

GRADE "A" MILK AND MILK PRODUCTS

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PART I. AUTHORITY.

The following Rules and Regulations for Grade "A" milk and milk products are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including without limitation Act 96 of 1913 as amended. (Ark. Code Ann. § 20-7-109) and Act 114 of 1941 (Ark. Code Ann. § 20-59-204).

PART II. PURPOSE AND STATEMENT OF POLICY.

The State Board of Health hereby finds and declares that uniform regulation is needed to govern the production, processing, labeling, and distribution of Grade "A" milk and milk products within the State of Arkansas. This regulation relating to Grade "A" milk and milk products shall be applicable

throughout the State of Arkansas. No sanitary requirement of standard shall be imposed by a local regulation or ordinance which prohibits the sale of Grade "A" milk or milk products in Arkansas which are produced, processed, or distributed in accordance with the provisions of this regulation and which are under routine supervision of the State Health Department.

No sanitary requirements or standards contained in this regulation shall prohibit the sale of Grade "A" milk or milk products which are produced or processed under laws or ordinances or regulations of any government units outside the State of Arkansas which are substantially equivalent to the requirements of this regulation, and which are enforced with equal effectiveness in the opinion of the Arkansas State Board of Health, and further provided that said governmental units accepts Arkansas Grade "A" milk and milk products on a reciprocal basis.

Except as otherwise provided herein or by law or regulation of the State Board of Health, this regulation shall be interpreted and enforced where applicable in accordance with the administrative procedures contained in the current Grade "A" Pasteurized Milk Ordinance recommendation of the U.S. Public Health Service, a copy of which shall be on file in the office of the Division of Environmental Health Protection of the Arkansas Department of Health.

### PART III. RULES AND REGULATIONS

#### SECTION 1. DEFINITIONS:

The following definitions shall apply in all interpretations and the enforcement of these regulations. In all cases where interpretation or meaning of definition is needed, the current Milk Ordinance of the U.S. Public Health Service shall apply unless specifically interpreted or defined by the Arkansas State Board of Health.

A. Milk. Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than 8.25 percent milk solids not fat and not less than 3.25 percent milkfat.

A-1. Goat Milk. Goat milk is the lacteal secretion, practically free colostrum, obtained by the complete milking of one or more healthy goats. The work "milk" shall be interpreted to include goat milk.

B. Cream. Cream is the sweet, fatty liquid separated from milk, without the addition of milk or skim milk, which contains not less than 18 percent milkfat.

B-1. Light Cream, Coffee Cream, or Table Cream. Light cream, coffee cream or table cream is cream which contains not less than 18 percent but less than 30 percent milkfat.

B-2. Whipping Cream. Whipping cream is cream which contains not less than 30 percent milkfat.

B-3. Light Whipping Cream. Light whipping cream is cream that contains not less than 30 percent but less than 36 percent milkfat.

B-4. Heavy Cream or Heavy Whipping Cream. Heavy cream or heavy whipping cream is cream which contains not less than 36 percent milkfat.

B-5. Whipped Cream. Whipped cream is whipping cream into which air or gas has been incorporated.

B-6. Whipped Light Cream, Coffee, or Table Cream. Whipped light cream, coffee cream or table cream is light cream, coffee cream, or table cream into which air or gas has been incorporated.

B-7. Sour Cream or Cultured Sour Cream. Sour cream or cultured sour cream results from the souring by lactic acid producing bacteria, or similar culture, of pasteurized cream. Sour cream contains not less than 18 percent milkfat except that when the food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients, the weight of the milkfat is not less than 18 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the food: but in no case does the food contain less than 14.4 percent milkfat. Sour cream has a titratable acidity of not less than 0.5 percent calculated as lactic acid.

B-8. Acidified Sour Cream. Acidified sour cream results from the souring of pasteurized cream with safe and suitable acidifiers, with or without addition of lactic acid producing bacteria. Acidified sour cream contains not less than 18 percent milkfat; except that when food is characterized by the addition of nutritive sweeteners or bulky flavoring ingredients the weight of milkfat is not less than 18 percent of the remainder obtained by subtracting the weight of the food; but in no case does the food contain less than 14.4 percent milkfat. Acidified sour cream has a titratable acidity of not less than 0.5 percent calculated as lactic acid.

C. Half-and-Half. Half-and-Half is a product consisting of a mixture of milk and cream which contains not less than 10.5 percent milkfat.

C-1. Sour Half-and-Half or cultured Half-and-Half. Sour half-and-half or cultured half-and-half is a fluid or semi-fluid half-and-half derived from the souring, by lactic acid producing bacteria or similar culture, of pasteurized half-and-half, which contains not less than 0.5 percent acidity expressed as lactic acid.

D. Reconstituted or recombined Milk and Milk Products. Reconstituted or recombined milk and/or milk products shall mean milk or milk products defined in this section which result from the recombining of milk constituents with potable water.

E. Concentrated Milk. Concentrated milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk, which when combined with potable water, results in a product conforming with the standards for milkfat and solids-not-fat of milk as defined above.

E-1. Concentrated Milk Products. Concentrated milk products shall be taken to mean and to include homogenized concentrated milk, Vitamin D concentrated milk, concentrated skim milk, concentrated lowfat milk, concentrated flavored milk, concentrated flavored milk products, and similar concentrated products made from concentrated milk and concentrated skim milk, and which, when combined with potable water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products in this section.

F. Skim Milk or Skimmed Milk. Skim milk or skimmed milk is milk from which sufficient milkfat has been removed to reduce its milkfat content to less than 0.5 percent. Skim milk or skimmed milk shall have Vitamin A added so that each quart of food contains not less than 2,000 international units of Vitamin A.

G. Lowfat Milk. Lowfat milk is milk from which sufficient milkfat has been removed to produce a food having, within the limits of good manufacturing practices, one of the following milkfat contents; 0.5, 1.0, 1.5, or 2.0 percent. Lowfat milk shall have Vitamin A added so that each quart of food contains not less than 2,000 international units of Vitamin A.

H. Homogenized Milk. Homogenized milk is milk which has been treated to ensure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage at 45oF., no visible cream

separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.

I. Cultured Milk or Cultured Whole Milk Buttermilk. Cultured milk or cultured whole milk buttermilk is a fluid product resulting from the souring by lactic acid producing bacteria or similar culture of pasteurized milk.

J. Buttermilk. Buttermilk is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8 1/4 percent of milk solids-not-fat.

J-1. Cultured Buttermilk. Cultured buttermilk is a fluid product resulting from the souring by lactic acid producing bacteria or similar culture of pasteurized skim or pasteurized lowfat milk.

