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**Rules of**  
**Department of Agriculture**  
**Division 80—State Milk Board**  
**Chapter 3—Production and Distribution of Grade A**  
**Retail Raw Milk and Milk Products**

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## Title 2—DEPARTMENT OF AGRICULTURE

### Division 80—State Milk Board Chapter 3—Production and Distribution of Grade A Retail Raw Milk and Milk Products

#### 2 CSR 80-3.010 Definitions

*PURPOSE:* This rule defines terms used in the regulations of the State Milk Board. This rule was previously known as Section 1.

(1) The following regulations shall apply in the interpretation and the enforcement for Grade A retail raw fluid milk:

(A) Milk is defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one (1) or more healthy cows, which contains not less than eight and one-quarter percent (8.25%) milk solids-not-fat and not less than three and one-quarter percent (3.25%) milkfat. 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;

(B) Milkfat, or butterfat, is the fat of milk;

1. Cream is a portion of milk which contains not less than eighteen percent (18%) milkfat;

2. Lowfat milk is milk from which a sufficient portion of milkfat has been removed to reduce the milkfat content to not less than one-half of one percent (0.50%) and not more than two percent (2%);

(C) Skim milk is milk from which a sufficient portion of milk fat has been removed to reduce its milkfat content to less than one-half of one percent (0.50%);

(D) A producer-distributor is a milk producer who is also a milk distributor;

(E) A dairy or dairy farm is any place or premises where one (1) or more cows are kept and from which all of the milk and milk products from which is sold or offered for sale;

(F) The word person shall mean any individual, partnership, corporation, trustee or association;

(G) Where the term and/or is used, and shall apply where possible, otherwise or shall apply; and

(H) State authority shall mean the State Milk Board or contracted local authority.

*AUTHORITY:* section 196.939, RSMo Supp. 1993. Original rule filed June 20, 1973, effective June 30, 1973.

\*Original authority: 196.939, RSMo 1972.

#### 2 CSR 80-3.020 The Sale of Adulterated, Ungraded or Misbranded Milk or Milk Products Prohibited

*PURPOSE:* This rule provides for the control of adulterated, ungraded, or misbranded milk or milk products, or a combination of these. This rule was previously known as Section 2.

(1) No person shall produce, sell, offer or expose for sale or have in possession with intent to sell, any milk or milk products which are adulterated, misbranded or ungraded.

*AUTHORITY:* section 196.939, RSMo Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.

\*Original authority: 196.939, RSMo 1972.

#### 2 CSR 80-3.030 Permits

*PURPOSE:* This rule provides for the issuance of permits to individuals involved in the production and distribution of Grade A retail raw milk and milk products. This rule was previously known as Section 3.

(1) Every producer-distributor producing and distributing Grade A retail raw milk under terms of these regulations shall secure a permit from the state authority. Only a person who complies with the requirements of these regulations shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons, locations, or both.

*AUTHORITY:* section 196.939, RSMo Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.

\*Original authority: 196.939, RSMo 1972.

#### 2 CSR 80-3.040 Labeling

*PURPOSE:* This rule provides regulations for the proper labeling of Grade A retail raw milk or milk products. This rule was previously known as Section 4.

(1) All bottles and other containers enclosing milk, skim milk or cream as defined in 2 CSR 80-3.010 shall be plainly labeled with the name of the contents as given in the definition of these regulations; the word raw; the grade of the contents; and the name and address of the producer-distributor.

(2) The label shall be in letters of an approved size, kind and color, and shall contain no marks or words which are misleading.

*AUTHORITY:* section 196.939, RSMo 1986.\* Original rule filed June 20, 1973, effective June 30, 1973.

\*Original authority: 196.939, RSMo 1972.

#### 2 CSR 80-3.050 Inspection of Production and Distribution Facilities

*PURPOSE:* This rule provides requirements concerning the inspection of production and distribution facilities. This rule was previously known as Section 5.

(1) Prior to supplying milk or milk products, and at least once every six (6) months, the state authority shall inspect the production and distribution facilities of all producer-distributors whose milk or milk products are intended for consumption within the state as Grade A retail raw. If the state authority should discover the violation of any requirement, s/he shall make a second inspection after a lapse of such time as s/he may deem necessary for the defect to be remedied, but not before the lapse of three (3) days; and the second inspection shall be used in determining compliance with the requirements of 2 CSR 80-3.070. Any violation of the same requirement of these regulations on such reinspection shall call for immediate degrading, court action, or both.

