



**Rules of
 Department of Agriculture
 Division 80—State Milk Board
 Chapter 2—Grade A Pasteurized Milk Regulations**

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Title 2—DEPARTMENT OF AGRICULTURE

Division 80—State Milk Board Chapter 2—Grade A Pasteurized Milk Regulations

2 CSR 80-2.010 Definitions

PURPOSE: This rule defines terms used in the regulations of the State Milk Board. This rule corresponds with Part II, Section 1 of the Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) The following definitions shall apply to the interpretations and enforcement of sections 196.931—196.959, RSMo:

(A) Milk is the product defined in the 21 CFR section 131.110. Note: Applicable sections of parts 131—133 are included in Appendix L of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration* (PMO).

1. Goat milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word milk shall be interpreted to include goat milk.

2. Breed milk is milk from a herd of cows where at least ten percent (10%) of the herd is registered purebred and the remainder at least high grade individuals of the same breed. The word milk shall be interpreted to include breed milk;

(B) Cream is the product defined in the 21 CFR section 131.3(a).

1. Light cream is the product defined in the 21 CFR section 131.155.

2. Light whipping cream is the product defined in the 21 CFR section 131.157.

3. Heavy cream or heavy whipping cream is the product defined in the 21 CFR section 131.150.

4. Whipped cream is the product defined in the 21 CFR section 131.150 or 131.157, into which air or gas has been incorporated.

5. Whipped light cream is the product defined in the 21 CFR section 131.155, into which air or gas has been incorporated.

6. Sour cream or cultured sour cream is the product defined in the 21 CFR section 131.160.

7. Acidified sour cream is the product defined in the 21 CFR section 131.162;

(C) Half-and-half is the product defined in the 21 CFR section 131.180.

1. Sour half-and-half or cultured sour half-and-half is the product defined in the 21 CFR section 131.185.

2. Acidified sour half-and-half is the product defined in the 21 CFR section 131.187;

(D) Reconstituted or recombined milk and milk products shall mean milk or milk products as defined in this section which result from reconstituting or recombining of milk constituents using potable water when appropriate;

(E) Concentrated milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk, which, when recombined with potable water in accordance with instructions printed on the container, results in a product conforming with the milkfat and milk solids-not-fat levels of milk as previously defined.

1. Concentrated milk products shall be taken to mean and to include homogenized concentrated milk, concentrated skim milk, concentrated lowfat milk and similar concentrated products made from concentrated milk or 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.

2. Frozen milk concentrate is a frozen milk product with a composition of milkfat and milk solids-not-fat in proportions that when a given volume of concentrate is mixed with a given volume of water, the reconstituted product conforms to the milkfat and milk solids-not-fat requirements of whole milk. In the manufacturing process, water may be used to adjust the primary concentrate to the final desired concentration. The adjusted primary concentrate is pasteurized, packaged and immediately frozen. This product is stored, transported and sold in the frozen state;

(F) Skim milk is the product defined in the 21 CFR section 131.145;

(G) Lowfat milk is the product defined in the 21 CFR section 131.135;

(H) Eggnog is the product defined in the 21 CFR section 131.170;

(I) Buttermilk is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than eight and one-quarter percent (8 1/4%) of milk solids-not-fat.

1. Cultured buttermilk is the product defined in the 21 CFR section 131.146.

2. Acidified buttermilk is the product defined in the 21 CFR section 131.144;

(J) Cultured milk is the product defined in the 21 CFR section 131.112.

1. Cultured lowfat milk is the product defined in the 21 CFR section 131.138;

(K) Acidified milk is the product defined in the 21 CFR section 131.111.

1. Acidified lowfat milk is the product defined in the 21 CFR section 131.136;

(L) Yogurt is the product defined in the 21 CFR section 131.200.

1. Lowfat yogurt is the product defined in the 21 CFR section 131.203.

2. Nonfat yogurt is the product defined in the 21 CFR section 131.206;

(M) 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 this rule) 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 Food and Drug Administration that effectively reduces the sodium content of the product to less than ten (10) milligrams in one hundred (100) milliliters.