K. Acidified Milk and Milk Products. Acidified milk and milk products are milk and milk products obtained by the addition of food grade acids to pasteurized cream, half-and-half, milk, lowfat milk or skim milk, resulting in a product acidity of not less than 0.5 percent expressed as lactic acid.

L. Eggnog. Eggnog is a milk product consisting of a mixture of milk or milk product of at least 6.0 percent butterfat, at least 1.0 percent egg yolk solids, sweetener and flavoring. Emulsifier and not over 0.5 percent stabilizer may be added.

M. Low-sodium Milk or Low-sodium Lowfat Milk or Low-sodium Skim Milk. Low-sodium milk or low-sodium lowfat milk or low-sodium skim milk is the product resulting from the treatment of milk, lowfat milk or skim milk as defined in these regulations by a process of passing the milk, lowfat milk, or skim milk through an ion exchange resin process or any other process which has been recognized by the Arkansas State Board of Health and/or the Food and Drug Administration that effectively reduces sodium content of the product to less than 10 milligram in 100 milliliters.

M-1. Lactose-Reduced Milk or Lactose-Reduced Lowfat Milk or Lactose-Reduced Skim Milk. Lactose-reduced milk or lactose-reduced lowfat milk or lactose-reduced skim milk is the product resulting from the treatment of milk, lowfat milk or skim milk as defined in these regulations by the addition of safe and suitable enzymes to convert sufficient amounts of lactose to glucose and/or galactose so that the remaining lactose is less than 30 percent of the lactose in milk, lowfat milk, or skim milk.

N. Milk Products. Milk products includes cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half- and-half, sour half-and-half, acidified half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, skim milk, lowfat frozen milk concentrate, eggnog, buttermilk, cultured buttermilk, cultured milk, cultured lowfat milk, low-sodium milk, low-sodium lowfat milk, low-sodium skim milk, lactose-reduced milk, lactose-reduced lowfat milk, lactose-reduced skim milk, milk, lowfat milk, or skim milk with added safe and suitable microbial organisms, and aseptically processed milk and milk products as defined in this section.

This definition is not intended to include milk products such as evaporated milk, evaporated skim milk, condensed milk (sweetened or unsweetened), dietary products (except as defined herein), infant formula, ice cream and other frozen desserts, dry milk products (except as defined herein), canned eggnog in a rigid metal container, butter or cheese except when they are combined with other substances to produce any pasteurized milk and milk product defined herein.

O. Grade "A" Dry Milk and Whey Products. Grade "A" dry milk and whey products are products which have been produced for use in Grade "A" pasteurized milk products and which have been manufactured under the provision of the Grade "A" Condensed and Dry Milk Products and Dry Whey- 1978 recommended Sanitation ordinance for Condensed and Dry Milk Products and Condensed and Dry Whey used in Grade "A" Pasteurized Milk Products.

P. Vitamin D Milk and Milk Products. Vitamin D milk and Milk products are milk and milk products, the Vitamin D content of which has been increased by an approved method to at least 400 U.S.P. units per quart.

Q. Adulterated Milk and Milk Products. Any milk or milk product shall be deemed to be adulterated (1) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (2) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by state or federal regulations, or in excess of such tolerance if one has been established; (3) it consists, in whole or in part of any substance unfit for human consumption; (4) if it has been produced, processed, prepared, packed or held under unsanitary conditions; (5) if its container is composed, in whole or in part, of any poisonous or deleterious substance, which may render the contents injurious to health; or (6) if any substance has been added thereto or mixed or packed wherewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

R. Misbranded Milk and Milk Products. Milk and Milk Products are misbranded (1) when their container(s) bear or accompany any false or misleading written, printed or graphic matter; (2) when such milk and milk products do not conform to their definition as contained in this regulation; and (3) when such products are not labeled in accordance with Section 4 of this regulation.

S. Pasteurization. The terms "pasteurization", "pasteurized", and similar terms shall mean the process of heating every particle of milk or milk product in properly designed and operated equipment, to one of the temperatures given in the following table and held continuously at or above that temperature for at least the corresponding specified time:

Temperature	Time
* 145°F	30 Minutes
* 161°F	15 Seconds
191°F	1.0 Second
194°F	0.5 Second
201°F	0.1 Second
204°F	0.05 Second
212°F	0.01 Second

\* If the fat content of the milk product is 10 percent or more, or if it contains added sweeteners, the specified temperature shall be increased by 5°F; provided, that eggnog shall be heated to at least the following temperature and time specifications:

Eggnog Temperature	Time
155°F	30 Minutes

175°F	25 Seconds
180°F	15 Seconds

Provided further, that nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the Food and Drug Administration to be equally efficient and which is approved by the Arkansas Department of Health

S-1. Ultra-pasteurized. The term "ultra-pasteurized", when used to describe a dairy product, means that such product shall have been thermally processed at or above 280`F for at least 2 seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

S-2. Aseptically Processed or UHT. The terms "aseptically processed or UHT", when used to describe a milk product, mean that the product has been subjected to sufficient heat processing either before or after sealing in a hermetically sealed container to conform to the applicable requirements of these regulations and the provisions of Section IX, Item P. of these Rules and Regulations and maintain the commercial sterility of the product under normal nonrefrigerated conditions.

T. Sanitization. Sanitization is the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product or the health of the consumers, and shall be acceptable to the Arkansas Department of Health.

U. Sterilized. The term "sterilized" when applied to piping, equipment and containers used for aseptically processed or sterilized milk or milk products shall mean the condition achieved by application of heat, chemical sterilant(s) or other appropriate treatment that renders the piping equipment and containers free of viable microorganisms.

V. Milk Producer. A milk producer is any person who operates a dairy farm and provides, sells, or offers milk for sale or a milk plant, receiving station, or transfer station.

V-1. Producer-Distributor. A producer-distributor is a milk producer who is also a milk distributor.

W. Milk Hauler. A milk hauler is any person who transports raw milk and/or raw milk products to or from a milk plant, receiving station or transfer station.

W-1. Sampler Grader. A sampler grader is any person who collects raw milk samples from a dairy farm or milk plant for the purpose of bacteria, chemical or other analysis. Sampler grader shall be permitted by the Arkansas Department of Health as required by Act 587 of 1981.

X. Milk Distributor. A milk distributor is any person who offers for sale or sell to another any milk or milk products.

Y. Department. The term "Department" shall mean the Arkansas Department of Health.

Z. Dairy Farm. A dairy farm is any place or premises where one or more cows or goats are kept, and from which a part of all of the milk or milk product(s) is provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

AA. Milk Plant and/or Receiving Station. A milk plant and/or receiving station is a place, premise or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled or prepared for distribution.

AA-1. Transfer Station. A transfer station is any place, premise or establishment where milk or milk products are transferred directly from one transport tank to another.

