) The director of the department ~~of agriculture~~ shall  
 10 impose upon a producer who violates this act by selling or offer-  
 11 ing for sale milk which has a positive reaction to ~~an~~  
 12 ~~antibiotics~~ A DRUG RESIDUE test performed pursuant to section 2b  
 13 the following civil fines:

14       (a) First positive test for ~~antibiotics~~ A DRUG RESIDUE  
 15 within A 12-month period: — \$50.00.

16       (b) Second positive test for ~~antibiotics~~ A DRUG RESIDUE  
 17 within A 12-month period: — \$200.00.

18       (c) Third positive test for ~~antibiotics~~ A DRUG RESIDUE  
 19 within A 12-month period: — \$500.00.

20       (4) The provisions of subsection (1) ~~shall~~ apply to a  
 21 producer who violates this act by selling or offering for sale  
 22 milk ~~which~~ THAT has a positive reaction to ~~an antibiotics~~ A  
 23 DRUG RESIDUE test performed pursuant to section 2b only under the  
 24 following circumstances:

25       (a) The producer fails to pay the civil fine required by  
 26 subsection (3) within 10 days of the notification of the  
 27 violation.



1 (b) The producer has been fined under subsection (3) 3 times  
2 within the preceding 12-month period.

3 (5) ~~The~~ A PERSON SUBJECT TO A civil ~~finer~~ FINE imposed  
4 under subsection (3) shall ~~be paid~~ PAY THE FINE to the depart-  
5 ment within 10 days after notification of the violation. The  
6 DEPARTMENT SHALL DEPOSIT THE civil fines ~~received by the~~  
7 ~~department~~ under this section ~~shall be deposited in the state~~  
8 ~~general fund and shall be expended for the purpose of enforcing~~  
9 ~~this section~~ INTO THE MANUFACTURED MILK ACT FUND CREATED IN 6A.

10 SEC. 6A. (1) THE MANUFACTURED MILK ACT FUND IS CREATED  
11 WITHIN THE DEPARTMENT OF TREASURY, AND SHALL BE ADMINISTERED BY  
12 THE DEPARTMENT OF AGRICULTURE. THE FUND IS CAPITALIZED BY REVE-  
13 NUES COLLECTED UNDER THIS ACT, AND THE FUND SHALL ADDITIONALLY  
14 RECEIVE ANY GIFTS OR CONTRIBUTIONS TO THE FUND, AND MONEY AS OTH-  
15 ERWISE PROVIDED BY LAW.

16 (2) THE STATE TREASURER SHALL DIRECT INVESTMENT OF THE FUND,  
17 AND CREDIT INTEREST AND EARNINGS OF THE FUND TO THE FUND. THE  
18 STATE TREASURER SHALL RETAIN MONEY IN THE FUND AT THE CLOSE OF  
19 THE FISCAL YEAR AND SHALL NOT RETURN THAT MONEY TO THE GENERAL  
20 FUND.

21 (3) THE DEPARTMENT SHALL EXPEND MONEY IN THE FUND SOLELY TO  
22 ENFORCE THIS ACT.

23 Sec. 9. Each owner or operator of ~~any cream receiving~~  
24 ~~station,~~ A station receiving milk for manufacturing, A creamery,  
25 cheese ~~factory~~ PLANT, milk condensing ~~factory~~ PLANT, or ~~any~~  
26 dairy manufacturing plant shall ~~make~~ PERFORM a sediment test of  
27 a delivery of milk ~~or cream~~ of each producer ~~,~~ at least once