(2) One (1) copy of the inspection report shall be posted by the state authority in a conspicuous place upon an inside wall of the milkhouse and the inspection report shall not be defaced or removed by any person except the state authority. Another copy of the inspection report shall be filed with the records of the state authority.

(3) Every producer-distributor, upon the request of the state authority, shall permit access to all parts of the establishment; and every producer-distributor shall furnish to the state authority, upon his/her request, for official use only, a true statement of the actual quantities of milk and milk products produced and bottled.

*AUTHORITY:* section 196.939, RSMo Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.

\*Original authority: 196.939, RSMo 1972.

**2 CSR 80-3.060 The Examination of Milk and Milk Products**

*PURPOSE: This rule specifies sampling frequency and required chemical and bacteriological test to be conducted on Grade A retail raw milk and milk products. This rule was previously known as Section 6.*

(1) During each six (6)-month period, at least four (4) samples of milk, cream, or both, from each producer-distributor shall be taken on separate days and examined by the state authority. Samples may be taken any time prior to the final delivery of the milk or milk products. Bacterial plate counts, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the current edition of *Standard Methods for the Examination of Dairy Products* recommended by the American Public Health Association.

(2) Whenever two (2) of the last four (4) consecutive bacteria counts, coliform determinations or cooling temperatures, taken on separate days, exceeds the limit of the standards for the milk, milk product, or both, the state authority 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 fourteen (14) 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 80-3.030, the court action, or both, shall be instituted whenever the standard is violated by three (3) of the last five (5) bacteria counts, coliform determinations or cooling temperatures.

*AUTHORITY: section 196.939, RSMo Supp. 1993. Original rule filed June 20, 1973, effective June 30, 1973.*

*\*Original authority: 196.939, RSMo 1972.*

**2 CSR 80-3.070 The Grading of Milk and Milk Products**

*PURPOSE: This rule provides standards which Grade A retail raw milk and milk products must meet. This rule was previously known as Section 7.*

(1) Grades shall be based on the following standards, the grading of milk products being identical with the grading of milk, except that the bacterial count standards shall be doubled in the case of cream. The grade of milk prod-

uct shall be that of the lowest grade of milk product used in its preparation.

(A) Grade A retail raw milk is raw milk produced upon dairy farms conforming with all of the following items of sanitation. The bacterial plate count of the milk shall not exceed fifty thousand (50,000) per milliliter and not more than one hundred (100) coliform per milliliter as determined in accordance with 2 CSR 80-3.060.

1. Cow health. All herds and additions shall be tested and found free of tuberculosis before any milk is sold, and all herds shall be retested at least every twelve (12) months thereafter. The tests and retests shall be made and any reactors disposed of, in accordance with the latest requirements approved by the United States Department of Agriculture (USDA), for tuberculosis-free accredited herds, in effect at the time of the adoption of these regulations. A certificate identifying each animal signed by the veterinarian or attested to by the state authority, and filed as directed by the state authority, shall be evidence to the previously-mentioned test.

A. All herds and additions shall be tested and found free of brucellosis before any milk is sold and all herds shall be retested at least every twelve (12) months thereafter. Tests and retests shall be made, and any reactors disposed of in accordance with the latest requirements by the USDA, in effect at the time of the adoption of these rules. A certificate identifying each animal, signed by the veterinarian and the director of the laboratory making the test and filed as directed by the state authority, shall be evidence of the previous test.

B. Cows which show a complete induration of one (1) quarter or extensive induration in one (1) or more quarters of the udder, upon physical examination whether secreting abnormal milk or not, shall be permanently excluded from the milking herd, provided that this shall not apply in the case of quarter that is completely dry. Cows giving bloody, stringy, or otherwise abnormal milk, but without entire or extensive induration of the udder, shall be excluded from the herd until reexamination shows that the milk has become normal.

C. For other diseases, such tests and examinations as the state authority may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him/her, and any diseased animals or reactors shall be disposed of as s/he may require.