BB. Bulk Milk Pickup Tanker. A bulk milk pickup tanker is a vehicle including the truck, tank and those appurtenances necessary for its use, used by a milk hauler to transport bulk raw milk for pasteurization from a dairy farm to a transfer station, receiving station or milk plant.

CC. Milk Transport Tank. A milk transport tank is a vehicle including the truck and tank used by a milk hauler to transport bulk shipment of milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant.

DD. Milk Tank Truck. A milk tank truck is the term used to describe both a bulk milk pickup tanker and a milk transport tank.

EE. Official Laboratory. An official laboratory is a biological, chemical or physical laboratory which is under the direct supervision of the Arkansas Department of Health.

FF. Officially Designated Laboratory. An officially designated laboratory is a commercial laboratory authorized to do official work by the department or a milk industry laboratory officially designated by the department for the examination of producer samples of Grade "A" raw milk for pasteurization and commingled milk tank truck samples of raw milk for antibiotic residues.

GG. Person. The work "person" shall include any individual, plant, operator, partnership, corporation, company, firm trustee, association or institution.

HH. And/or. Where the term "and/or" is used, "and" shall apply where appropriate, otherwise "or" shall apply.

II. Hermetically Sealed Container. A hermetically sealed container is a container that is designed and intended to be secure against the entry of microorganisms and thereby maintain the commercial sterility of its contents after processing.

JJ. Health Officer. The Health Officer shall mean the Director of the Arkansas Department of Health or his/her authorized representative.

KK. Flavored Milk or Milk Products. Flavored milk or milk products shall mean milk or milk products as defined in this regulation to which has been added a flavor and/or sweetener.

## SECTION 2. ADULTERATED OR MISBRANDED MILK OR MILK PRODUCTS.

No person shall, within the State of Arkansas, or its jurisdiction, produce, provide, sell, offer, expose for sale, or have in possession with intent to sell any milk or milk product which is adulterated or misgraded; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the regulatory agency in which case products shall be labeled "ungraded". Any adulterated or misbranded milk or milk product may be impounded by the regulatory agency and disposed of in accordance with the laws of Arkansas.

## SECTION 3. PERMITS.

It shall be unlawful for any person who does not possess a permit from the Arkansas Department of Health to bring into, send into, or receive into the State of Arkansas or its jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage any milk or milk products defined in these regulations; provided, that grocery stores, restaurants, soda fountains, and similar establishments

where milk or milk products are served or sold at retail, but not processed, may be exempt from the requirement of this section.

Each person desiring to bring into, send into or receive into the State of Arkansas for sale or to sell, or offer for sale therein, or to have in storage any milk or milk products defined in these regulations shall make application to the health officer on forms furnished by the health officer for a permit to engage in such businesses.

Each milk producer, producer-distributor, milk distributor, milk plant operator, receiving station, transfer operator and milk hauler desiring to engage in such businesses shall make application to the health officer on forms furnished by the health officer for a permit to engage in such businesses. If, upon investigation by the health officer, the person and place of business can in his opinion comply with the milk control laws and regulations of the State of Arkansas covering such businesses, a permit may be issued; otherwise it shall be denied. Only those persons who comply with the requirements of the milk control laws and regulations of the State of Arkansas governing such businesses shall be entitled to receive and retain a permit and it shall be unlawful for any milk producer, or producer distributor, or milk distributor, or milk plant operator, or receiving station operator, or transfer station operator milk hauler to engage in such business unless they possess a valid permit signed by the health officer. Permits shall not be transferable to other persons and/or locations.

The health officer shall suspend such permit whenever he/she has reason to believe a public health hazard exists or whenever the permit holder has violated any of the requirements of these regulations or whenever the permit holder has interfered with the health officer in the performance of his/her duties, provided that the health officer shall, in all cases except where the milk or milk products involved creates or appears to create an imminent hazard to the public health or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violation(s) in question and afford the holder such reasonable opportunity to correct such violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the health officer before making any order of suspension effective. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the health officer.

Upon repeated violation(s), the health officer may revoke such permit following reasonable notice to the permit holder and an opportunity for a hearing. This section is not intended to preclude the institution of court action as provided in Sections 5 and 6.

#### SECTION 4. LABELING.

All bottles, containers and packages enclosing milk or milk products defined in Section III of these regulations shall be labeled in accordance with the applicable requirements of the Arkansas Food and Drug and Cosmetic Act, the Fair Packaging and Labeling Act, and regulations developed thereunder and in addition shall comply with applicable requirements of this section as follows:

All bottles, containers, and packages enclosing milk or milk products except milk tank trucks, storage tanks and cans or raw milk from individual dairy farms shall be conspicuously marked with:

1. The words Grade "A".
2. The identify of the plant where pasteurized, ultrapasteurized or aseptically processed or sterilized.

3. The work "reconstituted" or "recombined" if the product is made by reconstitution or recombination.
4. The volume or portion of water to be added for reconstituting or recombining in the case of concentrated milk or milk products.
5. The words "keep refrigerated after opening" in the case of aseptically processed or UHT milk products.
6. The word aseptically processed or UHT in the case of aseptically processed or UHT milk or milk products.

All vehicles and milk tank trucks containing milk or milk products shall be legibly marked with the name and address of the milk plant or hauler in possession of the contents.

Milk tank trucks transporting raw milk or milk products to a milk plant from sources of supply not under the routine supervision of the Arkansas Department of Health are required to be marked with the name and address of the milk plant or hauler and shall be sealed, in addition, for each such shipment, and shall list:

1. Shipper's name, address and permit number.
2. Permit identification of hauler, if not employee of shipper.
3. Point or origin of shipment.
4. Tanker identify number.
5. Name of product.
6. Weight of product.
7. Grade of product.
8. Temperature of product.
9. Date of shipment.
10. Name of supervising regulatory agency at the point of origin.
11. Whether the contents are raw, pasteurized, or in the case of cream whether it has been heat treated.

One copy of the shipping statement shall be retained by the consignor, one by the common carrier and at least two copies shall be delivered to the consignee with the shipment. The consignee shall forward at least one copy to the local regulatory agency or state authority in the receiving area. Upon request, the local regulatory agency or state authority shall return to the official supervising agency the following information:

Date and time of arrival of product.

Temperature of product.

Bacterial count and butterfat test of product on individual shipment.

Adequacy of seals.

Other pertinent information.

Entries made on shipping statements by consignors or consignees shall be legible. When the interstate shipment is derived from more than one point of origin, separate shipping statements for each of the sources involved shall accompany the shipment. Shipping statements shall be retained on file for a period of at least 6 months.

All cans of raw milk from individual dairy farms shall be identified by the name or number of the individual milk producer.