1 in each month. ~~and an acidity test of a delivery of cream of~~  
 2 ~~each producer when, in the opinion of the owner or operator, the~~  
 3 ~~acidity of the cream exceeds the standards set forth in section 1~~  
 4 ~~of this act.~~ If ~~such tests disclose~~ A SEDIMENT TEST DISCLOSES  
 5 that THE TESTED milk ~~or cream so tested~~ is insanitary, ~~milk or~~  
 6 ~~cream as defined in this act, such insanitary milk or cream shall~~  
 7 ~~be condemned as hereinafter provided, and thereafter,~~ THE OWNER  
 8 OR OPERATOR DESCRIBED IN THIS SECTION SHALL CONDEMN THAT MILK  
 9 PURSUANT TO SECTION 11, AND TEST each subsequent delivery of milk  
 10 ~~or cream by such~~ THE producer ~~, shall likewise be tested~~  
 11 for sediment ~~and/or acidity~~ until ~~such~~ THAT owner or operator  
 12 ~~shall be~~ IS satisfied that the milk ~~or cream~~ delivered by  
 13 such producer is not insanitary milk. ~~or cream as defined in~~  
 14 ~~this act.~~ Records THE DAIRY PLANT SHALL MAINTAIN RECORDS of  
 15 ~~such~~ ALL tests ~~and other quality tests shall be maintained at~~  
 16 ~~the dairy plant~~ for not less than 1 year.

17       Sec. 10. ~~Sediment~~ AFTER PERFORMING A SEDIMENT TEST UNDER  
 18 THIS ACT, A PERSON SHALL MARK FOR IDENTIFICATION SEDIMENT discs  
 19 used in making sediment tests of milk ~~or cream, after such tests~~  
 20 ~~shall have been made, shall be properly marked for future~~  
 21 ~~identification, and shall be shown or given to~~ SHOW TO OR  
 22 PROVIDE the producer of the milk ~~or cream~~ THE SEDIMENT DISCS  
 23 from which ~~said~~ A sediment ~~tests were~~ TEST WAS made.

24       Sec. 11. Each owner or operator of ~~any cream receiving~~  
 25 ~~station,~~ A station receiving milk for manufacturing, creamery,  
 26 cheese ~~factory~~ PLANT, milk condensing ~~factory~~ PLANT, or other  
 27 dairy manufacturing plant shall condemn ~~any and~~ all insanitary

1 milk ~~or cream~~ which is offered for sale ~~—~~, by affixing to each  
 2 container of ~~such~~ THE insanitary milk ~~or cream~~, a condemna-  
 3 tion tag ~~to be~~ provided by the department. ~~of agriculture.~~ In  
 4 addition to attaching ~~such~~ THE condemnation tag to the contain-  
 5 er, ~~any person making such condemnation~~ THE OWNER OR OPERATOR  
 6 DESCRIBED IN THIS SECTION may thoroughly mix into ~~such~~ THE  
 7 insanitary milk ~~or cream~~ a harmless, permanent, pronounced red  
 8 coloring matter certified by the bureau of chemistry, United  
 9 states department of agriculture, as harmless food color, which  
 10 shall completely discolor ~~such~~ THE insanitary milk. ~~or cream.~~  
 11 ~~It shall be a violation of this act for any~~ A person ~~to~~ SHALL  
 12 NOT remove ~~any~~ A condemnation tag attached to any container of  
 13 condemned milk or cream, or ~~to~~ transfer ~~such~~ condemned milk  
 14 ~~or cream~~ to another container and sell or offer for sale ~~such~~  
 15 THE condemned milk ~~or cream~~ for ~~use in~~ human ~~feed-~~  
 16 CONSUMPTION.

17       Sec. 17. The department ~~of agriculture~~ may promulgate  
 18 rules for the implementation and enforcement of this act pursuant  
 19 to THE ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the  
 20 Public Acts of 1969, ~~as amended,~~ being sections 24.201 to  
 21 ~~24.315~~ 24.328 of the Michigan Compiled Laws.

22       Section 2. Sections 1a, 3, 3f, 3g, 4, 4a, 7, 8, and 12 of  
 23 the manufacturing milk act, Act No. 222 of the Public Acts of  
 24 1913, being sections 288.101a, 288.103, 288.103f, 288.103g,  
 25 288.104, 288.104a, 288.107, 288.108, and 288.112 of the Michigan  
 26 Compiled Laws, are repealed.