1. 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 this rule) by the addition of safe and suitable enzymes to convert sufficient amounts of the lactose to glucose and/or galactose so that the remaining lactose is less than thirty percent (30%) of the lactose in milk, lowfat milk or skim milk;

(N) Milk products include 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 sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, skim milk, lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured buttermilk, acidified buttermilk, cultured milk, cultured lowfat milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified lowfat milk, low-sodium milk, low-sodium lowfat milk, low-sodium skim milk, lactose-reduced milk, lactose-reduced lowfat milk, lactose-reduced skim milk and milk, lowfat milk or skim milk with added safe and suitable microbial organisms.

1. This definition is not intended to include products such as sterilized milk and milk products hermetically sealed in a container and so processed, either before or after

sealing, as to prevent microbial spoilage, evaporated milk, evaporated skim milk, condensed milk (sweetened or unsweetened), dietary products (except as defined in this rule), infant formula, butter, ice cream and other frozen desserts, dry milk products (except as defined in this rule) or cheese except when they are combined with other substances to produce any pasteurized milk or milk products defined in this rule;

(O) Cottage cheese is that product defined in the 21 CFR section 133.128. The grading of this product is optional.

1. Dry curd cottage cheese is that product defined in the 21 CFR section 133.129. The grading of this product is optional.

2. Lowfat cottage cheese is that product defined in the 21 CFR, section 133.131. The grading of this product is optional;

(P) 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 provisions of the *Grade A Condensed and Dry Milk Products and Condensed and Dry Whey—1989 Recommended Sanitation Ordinance for Condensed and Dry Milk Products and Condensed and Dry Whey Used in Grade A Pasteurized Milk Products*;

(Q) Adulterated milk and milk products shall be deemed to be adulterated if one (1) or more of the conditions described in section 402 of the Federal Food, Drug and Cosmetic Act exist;

(R) Misbranded milk and milk products are misbranded if one (1) or more of the conditions described in section 403 of the Federal Food, Drug and Cosmetic Act exist;

(S) Homogenized is the term that means that milk or a milk product has been treated to insure breakup of the fat globules to an extent that after forty-eight (48) hours of quiescent storage at forty-five degrees Fahrenheit (45°F) (7°C), no visible cream separation occurs on the milk; and the fat percentage of the top one hundred (100) milliliters of milk in a quart or of proportionate volumes in containers of other sizes, does not differ by more than ten percent (10%) from the fat percentage of the remaining milk as determined after thorough mixing;

(T) 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 (1) 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 (63°C)	30 minutes
*161°F (72°C)	15 seconds
191°F (89°C)	1 second
194°F (90°C)	0.5 second
201°F (94°C)	0.1 second
204°F (96°C)	0.05 second

*If the fat content of the milk product is ten percent (10%) or more or if it contains added sweeteners, the specified temperature shall be increased by five degrees Fahrenheit (5°F) (3°C). Provided, that eggnog shall be heated to at least the following temperature and time specifications:

Temperature	Time
155°F (69°C)	30 minutes
175°F (80°C)	25 seconds
180°F (83°C)	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 regulatory agency;

(U) The term ultra-pasteurized, when used to describe a dairy product, means that the product shall have been thermally processed at or above two hundred eighty degrees (280°F) (138°C) for at least two (2) seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions;

(V) Sanitization is the application to a clean surface of any effective method or substance for the destruction of pathogens, and of other organisms as far as is practicable. This treatment shall not adversely affect the equipment, the milk or milk product or health of consumers and shall be acceptable to the regulatory agency;

(W) A milk producer or dairyman is any person who operates a dairy farm and provides, sells or offers all of his/her milk for sale to a milk plant, receiving station or transfer station at intervals satisfactory to the regulatory agency (exclusive of personal family use);

(X) A milk hauler is any person who operates a bulk milk pick-up tanker, collects raw milk at a dairy farm and transports same to a milk plant, receiving or transfer station and collects and cares for milk samples in transportation;

(Y) A milk distributor is any person who offers for sale or sells any milk or milk products to another;

(Z) Regulatory agency shall mean the State Milk Board or its authorized representative. The term regulatory agency whenever it appears in these rules shall mean the appropriate agency having jurisdiction and control over the matters embraced within these rules;

(AA) A dairy farm is any place or premises where one (1) or more cows or goats are kept and from which all of the milk or milk products are produced, sold or offered for sale to a milk plant, transfer station or receiving station (exclusive of personal family use);

(BB) A milk plant is any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled or prepared for distribution;

(CC) A transfer station is any place, premises or establishment where milk or milk products are transferred directly from one-milk tank truck to another;