#### SECTION 5. INSPECTION OF DAIRY FARMS.

Each dairy farm, milk plant, receiving station and transfer station whose milk or milk products are intended for consumption within Arkansas or its jurisdiction and each milk hauler who collects samples of raw milk for pasteurization for bacterial, chemical, or temperature standards and hauls milk from a dairy farm to a milk plant, receiving station or transfer station and his bulk milk pickup tank and its appurtenances shall be inspected by the health officer prior to the issuance of a permit. Following the issuance of a permit, each bulk milk pickup tank and its appurtenances used by a milk hauler who collects samples of raw milk for pasteurization, for bacterial, chemical or temperature standards and hauls milk from a dairy farm to a milk plant, receiving station, or transfer station shall be inspected at least once every 12 months and each dairy farm and transfer station shall be inspected at least once every 6 months and each milk plant and receiving station shall be inspected at least once every 3 months. Should the violation of any requirement set forth in Section 7, or in case of a milk hauler also Section 6, to be found to exist on an inspection a second inspection shall be required after the time deemed necessary to remedy the violation, but not before 3 days; this second inspection shall be used to determine compliance with the requirements of Section 7 or in the case of a milk hauler also Section 6. Any violation of the same requirement of Section 7, or in the case of a milk hauler also Section 6, on such second inspection shall call for permit suspension in accordance with Section 3 and/or court action.

Provided that in the case of dairy plants aseptically processed or sterilized milk or milk products, when an inspection of the dairy plant and its records reveals that the process used for the sterilization or aseptic process has been less than the required scheduled process, it shall be considered an imminent hazard to public health and the health officer shall take immediate action to suspend the permit of the plant for the sale of sterilized or aseptically processed milk or milk products in conformance with Section V of these regulations.

One copy of the inspection report shall be handed to the operator or other responsible person or be posted in a conspicuous place on an inside wall of the establishment. Said inspection report shall not be defaced and shall be made available to the regulatory agency upon request. An identical copy of the inspection report shall be filed with the records of the Health Department.

Every milk producer, hauler, producer-distributor, distributor, or plant operator shall, upon request of the health officer, permit access of officially designated persons to all parts of his establishment or facilities to determine compliance with the provisions of these regulations. A distributor or plant operator shall furnish the health officer, upon request for official use only, a true statement of the actual qualities of milk and milk products of each grade of milk purchased and sold, and a list of all sources of such milk and milk products, records of inspections, tests, and pasteurization time and temperature records.

It shall be unlawful for any person who, in an official capacity, obtains any information under the provisions of these regulations which is entitled to protection as a trade secret (including

information as to quantity, quality, source of disposition of milk or milk products, or results of inspections or tests thereof) to use such information to his own advantage or to reveal it to any unauthorized person.

## SECTION 6. THE EXAMINATION OF MILK AND MILK PRODUCTS.

It shall be the responsibility of the milk hauler to collect a representative sample of milk from each farm bulk tank prior to transferring milk from a farm bulk tank, truck, or other container. All samples shall be collected and delivered to a milk plant, receiving station, transfer station or other location approved by the health officer. During any consecutive six months, at least four samples of raw milk for pasteurization, taken and delivered in accordance with this section from each producer, shall be obtained under the direction of the health officer or shall be taken from each producer under the direction of the health officer.

During any consecutive six months, at least four samples of raw milk for pasteurization shall be taken, under the direction of the health officer, from each milk plant after receipt of the milk by the plant and prior to pasteurization. In addition, during any consecutive 6 months, at least four samples of pasteurized milk and at least four samples of each milk product defined in these regulations shall be taken from every milk plant. Samples of milk and milk products shall be taken while in possession of the producer or distributor at any time prior to final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold shall be examined periodically as determined by the health officer and results of such examination shall be used to determine compliance with Sections 2, 4, and 11. The proprietor of such establishment, upon request, shall furnish the health officer one sample of each milk or milk product sold (without charge) plus the name of all distributors from whom milk or milk products are obtained.

Required bacterial counts, somatic cell counts, solids not fat, and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, antibiotic test on each producer's milk or on comingled raw milk shall be conducted at least four times during any consecutive 6 months. When comingled milk is tested, all producers shall be represented in the sample. All individual sources of milk shall be tested when the antibiotic test results on comingled milk are positive. Required bacterial counts, antibiotic test, coliform determinations, phosphatase, and cooling temperature checks shall be performed on pasteurized milk and milk products.

Whenever two of the last four consecutive bacterial counts (except those for aseptically processed or sterilized milk or milk products), somatic cell count, solids not fat, coliform determination or cooling temperature taken on separate days, exceed the limit of the standard for the milk and/or milk products, the health officer shall send a written notice thereof to the person concerned. This notice shall be in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within 21 days of the sending of such notice, but not before the lapse of 3 days. Immediate suspension of permit in accordance with Section V and/or court action shall be instituted whenever the standard is violated by three of the last five bacterial counts (except those for aseptically processed or sterilized milk or milk products), coliform determinations, solids not fat, cooling temperatures, or somatic cell counts.

Whenever a phosphatase test is positive, the cause shall be determined. Where the cause is improper pasteurization, it shall be corrected and any milk or milk product involved shall not be offered for sale.

Whenever an antibiotic or pesticide residue test is positive, the permit shall be immediately suspended for a period of three days and an additional sample shall be taken and tested for antibiotic residue or pesticide residue and no milk shall be offered for sale until it is shown to be free of antibiotic or pesticide residues or below the action levels established for such residues.

Whenever a bacterial count for aseptically processed or sterilized milk and milk products exceeds the limits of the standard, the health officer shall consider this to be an imminent hazard to public health and shall suspend the permit of the milk plant for the sale of aseptically processed or sterilized milk and milk products. No aseptically processed or sterilized milk or milk products shall be sold until it can be shown by laboratory test results that all such products offered for sale are free of viable microorganisms. All products from the lot which exceeded the limit of the standard shall be recalled and disposed of as directed by the health officer.

Samples shall be analyzed at an official laboratory. All sampling procedures and required laboratory examination shall be in substantial compliance with the current edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the current Edition of Official Methods of Analysis of the Association of Official Analytical Chemist. Such procedures, including the certification of sample collectors and examinations, shall be evaluated in accordance with the evaluation of Milk Laboratories, 1978 Recommendation of the United States Public Health Service/F.D.A. Examination and tests to detect adulterants, including pesticides, shall be conducted as the health officer requires. Assays of milk and milk products to which vitamin A and/or D have been added shall be made at least annually in a laboratory acceptable to the health officer

**SECTION 7. STANDARDS FOR MILK AND MILK PRODUCTS.**

All Grade "A" raw milk for pasteurization and all grade "A" pasteurized milk and milk products shall be produced, processed and pasteurized to conform with the chemical, bacteriological and temperature standards, and the sanitation requirements of this section.