2. Milking barn—lighting. A milking barn, stable, or parlor shall be provided. It shall be provided with adequate light, prop-

erly distributed for both day and night milking.

3. Milking barn—air space and ventilation. Sections of the milking barn, stable, or parlor where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

4. Milking barn—floors, animals. The floors and gutters of that portion of the barn, stable, or parlor in which cows are milked shall be constructed of concrete, or other approved, impervious, and easily-cleaned material. Floors and gutters shall be graded so as to drain properly and shall be kept clean and in good repair. No swine or fowl shall be permitted in the milking barn, stable, or parlor. If horses, dry cows, calves, or bulls should be stabled, they shall be confined in stalls, stanchions, or pens which shall be kept clean and in good repair.

5. Milking barn—walls and ceilings. The interior walls and the ceilings of the milking barn, stable, or parlor shall be white-washed or painted as often as may be necessary or finished in an approved manner and shall be kept clean and in good repair. Where there is a second story above the milking barn, stable, or parlor, the ceiling shall be tight. If feed should be ground or mixed, or sweet food should be stored, in a feed room or feed storage space which adjoins the milking space, it shall be separated by a dust-tight partition and door.

6. Cowyard—The cowyard shall be graded and drained as well as is practicable and shall be so kept that there are no standing pools of water nor accumulations of organic waste; provided, that in loafing areas, cattle housing areas, or both, manure droppings shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks. Swine shall be kept out.

7. Manure disposal—All manure shall be removed and stored or disposed of in such a manner as to best prevent the breeding of flies and the access of cows to piles thereof.

8. Milkhouse or room—construction and equipment. There shall be provided a milkhouse or milkroom in which the cooling, handling, and storing of milk and milk products, and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done.

A. The milkhouse or room shall be provided with a smooth floor, constructed of concrete or other impervious material, maintained in good repair, and graded as to provide proper drainage.

B. It shall have walls and ceilings of such construction as to permit easy cleaning and shall be well painted or finished in an



approved manner.

C. It shall be well lighted and well ventilated.

D. It shall have all openings effectively screened, including outward opening self-closing doors, unless other effective means are provided to prevent the entrance of flies.

E. It shall be used for no purposes other than those specified previously, except as may be approved by the state authority; it shall not open directly into a milking barn or stable, nor into any room used for domestic purposes; it shall have water piped into it; it shall be provided with adequate facilities for heating water to clean utensils; and it shall be equipped with three (3) compartment stationary, wash and rinse vats. The cleaning and other operations shall be located and conducted so as to prevent any contamination of the milk or cleaned equipment.

F. The milkhouse shall be partitioned to separate the handling of milk and storage of cleaned utensils from the cleaning and other operations, which shall be located and conducted as to prevent any contamination of the milk or of cleaned equipment. 2 CSR 80-3.100 shall be posted in the milkhouse.

9. Milkhouse or room—cleanliness and flies. The floors, walls, ceilings, and equipment of the milkhouse or room shall be kept clean at all times. All necessary means for the elimination of flies shall be used.

10. Toilet. Every dairy farm shall be provided with one (1) or more sanitary toilets, conveniently located and properly constructed, operated, and maintained so that the waste is inaccessible to flies and does not pollute the surface soil nor contaminate any water supply.

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

12. Utensils—construction. All multiuse containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth, nonabsorbent, noncorrodible, nontoxic material, shall be so constructed as to be easily cleaned, and shall be kept in good repair. Joints and seams shall be welded or soldered flush. Woven-wire cloth shall not be used for strained milk. When milk is strained, strainer pads shall be used and shall not be reused. All milk pails obtained shall be of the seamless, hooded type. All single-service articles used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

13. Utensils—cleaning. All multiuse containers, equipment, and other utensils

used in the handling, storage, or transportation of milk and milk products shall be thoroughly cleaned after each usage.

14. Utensils—bactericidal treatment. All multiuse containers, equipment, and other utensils used in the handling, storage, or transportation of milk and milk products, before each usage, shall be subjected effectively to an approved bactericidal process utilizing steam, hot water, chemicals, or hot air.

15. Utensils—storage. All containers and other utensils used in the handling, storage, or transportation of milk or milk products, unless stored in bactericidal solutions, shall be stored so as to drain dry and so as not to become contaminated before being used.