(DD) A receiving station is any place, premises or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transporting;

(EE) A bulk milk pick-up 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;

(FF) A milk transport tank is a vehicle including the truck and tank used by a milk hauler to transport bulk shipments of milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant;

(GG) An official laboratory is a biological, chemical or physical laboratory which is under the direct supervision of the state or a local regulatory agency;

(HH) An officially designated laboratory is a commercial laboratory authorized by the regulatory agency to do official work, or a milk industry laboratory officially designated by the regulatory agency 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;

(II) Department means the Missouri Department of Agriculture;

(JJ) The State Milk Board is the board appointed by the governor as outlined in section 196.941, RSMo (1986). Sanitary control of fluid milk in Missouri is the responsibility of this board;

(KK) Milk board authorized representative shall mean the person(s) authorized by the board to perform local milk inspection activities as employees of the board or as employees of a political subdivision of the state under contractual agreement with the State Milk Board;

(LL) The word person shall include any individual, plant operator, receiving station operator, transfer station operator, milk producer, milk hauler, milk distributor, partnership, corporation, company, firm, trustee, association or institution; and

(MM) Where the term and/or is used, and shall apply where appropriate, otherwise or shall apply.

*Auth: section 196.939, RSMo (Cum. Supp. 1993). *Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990.*

**Original authority 1972.*

2 CSR 80-2.020 Sale of Adulterated, Misbranded Milk or Milk Products

PURPOSE: This rule provides for the control of adulterated, misbranded Grade A milk or milk products, or any combination of these. This rule corresponds with Part II, Section 2 of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)*.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) No person shall produce, provide, sell, offer or expose for sale, or have in possession with intent to sell, within the state of Missouri, or its jurisdiction, any milk or milk product which is adulterated or misbranded. 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 those products shall be labeled ungraded.

(2) Any adulterated or misbranded milk or milk product may be impounded under proper authority by the regulatory agency and disposed of in accordance with applicable laws or regulations.

Auth: section 196.939, RSMo (Cum. Supp. 1993). Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990.

**Original authority 1972.*

2 CSR 80-2.030 Permits

PURPOSE: This rule provides for the issuance of permits to persons involved in the production, transporting and processing of Grade A milk and milk products. This rule corresponds with Part II, Section 3 of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)*.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) It shall be unlawful for any person who does not possess a permit from the regulatory agency of Missouri to bring into, send into or receive into Missouri or its jurisdiction, for sale, or to sell, or offer to sale or to have in storage any milk or milk products defined in these rules. Imported sources of milk or milk products shall be permitted jointly by the state Department of Agriculture, state Department of Health and the State Milk Board. An Export Certificate shall serve as the permit. 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 requirements of this rule.

(2) Only a person who complies with the requirements of these rules shall be entitled to receive and retain a permit. Permits shall not be transferable with respect to persons, locations or both.

(3) The regulatory agency shall suspend the permit, whenever it has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of these rules or whenever the permit holder has interfered with the regulatory agency in the performance of its duties. Provided that the regulatory agency, in all cases except where the milk or milk product 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, shall 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 reasonable opportunity to correct the

violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the regulatory agency before making any order of suspension effective. Any permit suspension shall remain in effect until the violation has been corrected to the satisfaction of the regulatory agency. Prior to reinstatement when permit suspension has been due to a somatic cell violation, in addition to complying with the requirements contained elsewhere in these rules, the analysis of an individual producer sample meeting the somatic cell standards outlined in 2 CSR 80-2.070 (Section 7 of the PMO) shall be made. The sample shall be analyzed in an official or officially designated laboratory.

(4) Upon written notification to the regulatory agency by any person whose permit has been suspended, or upon application within forty-eight (48) hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the regulatory agency, within seventy-two (72) hours, shall proceed to a hearing to ascertain facts of the violation or interference and upon evidence presented at the hearing shall affirm, modify or rescind the suspension or intention to suspend.

(5) Upon repeated violation(s), the regulatory agency may revoke the permit following reasonable notice to the permit holder and an opportunity for a hearing. This rule is not intended to preclude the institution of court action as provided in 2 CSR 80-2.050 (Section 5 of the PMO) and 2 CSR 80-2.060 (Section 6 of the PMO).

Auth: section 196.939, RSMo (Cum. Supp. 1993). Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990.