No process or manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk or milk products for the purpose of removing or deactivating microorganisms, provided that in the bulk shipment of raw cream, skim milk, or lowfat milk, the heating of the raw milk to temperature no greater than 125° F. for separation purposes is permitted when the resulting bulk shipments of cream, skim milk, and lowfat milk are labeled heat-treated.

Table 1.

Chemical, Bacteriological and Temperature Standards		
Grade "A" raw milk for pasteurization or aseptically processed	Temperature	Cooled to 45° F. or less within two hours after milking, provided that the blend temperature after the first subsequent milking does not exceed 50° F.
	Bacterial Limits	Individual producer milk not to exceed 100,000 per ml prior to commingling with other

		producer milk. Not to exceed 300,000 per ml as commingled milk prior to pasteurization.
	Antibiotics or Other Inhibitors	No zone equal to or greater than 16 mm with the Bacillus Sterothermophilus disc assay method.
	Somatic Cell Count	Individual producer milk; not to exceed 1,000,000 per ml. **
	Solids not Fat	8.25 or above.
Grade "A" Pasteurized Milk and Milk Products	Temperature	Cooled to 45° F or less and maintained thereat.
	Bacterial Limits	20,000 per ml.*
	Coliform	Not to exceed 10 per ml; provided that in the case of bulk milk transport shipments, shall not exceed 100 per ml.
	Phosphatase	Less than 1 microgram per ml by the Scharer Rapid method or equivalent.
	Antibiotics or Other Inhibitors	No zone equal to or greater than 16 mm with the Bacillus Stearothermophilus disc assay method.
* Not applicable to cultured products.		
** Somatic Cell Count - not to exceed 1,000,000 after July 1, 1986.		

Grade "A" Raw Milk. Grade "A" Raw Milk is raw milk produced on producer-distributor dairy farms conforming with all sanitation items described hereafter. The bacterial plate count or the direct microscopic count of the milk shall not exceed 50,000 per milliliter, as determined in accordance with Section VIII of these regulations.

#### SANITATION REQUIREMENTS FOR GRADE "A" RAW MILK FOR PASTEURIZATION.

##### ITEM 1r. ABNORMAL MILK

Cows which show evidence of the secretion of abnormal milk in one or more quarters, based upon bacteriological, chemical, or physical examination, shall be milked last or with separate equipment and the milk shall be discarded. Cows treated with, or cows which have consumed chemical, medicinal or radioactive agents which are capable of being secreted in the milk and which, in the judgment of the regulatory agency, may be deleterious to human health, shall be milked last or with separate equipment and the milk disposed of as the regulatory agency may direct.

#### ITEM 2r. MILKING BARN, STABLE, OR PARLOR CONSTRUCTION.

Milking barn, stable, or parlor shall be provided on all dairy farms in which the milking herd shall be housed during milking time operation.

The areas used for milking shall:

1. Have floors constructed of concrete or equally impervious material curbed no less than 16 inches (feed troughs included).
2. Have walls and ceilings which are smooth, painted or finished in an approved manner, in good repair, ceiling dust-tight. The highest level of ceiling above the floor shall be 6-1/2 feet for cows and 5-1/2 feet for goats.
3. Have separate stalls or pens for horses, calves and bulls.
4. Be provided with natural light (approximately 15% window space) and artificial light, well distributed for day and night milking.
5. Provide sufficient air space and air circulation to prevent condensation and excessive odors.
6. Not be overcrowded.
7. Have dust-tight covered boxes or bins, or separate storage facilities for ground, chopped, or concentrated feed; and
8. A stanchion or flat barn shall have at least a 7-1/2 foot ceiling and shall have a minimum width of 19 feet for a single row of stanchions and shall have a minimum width of 23 feet for 2 or more stanchions.

#### ITEM 3r. MILKING BARN, STABLE OR PARLOR - CLEANLINESS.

The interior shall be kept clean. Floor, walls, ceiling, windows, pipelines, and equipment shall be free of filth and/or litter, and shall be clean. Swine and fowl shall be kept out of the milking barn.

#### ITEM 4r. COWYARD.

The cowyard shall have a curbed concrete holding area, graded to drain and shall have no standing pools of water or accumulations of organic wastes; provided that in loafing or cattle-housing areas, cow droppings and soiled bedding shall be removed, or clean bedding added at sufficiently frequent intervals to prevent the soiling of the cow's udder and flanks. Waste feed shall not be allowed to accumulate. Manure packs shall be properly drained and shall provide a reasonably firm footing. Swine shall be kept out of the cowyard.

#### ITEM 5r. MILKHOUSE OR ROOM - CONSTRUCTION AND FACILITIES.

A milkhouse or room of sufficient size (minimum of 200 sq. ft.) shall be provided, in which the cooling, handling, storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted, except as provided for in Item 12r. of this section. When a bulkhead tank or in-wall tank is used the minimum 200 square feet may be reduced, provided; 36 inches is retained between the tank valve and/or wall or any other work area. Eighteen inches between wall and/or equipment must be maintained in non-work areas.

The milkhouse shall be provided with a smooth floor constructed of concrete curbed at least 16 inches or equally impervious material, graded to drain and maintained in good repair. Liquid waste shall be disposed of in a sanitary manner; all floor drains shall be accessible and shall be trapped.

The walls and ceilings shall be a minimum of 7-1/2 feet and shall be constructed of smooth material, in good repair, well painted or finished in an equally suitable manner. When an opening is needed in a ceiling to accommodate a bulk tank measuring rod, the opening must be constructed and sealed to prevent contamination of the milk.

The milkhouse shall have adequate natural and artificial light and be well ventilated. The window space shall not be less than 20% of floor space.

All openings into the milkhouse shall have well built, smooth inside, tight fitting, solid doors. Where outside screen doors are used, the solid doors may open into the milk house; otherwise all doors shall open outward and be self-closing.

The milkhouse shall be used for no other purpose than milkhouse operations. There shall be no direct opening into any barn, stable, or into a room used for domestic purposes, provided that a direct opening between the milkhouse and milking barn, stable, or parlor is permitted when a tight-fitting self-closing solid door(s) hinged to be single or double acting is provided.

Water under pressure shall be piped into the milkhouse. The milkhouse shall be equipped with a two-compartment wash vat and adequate water heating facilities.

When a transportation tank is used for the cooling and/or storage of milk on the dairy farm, such tank shall be provided with a suitable shelter for the receipt of milk. Such shelter shall be adjacent to, but not part of, the milkroom and shall comply with the requirements of the milkroom with respect to construction, light, drainage, insect and rodent control, and general maintenance.

#### ITEM 6r. MILKHOUSE OR ROOM - CLEANLINESS.

The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, non-product contact surfaces of milk containers, utensils, and equipment, and other milk room equipment shall be clean. The milk room shall be free of unnecessary articles, trash, animals and fowl.