16. Utensils—handling. After bactericidal treatment, containers, and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come into contact.

17. Milking—udders and teats, abnormal milk. Milking should be done in the milking barn, stable, or parlor. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

18. Milking—flanks. The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

19. Milkers' hands. Milkers' hands shall be washed clean, rinsed with an effective bactericidal solution, and dried with a clean towel, immediately before milking and immediately after any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands. No person with an infected cut or lesion on hands or arms shall milk cows or handle milk or milk utensils.

20. Clean clothing. Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

21. Milk stools. Milk stools and surcingles shall be kept clean.

22. Removal of milk. Each pail or can of milk shall be removed immediately to the milkhouse or straining room. No milk shall be strained or poured in the barn, unless it is protected from flies and other contamination.

23. Cooling. Immediately after completion of milking, milk and milk products shall be cooled to forty-five degrees Fahrenheit (45

°F) or less and shall be maintained at that temperature until delivery, as determined in accordance with 2 CSR 80-3.060.

24. Vehicles and surrounding. All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk or milk products shall have the distributor's name prominently displayed.

25. Bottling and capping. Milk and milk products not for pasteurization shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment, and these operations shall be integral in one (1) machine. Caps or cap stock shall be purchased in sanitary containers and shall be kept in a clean, dry place until used.

26. Personnel health/control of communicable diseases related to milk. The Missouri Department of Agriculture, State Veterinarian and the Executive Director of the State Milk Board in consultation with the local health authority, the director of the Department of Health and Senior Services (DHSS) or the director's designated representative, or physician authorized by him/her may examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed by one, whose work brings him/her into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If the examination or history should suggest that the person may be a carrier of, or be infected with, any communicable diseases likely to be transmitted through milk, s/he shall obtain any appropriate samples or specimens for laboratory analysis that may be necessary to confirm the diagnosis or presence of disease. The laboratory that provides testing for the samples or specimens will be certified by the Clinical Laboratory Improvement Act of 1988 (CLIA), and if the results justify, that person shall not be engaged in work that brings s/he into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment.

A. The person shall furnish information, submit to physical examinations, and submit laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

B. No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.

C. Upon receiving a report of communicable disease, it shall be the duty of the



local health authority, the director of the DHSS, or the director's designated representative to establish appropriate control measures which may include inspection of the premises, isolation, quarantine, disinfection, immunization, closure, or other measures considered appropriate by medical experts for the protection of public health.

D. Whenever a case of unrecognized illness is reported or otherwise brought to the attention of the local health authority or the DHSS and investigation presents evidence of a communicable disease, but sufficient time has not elapsed to render a positive diagnosis, after consultation with the director or his/her designated representative, the control measures applicable to actual cases of the suspected communicable disease will be implemented, until a positive diagnosis can be established. If a disease proves to be non-communicable, the temporary control measures shall be terminated at once.

*AUTHORITY: section 196.939, RSMo 2000.\* Original rule filed June 20, 1973, effective June 30, 1973. Amended: Filed April 30, 2010, effective Nov. 30, 2010.*

*\*Original authority: 196.939, RSMo 1972, amended 1993, 1994, 1995.*

### 2 CSR 80-3.080 Suspension and Reinstatement of Permit

*PURPOSE: This rule provides regulations pertaining to the suspension and reinstatement of permits. This rule was previously known as Section 8.*

(1) If at any time a lower grade shall become justified in accordance with 2 CSR 80-3.050, 2 CSR 80-3.060 or 2 CSR 80-3.070, the state authority immediately shall suspend the permit.

(2) Any producer-distributor of milk or milk products whose permit has been suspended may make application at any time for the reinstatement of the permit.

(3) Upon receipt of a satisfactory application for reinstatement of the permit based on correction of a violation of any bacteriological or cooling-temperature standard, the state authority shall take further samples at the rate of not more than two (2) per week and shall approve the application upon compliance with the grade requirements as determined in accordance with 2 CSR 80-3.060 provided, that if samples are not available because of suspension of permit to operate, or for other reasons, the state authority may issue a temporary permit upon satisfying him/herself, by

inspection of the facilities and the operating methods, that the conditions responsible for the violation have been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or temperature findings.