**Original authority 1972.*

2 CSR 80-2.040 Labeling

PURPOSE: This rule provides regulations for the proper labeling of Grade A milk or milk products. This rule corresponds with Part II, Section 4 of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)*.



Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) All bottles, containers and packages enclosing milk or milk products defined in 2 CSR 80-2.010 (Section 1 of the PMO) of these rules shall be labeled in substantial compliance with the applicable requirements of the Federal Food, Drug and Cosmetic Act, the Fair Packaging and Labeling Act and regulations developed thereunder and in addition shall comply with the applicable requirements of this rule as follows.

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

- (A) The name of the product;
- (B) The words Grade A;
- (C) The identity of the plant where pasteurized;
- (D) The word reconstituted or recombined if the product is made by reconstitution or recombination; and
- (E) The volume or proportion of water to be added for reconstitution or recombining in the case of concentrated milk or milk products.

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

(4) Milk tank trucks transporting raw milk and milk products to a milk plant from sources of supply not under the routine supervision of the regulatory agency are required to be marked with the name and address of the milk plant or hauler and shall be sealed; in addition, for each of these shipments, a shipping statement shall be prepared containing at least the following information:

- (A) Shipper's name, address and permit number;
- (B) Permit identification of hauler, if not employee of shipper;
- (C) Point of origin of shipment;
- (D) Tanker identity number;
- (E) Name of product;
- (F) Weight of product;
- (G) Grade of product;
- (H) Temperature of product;
- (I) Date of shipment;
- (J) Name of supervising regulatory agency at the point of origin; and

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

(5) One (1) copy of the shipping statement shall be retained by the consignor, one (1) by the common carrier and at least two (2) copies shall be delivered to the consignee with the shipment. The consignee shall forward at least one (1) copy to the regulatory agency in the receiving area. Upon request, the regulatory agency shall return to the official supervising agency the following information:

- (A) Date and time of arrival of product;
- (B) Temperature of product;
- (C) Bacterial count and butterfat test of product on individual shipment;
- (D) Adequacy of seals; and
- (E) Other pertinent information.

(6) Entries made on shipping statements by consignors or consignees shall be legible. When the interstate shipment is derived from more than one (1) 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 six (6) months.

Auth: section 196.939, RSMo (Cum. Supp. 1993). Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990 (PMO).

*Original authority 1972.

2 CSR 80-2.050 Inspection Frequency and Procedure

PURPOSE: This rule is for the purpose of providing requirements concerning inspection frequency and procedures. This rule corresponds with Part II, Section 5 of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)*.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Each dairy farm, milk plant, receiving station, transfer station and milk distributor whose milk or milk products are intended for consumption within Missouri 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, transfer station or receiving station and bulk milk pick-up tanker and its appurtenances shall be inspected by the regulatory agency prior to the issuance of a permit. Following the issuance of a permit, each bulk milk pick-up tanker, milk hauler, dairy farm, milk distributor and transfer station shall be inspected at least once every six (6) months. Each milk plant and receiving station shall be inspected at least once every three (3) months. Should the violation of any requirement, set forth in 2 CSR 80-2.070 (Section 7 of the PMO), or in the case of a milk hauler 2 CSR 80-2.060 also (Section 6 of the PMO), 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 three (3) days; this second inspection shall be used to determine compliance with the requirements of 2 CSR 80-2.070 (Section 7 of the PMO) or in the case of a milk hauler 2 CSR 80-2.060 also (Section 6 of the PMO) on the second inspection shall call for permit suspension in accordance with 2 CSR 80-2.030 (Section 3 of the PMO), court action or both. Additionally flagrant violations on the part of a hauler such as fraudulent practices, intentional adulteration or any action adversely affecting the integrity of producer milk samples shall result in immediate permit suspension in accordance with 2 CSR 80-2.030 (Section 3 of the PMO), court action or both.

(2) One (1) 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. The 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 regulatory agency.

(3) Every milk producer, hauler, distributor or plant operator, upon request of the regulatory agency, shall permit access of officially designated persons to all parts of the establishment or facilities to determine compliance with the provisions of these rules. Upon request, a distributor or plant operator shall furnish the regulatory agency, for official use only, a true statement of the actual quantities of milk and

milk products of each grade purchased and sold, and a list of all sources of the milk and milk products, records of inspections, tests and pasteurization time and temperature records.