#### Item 7r. TOILET FACILITIES.

Every dairy farm shall be provided with one or more toilets, conveniently located, and properly constructed, operated, and maintained in a sanitary manner. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate any water supply.

#### ITEM 8r. WATER SUPPLY.

Water for milkhouse and milking operation shall be from a supply properly located, protected and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.

#### ITEM 9r. UTENSILS AND EQUIPMENT - CONSTRUCTION.

All multi-use containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials, and shall be so constructed as to be easily cleaned. All containers, utensils and equipment shall be in good repair. All milk pails used for hand milking and stripping shall be seamless and be of the hooded type. Multiple-use woven material shall not be used for straining milk. All single service articles shall have been manufactured, packaged, transported, and handled in a sanitary manner and shall comply with the applicable requirements of Item 11p. of the section. Articles intended for single use shall not be reused.

Farm holding/cooling tanks shall comply with the applicable requirements of Items 10p. and 11p. of this section.

#### ITEM 10r. UTENSILS AND EQUIPMENT - CLEANING.

The product-contact surfaces of all multi-use containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be cleaned after each usage.

The farm bulk tank for cows milk shall be completely emptied, washed, and sanitized after 5 milkings unless authorized by the Health Officer. Goat milk may be held up to 7 days provided the milk meets the requirements of Section 7 of these Rules and Regulations.

#### ITEM 11r. UTENSILS AND EQUIPMENT - SANITIZATION.

The products contact surfaces of all multi-use containers, equipment and utensils used in the handling, storage, or transportation of milk shall be sanitized before each usage.

#### ITEM 12r. UTENSILS AND EQUIPMENT - STORAGE.

All containers, utensils and equipment used in the handling, storage or transportation of milk, unless stored in sanitizing solutions, shall be stored to assure complete drainage, and shall be protected from contamination prior to use, provided that milk pipelines and pipeline milking equipment such as milker claws, inflation, weigh jars, meters, milk houses, milk receiver, and milk pumps, which are designed for mechanical cleaning may be stored in the milking barn or parlor provided this equipment is designed, installed and operated to protect the product and solution contact surfaces from contamination at all times.

#### ITEM 13r. UTENSILS AND EQUIPMENT - HANDLING.

After sanitization, all containers, utensils and equipment shall be handled in such manner as to prevent contamination of any product-contact surface.

ITEM 14r. Milking - Flanks, Udders, and Teats. Milking shall be done in the milking barn, stable, or parlor. The flanks, udders, bellies and tails of all milking cows shall be free from visible dirt. All brushing shall be completed prior to milking. The udders and teats of all milking cows shall be cleaned and treated with a sanitizing solution just prior to time of milkings, and shall be relatively dry before milking. Wet hand milking is prohibited.

#### ITEM 15r. MILKING - SURCINGLES, MILK STOOLS AND ANTIKICKERS.

Surcingles, milk stools and antikickers shall be kept clean and stored above the floor.

#### ITEM 16r. PROTECTION FROM CONTAMINATION.

Milking and milkhouse operation, equipment and facilities shall be located and conducted so as to prevent any contamination of milk, equipment, containers and utensils. No milk shall be strained, poured, transferred, or stored unless it is properly protected from contamination.

#### ITEM 17r. PERSONNEL - HAND WASHING FACILITIES.

Adequate hand washing facilities shall be provided, including a lavatory fixture with running water, soap or detergent, and individual sanitary towels within the milk house and convenient to the milking barn, stable, parlor and flush toilet.

#### ITEM 18r. PERSONNEL - CLEANLINESS.

Hands shall be washed clean and dried with an individual sanitary towel immediately before milking, before performing any milk house function, and immediately after the interruption of any of these activities. Milkers and milk haulers shall wear clean outer garments while milking or handling milk, milk containers, utensils, or equipment.

#### ITEM 19r. COOLING.

Raw milk for pasteurization shall be cooled to 40° F. or less within 2 hours after milking, provided the blend temperature after the first milking and subsequent milkings does not exceed 50° F. Milk shall be 40° F. or below at the time of pick-up.

#### ITEM 20r. VEHICLES.

Vehicles used to transport milk from the dairy farm to the milk plant or receiving station shall be constructed and operated to protect their contents from sun, freezing, and contamination. Such vehicles shall be kept clean inside and out and no substance capable of contaminating milk shall be transported with milk.

#### ITEM 21r. INSECT AND RODENT CONTROL.

Effective measures shall be taken to prevent contamination of milk, containers, equipment and utensils by insects and rodents, and by chemicals used to control such vermin. Milk rooms shall be free of rodents and insects. Surroundings shall be kept neat, clean, and free of conditions which might harbor or be conducive to the breeding of insects and rodents.

#### SANITATION REQUIREMENTS FOR GRADE "A" PASTEURIZED MILK AND MILK PRODUCTS.

A receiving station shall comply with Items 1p to 15p. inclusive, and 17p, 20p, and 22p, except that the partitioning requirement of Item 5p shall not apply.

A transfer station shall comply with Item 1p, 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, 22p and as climatic and operating conditions require the applicable provisions of Items 2p and 3p, provided that in every case, overhead protection shall be provided. Facilities for the cleaning and sanitizing of milk tank trucks shall comply with Items 1p, 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, 22p and as climatic and operating conditions require, the applicable provisions of Items 2p and 3p, provided that in every case, overhead protection shall be provided.

#### ITEM 1p. FLOORS - CONSTRUCTION

The floors of all rooms in which milk or milk products are processed, handled, or stored, or in which milk containers, equipment and utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material; and shall be smooth, properly sloped, provided with trapped drains, and kept in good repair, provided that cold-storage rooms used for storing milk or milk products need not be provided with floor drains when the floors are sloped to drain to one or more exits, provided further, that storage rooms for storing dry ingredients and/or packaging materials need not be provided with drains and the floors may be constructed of tightly joined wood.

#### ITEM 2p. WALLS AND CEILING - CONSTRUCTION

Walls and ceilings of rooms in which milk or milk products are handled, processed or stored, or in which milk containers, utensils and equipment are washed, shall have a smooth, washable, light-colored surface, in good repair.

ITEM 3p. DOORS AND WINDOWS.

Effective means shall be provided to prevent the access of flies and rodents. All openings to the outside shall have solid doors or glazed windows which shall be closed during dusty weather.

ITEM 4p. LIGHTING AND VENTILATION. All rooms in which milk and milk products are handled, processed or stored and/or in which milk containers, equipment and utensils are washed shall be well lighted and well ventilated.

ITEM 5p. SEPARATE ROOMS.