(4) In case the permit suspension had been due to a violation of an item other than bacteriological standard or cooling temperature, the application must be accompanied by a statement, signed by the applicant, to the effect that the violated item of the specifications has been corrected. Within one (1) week of the receipt of this application and statement, the state authority shall make a reinspection of the applicant's establishment and as many additional reinspections as s/he may deem necessary to assure him/herself that the applicant is again complying with the requirements and in case the findings justify shall reinstate the permit.

*AUTHORITY: section 196.939, RSMo Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.*

*\*Original authority: 196.939, RSMo 1972.*

### 2 CSR 80-3.090 Transferring or Dipping Milk: Delivery Containers; Cooling; Quarantined Residences

*PURPOSE: This rule provides regulations pertaining to transferring or dipping of milk, delivery containers, cooling and quarantined residences. This rule was previously known as Section 9.*

(1) Except as permitted in this rule, no milk producer/distributor shall transfer milk or milk products from one (1) container to another on the street or in any vehicle or store, or in any place except a bottling or milkroom especially used for that purpose. The sale of dip milk is prohibited.

(2) Milk and cream sold in the distributor's containers in quantities of one (1) gallon or less shall be delivered in standard milk bottles or in single-service containers.

(3) It shall be the duty of all persons to whom milk or milk products are delivered to thoroughly clean the containers in which the milk or milk products are delivered before returning those containers.

(4) The delivery of milk or milk products to, and the collection of milk or milk product containers from, residences in which cases of communicable disease transmissible

through milk supplies exist shall be subject to the special requirements of the state authority.

*AUTHORITY: section 196.939, RSMo Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.*

*\*Original authority: 196.939, RSMo 1972.*

### 2 CSR 80-3.100 Notification of Disease

*PURPOSE: This rule provides regulations for the notification of disease to the state authority. This rule was previously known as Section 10.*

(1) No person with any disease in a communicable form or who is a carrier of a communicable disease shall work at any dairy farm or milk plant in any capacity which brings him/her into contact with the production, handling, storage or transportation of milk, milk products, containers or equipment; and no dairy farm or milk plant 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 a communicable disease. Any producer or distributor of milk or milk products upon whose dairy farm, or in whose milk plant, any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of a communicable disease shall notify the state authority immediately.

*AUTHORITY: section 196.939, RSMo Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.*

*\*Original authority: 196.939, RSMo 1972.*

### 2 CSR 80-3.110 Procedure When Infection is Suspected

*PURPOSE: This rule provides regulations pertaining to the procedure when infection is suspected. This rule was previously known as Section 11.*

(1) When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the state authority is authorized to require any the following measures:

(A) The immediate exclusion of that person from milk handling;

(B) The immediate exclusion of the milk supply concerned from distribution and use; and



(C) Adequate medical and bacteriological examination of the person, of his/her associates and of his/her and their body discharges.

*AUTHORITY: section 196.939, RSMo. Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.*

*\*Original authority: 196.939, RSMo 1972.*

## **2 CSR 80-3.120 Enforcement Interpretation**

*PURPOSE: This rule provides regulations pertaining to enforcement interpretation. This rule was previously known as Section 12.*

*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 rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by the state law.*

(1) These regulations shall be enforced by the state authority primarily in accordance with the interpretations contained in *Grade A Pasteurized Milk Ordinance with Administration Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration*, a certified copy of which is on file with the secretary of state.

*AUTHORITY: section 196.939, RSMo Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.*

*\*Original authority: 196.939, RSMo 1972.*

## **2 CSR 80-3.130 Adoption of the Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration by Reference**

*PURPOSE: The Grade A Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration is a recommended ordinance for adoption by state and local governments for the sanitary control of Grade A milk and milk products.*

*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 rule has been*

*filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by the state law.*

The *Grade A Pasteurized Milk Ordinance with Administrative Procedures—1989 Recommendations of the United States Public Health Service/Food and Drug Administration* establishes minimum standards which must be complied with for satisfactorily producing Grade A retail raw milk. The document further contains administrative procedures which provide information as to satisfactory compliance with the required items of sanitation.

*AUTHORITY: section 196.939, RSMo Supp. 1993.\* Original rule filed June 20, 1973, effective June 30, 1973.*

*\*Original authority: 196.939, RSMo 1972.*