(4) It shall be unlawful for any person who, in an official capacity, obtains any information, which is entitled to protection as a trade secret (including information as to quantity, quality, source or disposition of milk or milk products, or results of inspections or tests of milk or milk products), under the provisions of these rules, to use this information to his/her own advantage or to reveal it to any unauthorized person.

*Auth: section 196.939, RSMo (Cum. Supp. 1993). * Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990.*

**Original authority 1972.*

2 CSR 80-2.060 The Examination of Milk and Milk Products

PURPOSE: *This rule specifies sampling frequency and required chemical and bacteriological tests to be conducted both on raw and pasteurized Grade A dairy products. This rule corresponds with Part II, Section 6 of the Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration (PMO).*

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization, taken from each producer and delivered in accordance with 2 CSR 80-2.070 (Section 7 of the PMO) of these rules, shall be obtained by the hauler under the direction of the regulatory agency or shall be taken from each producer by the regulatory agency. During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization shall be taken, under the direction of the regulatory agency, from each milk plant after receipt of the milk by the plant and prior to pasteurization. In addition,

during any consecutive six (6) months, at least four (4) samples of pasteurized milk and at least four (4) samples of each milk product defined in these rules 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 regulatory agency; and the results of the examination shall be used to determine compliance with 2 CSR 80-2.020, 2 CSR 80-2.040 and 2 CSR 80-2.100. Proprietors of the establishments, upon request, shall furnish the regulatory agency with the names of all distributors from whom milk or milk products are obtained.

(2) Required bacterial counts, somatic cell counts and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, antibiotic tests on each producer's milk or on commingled raw milk shall be conducted at least four (4) times during any consecutive six (6) months. When commingled milk is tested, all producers shall be represented in the sample. All individual sources of milk shall be tested when test results on the commingled milk are positive. Required bacterial counts, antibiotic tests, coliform determinations, phosphatase and cooling temperature checks shall be performed on pasteurized milk and milk products.

(3) Whenever two (2) of the last four (4) consecutive bacterial counts, somatic cell counts, coliform determinations or cooling temperatures, taken on separate days, exceed the limit of the standard for the milk, milk products, or both, the regulatory agency shall send a written notice to the person concerned. This notice shall be in effect so long as two (2) of the last four (4) consecutive samples exceed the limit of the standard. An additional sample shall be taken within twenty-one (21) days of the sending of the notice, but not before the lapse of three (3) days. Immediate suspension of the permit in accordance with 2 CSR 80-2.030, court action, or both, shall be instituted whenever the standard is violated by three (3) of the last five (5) bacterial counts, coliform determinations, cooling temperatures or somatic cell counts.

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

(5) Whenever antibiotic or pesticide residue test is positive, immediate permit suspension in accordance with 2 CSR 80-2.030 (Section 3 of the PMO), court action or both shall be instituted.

(6) Samples shall be analyzed at an official or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations 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 Chemists*. These procedures, including the certification of sample collectors and examinations shall be evaluated in accordance with *Evaluation of Milk Laboratories, 1989 Recommendations of the U.S. Public Health Service/Food and Drug Administration*. Examinations and tests to detect adulterants, including pesticides, shall be conducted as the regulatory agency requires. Assays of milk and milk products to which vitamin(s) A, D or both have been added, shall be made at least annually in a laboratory acceptable to the regulatory agency.

*Auth: section 196.939, RSMo (Cum. Supp. 1993). * Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990.*

**Original authority 1972.*

2 CSR 80-2.070 Standards for Milk and Milk Products

PURPOSE: *This rule provides standards which Grade A raw or pasteurized milk or milk products must meet with regard to cooling temperatures, bacterial limits, somatic cell counts, antibiotics, coliform limits, phosphatase determinations and sanitation requirements for dairy farms, milk haulers, transfer stations, receiving stations and milk plants. This rule corresponds with Part II, Section 7 of the Grade A Pasteurized Milk Ordinance with Administrative Procedures 1989—Recommendations of the United States Public Health Service/Food and Drug Administration (PMO).*

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or



expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) 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 following chemical, bacteriological and temperature standards and the sanitation requirements of this rule.

(2) No process or manipulation other than pasteurization, processing methods integral to pasteurization and appropriate refrigeration shall be applied to milk and 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 temperatures no greater than one hundred twenty-five degrees Fahrenheit (125°F) (52°C) for separation purposes is permitted when the resulting bulk shipments of cream, skim milk and lowfat milk are labeled heat-treated.