There shall be separate rooms for:

1. The pasteurizing, processing, cooling and packaging of milk or milk products.
2. The cleaning of milk cans, bottles and cases.
3. Cleaning and sanitizing facilities for milk tank trucks in plants receiving milk in such tanks.
4. Receiving cans of milk or milk products in plants receiving such cans.

Rooms in which milk or milk products are handled, processed or stored, or in which milk containers, utensils and equipment are washed or stored shall not open directly into any stable or any room used for domestic purposes. All rooms shall be of sufficient size for their intended purposes.

ITEM 6p. TOILET AND SEWAGE DISPOSAL FACILITIES.

Every milk plant shall be provided with toilet facilities conforming with the Regulation of the Arkansas Department of Health. Toilet rooms shall not open directly into any room in which milk and/or milk products are processed. Toilets shall be completely enclosed and shall have tight fitting, self closing doors. Dressing rooms, toilet rooms and fixtures shall be kept clean, in good repair, and shall be well ventilated and well lighted. Sewage and other liquid wastes shall be disposed of in a sanitary manner.

ITEM 7p. WATER SUPPLY.

Water for milk plant purposes shall be from a supply properly located, protected and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.

ITEM 8p. HAND WASHING FACILITIES.

Convenient hand washing facilities shall be provided, including hot and cold and/or warm running water, soap, and individual sanitary towels or other approved hand drying devices. Hand washing facilities shall be kept clean and in good repair.

ITEM 9p. MILK PLANT CLEANLINESS.

All rooms in which milk and milk products are handled, processed or stored and/or in which containers, utensils or equipment are washed or stored, shall be kept clean, neat and free of evidence of insects and rodents. Pesticides shall be safely used. Only equipment directly related to processing operations or to the handling of containers, utensils and equipment shall be permitted in the pasteurizing, processing, cooling, packaging, and bulk milk storage rooms.

ITEM 10p. SANITARY PIPING.

All sanitary piping, fittings and connections which are exposed to milk or milk products, or from which liquids may drip, drain or be drawn into milk or milk products, shall consist of smooth, impervious, corrosion-resistant, nontoxic easily cleanable material. All piping shall be in good repair. Pasteurized milk or milk products shall be conducted from one piece of equipment to another only through sanitary piping.

ITEM 11p. CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT.

All multi-use containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, corrosion-resistant, nontoxic material; shall be constructed for ease of cleaning; and shall be kept in good repair. All single-service containers, closures, gaskets and other articles with which milk or milk products come in contact shall be nontoxic, and shall have been manufactured, packaged, transported and handled in a sanitary manner. Articles intended for single-service use shall not be reused.

ITEM 12p. CLEANING AND SANITIZING OF CONTAINERS AND EQUIPMENT.

The product-contact surfaces of all multi-use containers, utensils and equipment used in the transportation, processing, handling and storage of milk or milk products shall be effectively cleaned and shall be sanitized before each use.

ITEM 13p. STORAGE OF CLEANED CONTAINERS AND EQUIPMENT.

After cleaning, all multi-use milk or milk products containers, utensils and equipment shall be transported and stored to assure complete drainage and shall be protected from contamination before use.

ITEM 14p. STORAGE OF SINGLE SERVICE CONTAINERS, UTENSILS AND MATERIALS.

Single-service caps, cap stock, parchment paper, containers, gaskets and single-service articles for use in contact with milk or milk products shall be purchased and stored in sanitary tubes, wrappings, or cartons; shall be kept therein in a clean, dry place until used; and shall be handled in a sanitary manner.

ITEM 15p. PROTECTION FROM CONTAMINATION.

Milk plant operations, equipment and facilities shall be located and conducted to prevent any contamination of milk or milk products, ingredients, equipment, containers and utensils. All milk or milk products or ingredients which have been spilled, overflowed, or leaked shall be discarded. The processing or handling of products other than milk or milk products in the pasteurization plant shall be performed to preclude the contamination of such milk or milk products.

ITEM 16p. PASTEURIZATION.

Pasteurization shall be performed as defined in Section I, Definition (S), of this Regulation. Sterilization or aseptically processed shall meet the requirements of the U.S. Public Health Service on Sterilization or Aseptically Processed Milk.

ITEM 17p. COOLING OF MILK.

All raw milk or milk products shall be maintained at 45° F. or less until processed. All pasteurized milk or milk products, except those to be cultured, shall be cooled immediately prior to filling or packaging in approved equipment to a temperature of 45° f. or less. All pasteurized milk or milk

products shall be stored at a temperature of 45° F. or less. On delivery vehicles, the temperature of milk or milk products shall not exceed 45° F. Every room or tank in which milk or milk products are stored shall be equipped with an accurate thermometer, provided that sterilized or aseptically processed milk or milk products to be packaged in hermetically sealed containers shall be exempt from the cooling requirements of this item.

#### ITEM 18p. BOTTLING AND PACKAGING.

Bottling and packaging of milk or milk products shall be done at the place of pasteurization in approved mechanical equipment.

#### ITEM 19p. CAPPING.

Capping or closing of milk or milk products containers shall be done in a sanitary manner by approved mechanical capping and/or closing equipment. The cap or closure shall be designed and applied in such a manner that the pouring lip is protected to at least its largest diameter and, with regard to fluid product containers, removal cannot be made without detection.

#### ITEM 20p. PERSONNEL - CLEANLINESS.

Hands shall be washed before commencing plant functions and as often as may be required to remove soil and contamination. No employee shall resume work after visiting the toilet room without washing his/her hands. All persons while engaged in the processing, pasteurization, handling, storage, or transportation of milk or milk products, containers, equipment, and utensils shall wear clean outer garments. All persons, while engaged in the processing of milk or milk products shall wear adequate hair coverings and shall not use tobacco.

#### ITEM 21p. VEHICLES.

All vehicles used for the transportation of pasteurized milk or milk products shall be constructed and operated so that the milk or milk products are maintained at 45° F. or less, and are protected from sun, from freezing and from contamination.

#### ITEM 22p. SURROUNDINGS.

Milk plant surroundings shall be kept neat, clean, and free from conditions which might attract or harbor flies, other insects and rodents, or which otherwise constitute a nuisance.

### SECTION 8. ANIMAL HEALTH.

All milk for pasteurization shall be from herds which are located in a Modified Accredited Tuberculosis Area as determined by the U.S. Department of Agriculture, provided that herds located in an area that fails to maintain such accredited status shall have been accredited by said Department as tuberculosis free, or shall have passed an annual tuberculosis test.

All milk for pasteurization shall be from herds under a brucellosis eradication program which meets one of the following conditions:

1. Located in a Certified Brucellosis-Free Area as defined by the U.S. Department of Agriculture and enrolled in the testing program for such areas; or
2. Located in a Modified Certified Brucellosis Area as defined by the U.S. Department of Agriculture and enrolled in the testing program for such areas; or
3. Meet U.S. Department of Agriculture requirements for an individually certified herd; or

4. Participating in a milk ring testing program which is conducted on a continuing basis at intervals of not less than every 3 months or more than every 6 months, with individual blood tests on all animals in herds showing suspicious reactions to the milk ring test; or
5. Have an individual blood agglutination test annually with an allowable maximum grace period not exceeding 2 months.

For diseases other than brucellosis and tuberculosis, the Health Authority shall require such physical, chemical, or bacteriological test as is deemed necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a graduate veterinarian or a veterinarian in the employ of an official agency. Any diseased animal disclosed by such test(s) shall be disposed of as the Health Authority directs.

#### SECTION 9. MILK AND MILK PRODUCTS WHICH MAY BE SOLD.

From and after the date that this regulation becomes effective, only Grade "A" pasteurized milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments, provided that in any emergency, the sale of pasteurized milk or milk products which have not been graded, or the grade of which is unknown, may be authorized by the Health Department in which case such milk or milk products shall be labeled "ungraded".

This section shall not apply to qualified producer-distributor dairies in business on the effective date of these regulations but will apply to any subsequent purchasers or owners of such qualified producer-distributor dairies.

Qualified producer-distributor dairies in business in a bona fide manner on the date of this adoption of these regulations are hereby exempt from the provision of this Section, as long as they do not change ownership.

Any change in ownership automatically makes these regulations effective on the new owner. Section 9 applies to only three (3) Grade "A" raw milk producer-distributors as of July 1983

Interpretive footnote:

Family owned dairies on the effective date of this regulation, wherein the heir subsequently becomes the sole owner of the Grade "A" raw milk producer-distributor, are exempt.

#### SECTION 10. REINSTATEMENT OF PERMIT.

Any producer-distributor, producer, sample grader, or milk plant or distributor of milk or milk products whose permit has been suspended at any time may make application for the reinstatement of his permit.

Temporary Permit. A temporary permit shall be issued to a producer, plant, or producer-distributor, whose permit has been suspended for bacterial counts, somatic cell counts, cooling temperatures, and/or low solids, when an application is received and when a sample collected by a Licensed Sampler Grader or a Health Department Sanitarian, meets the minimum standards for bacterial counts, somatic cell counts, cooling temperatures, and low solids. The temporary permit will be in effect as long as the samples are within the minimum standard bacterial counts, somatic cell counts, cooling temperatures, and low solids or until 3 of the last 5 samples meet the minimum requirements, but for not more than 21 days. Samples shall be collected on separate days.

In case in which the permit suspension has been due to a violation other than bacteriological standards, somatic cell count, low solids, or temperature, the said application must be accompanied

by a statement that the item has been corrected and that all items are in compliance. Within 15 days of the receipt of such application and statement, the health officer shall make a reinspection of the applicant's establishment, and thereafter as many reinspections as he may deem necessary, to assure himself that the requirements are corrected, and that all milk that was produced during the period of permit suspension has been properly disposed of, and in the case the findings justify may reinstate the permit.

All milk plants shall post in a conspicuous place, in the receiving room or area, the permit number and effective date of permit suspension of each producer whose permit has been suspended. If the producer's permit is reinstated, said haulers shall not receive more milk per day for the first 5 days than was received on the average for the last 5 days prior to permit suspension, unless specifically authorized by the health officer.

#### SECTION 11. TRANSFERRING: DELIVERY CONTAINERS COOLING.

Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container, or tank truck to another on the street, in any vehicle, store or in any place except a milk plant, receiving station, transfer station or milk house especially used for that purpose. The dipping or lading of milk or fluid milk products is prohibited.

It shall be unlawful to sell or serve any milk or fluid milk product except in the individual, original container received from the distributor or from an approved bulk dispenser, provided that this requirement shall not apply to milk or mixed drinks requiring less than one-half of milk, or to cream, or half-and-half which is consumed on the premises and which may be served from the original container of not more than one-half gallon capacity, or from a bulk dispenser approved for such service by the Health Authority.

It shall be unlawful to sell or serve any pasteurized milk or milk products which has not been maintained at a temperature of 45° F. or less. If containers of pasteurized milk or milk products are stored in ice, the storage container shall be properly drained.

#### SECTION 12. MILK AND MILK PRODUCTS FROM POINTS BEYOND THE LIMITS OF ROUTINE INSPECTION.

Milk and milk products from points beyond the limits of routine inspection of the State of Arkansas or its police jurisdiction may be sold in Arkansas or its police jurisdiction provided they are produced and pasteurized under regulations which are substantially equivalent to this regulation and have been awarded an acceptable milk sanitation compliance and enforcement rating made by the state milk sanitation rating officer certified by the U.S. Public Health Service.

#### SECTION 13. FUTURE DAIRY FARMS AND MILK PLANTS.

Properly prepared plans for all milk houses, milking barns, stables, parlors, transfer stations, receiving stations, and milk plants regulated under this regulation which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the Health Authority for written approval before work is begun.

#### SECTION 14. PERSONNEL HEALTH.

No person affected with a disease in a communicable form, or while a carrier of such disease, shall work at any dairy farm or milk plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk or milk products, containers, equipment and utensils. No dairy farm or milk plant operator shall employ in any such capacity any such person,

or any person suspected of having any disease in a communicable form, or of being a carrier of such disease, and shall notify the Health Authority immediately if any employee is discovered to be such or becomes such.

#### SECTION 15. PROCEDURE WHEN INFECTION IS SUSPECTED.

When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk and/or milk products, the Health Authority is authorized to require any or all of the following measures: (1) the immediate exclusion of that person from milk handling; (2) the immediate exclusion of the milk supply concerned from distribution and use; and (3) adequate medical and bacteriological examination of the person, of his associates and of his and their body discharges.

#### SECTION 16. SEVERABILITY.

If any provisions of these Rules and Regulations or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can effect the invalid provisions of applications, and to this end the provisions hereto are declared to be severable.

#### SECTION 17. REPEAL.

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

#### CERTIFICATION

This will certify that the foregoing Rules and Regulations Pertaining to Grade "A" Milk and Milk Products with certain amendments (incorporated into the foregoing Rules and Regulations) were duly adopted by the Arkansas Department of Health at a regular session of the Board of Health held in Little Rock, Arkansas on the 27th day of October, 1988.

(signed)

M. Joycelyn Elders, M.D.

Director

Arkansas Department of Health

Dated at Little Rock, Arkansas on the 27th day of October, 1988.

I hereby approve the foregoing Rules and Regulations Pertaining to Grade "A" Milk and Milk Products adopted by the Arkansas Department of Health on the 27th day of October, 1988.

(signed)

Bill Clinton

Governor