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

288.692 Load samples; testing for violative drug residue; disposal of milk testing positive; identification of producer of milk testing positive; copies of test results; processing or availability of raw milk; milk exceeding certain limits; determining and remedying cause of illegal somatic cell count, temperature, or bacteria; permit suspension; reinstatement; shipping prohibited; duties of milk representative.

Sec. 132.

(1) All milk shipped for processing or intended to be processed on the farm where it was produced shall be sampled and tested, prior to processing, for beta lactam drug residues. Collection, handling, and testing of samples shall be done according to procedures established by the department.

(2) A load sample shall be taken from the bulk milk pickup tanker after its arrival at the plant and prior to further commingling or processing. A load sample representing all of the can milk received on a shipment shall be collected at the plant, using a sampling procedure that includes milk from every can on the vehicle. A load sample taken by the processor shall be collected at the plant using a sampling procedure that includes all milk produced and received.

(3) A load sample that tests positive for a violative drug residue shall be retained according to standards established by the department as provided by law. The records of all sample test results shall be retained for a period of not less than 12 months.

(4) When a load sample tests positive for a violative drug residue, industry personnel shall notify the department immediately of the positive test result and of the intended disposition of the shipment of milk containing the violative drug residue. All milk testing positive for a violative drug residue shall be disposed of in a manner that removes it from the human or animal food chain, except when acceptably reconditioned under FDA compliance policy guidelines as approved by the department. Each individual producer sample represented in the violative drug residue load sample shall be singly tested as directed by the department to determine the producer of the milk sample testing positive for a violative drug residue. Identification of the producer responsible for producing the milk testing positive for a violative drug residue shall be reported immediately to the department. Milk shipment from the producer identified as the source of milk testing positive for a violative drug residue shall cease immediately and may resume only after a sample from a subsequent milking does not test positive for a violative drug residue.

(5) The dairy plant or receiving station responsible for a test described in this section shall deliver a copy of the test result to the department within 10 days after the dairy plant or receiving station receives the test result. The producer is required to insure the department is provided the required number of producer's milk quality test results. The dairy plant or receiving station shall maintain an original or copy of the test result for at least 1 year.

(6) Raw milk shall not be processed or made available for human consumption under any of the following circumstances:

(a) The bacterial estimate for that milk that is not used to make cheese exceeds 500,000 per milliliter.

(b) The bacterial estimate for that milk that is used to make cheese exceeds 750,000 per milliliter.

(c) The milk contains a violative drug residue at a level that exceeds department limits for drug residue content.

(d) The somatic cell count for that milk exceeds 1,000,000 cells per milliliter.

(7) If a test under this section or section 131 indicates the presence of a violative drug residue at a level that exceeds department limits for drug residue content, the person who provided the milk for testing shall notify the producer of that milk and the department of the test result. Upon receipt of a notice under this subsection, the producer of that milk and any processor of that milk shall ensure that the milk is not made available for human consumption and a processor shall not purchase additional milk from that producer until the department determines that the producer has eliminated the cause of the violative drug residue.

(8) A milk buyer who receives notice or determines that a producer's milk exceeds legal somatic cell levels, temperature standards, or bacteria levels shall do all of the following:

(a) Within 7 days after receipt of the notice, inspect the milk producer's facility and attempt to determine the cause or causes of the illegal somatic cell level, temperature level, or bacterial level.

(b) If the milk buyer determines that the producer's milk contains somatic cells, temperature, or bacteria at a level exceeding department limits for somatic cells, temperature, or bacteria in 2 of the 4 most recent tests of the producer's milk, notify the department and the producer of that determination.

(c) Obtain a subsequent sample of the producer's milk not less than 3 days or more than 21 days after the department inspects the producer's facility pursuant to this subsection.

(d) If the sample described in subdivision (c) contains somatic cells, or temperature or bacteria at a level exceeding department limits, notify the department and refrain from obtaining any further milk from the producer once the director suspends the producer's permit and until the permit is reinstated.

(e) The buyer shall examine sediment levels in each producer's milk using procedures described in standard methods, referenced in 7 C.F.R. part 58. Samples shall be from a bulk milk tank sample or from 1 or more cans. Sediment content shall be based on comparison with applicable charts of the United States department of agriculture sediment standards for milk and milk products, dated 1977, incorporated by reference. The buyer shall report the results of these sediment tests to the department.

(9) Immediately following receipt of notice described in subsection (8)(b), the department shall inspect a milk producer's facility and attempt to determine and remedy the cause of an illegal somatic cell count, temperature, or bacteria. The department shall provide the milk producer with a written warning notice of intent to suspend permit, and the notice shall remain in effect for the period during which 2 of the 4 most recent samples collected under this section remain at a level exceeding department limits. Another sample will be collected after 3 days but within 21 days. If any sample so collected exceeds the limit for that parameter while the milk producer is on warning notice, the milk producer's permit will be suspended until the problem is corrected to the satisfaction of the department, after being provided notice and an opportunity for an administrative hearing. Four samples shall then be taken at the rate of not more than 2 per week on separate days within a 3-week period, and the department shall reinstate the permit upon compliance with the appropriate standard.

(10) When a permit suspension has been due to a violation of the somatic cell count standard, the department may issue a temporary permit whenever a resampling of the herd's milk supply indicates the milk supply to be within acceptable limits as listed in section 70. Four samples shall then be taken at the rate of not more than 2 per week on separate days within a 3-week period, and the department shall reinstate the permit upon compliance with the appropriate standard listed in section 70.

(11) A dairy farm shall not ship milk for human consumption until the occurrence of each of the following:

(a) The dairy farm notifies the buyer and the department of its intent to become a milk shipper.

(b) The department inspects the dairy farm and completes a written report verifying that the dairy farm is in substantial compliance with this act.

(c) The department issues to the dairy farm a permit or temporary permit without charge.

(12) A representative of the milk buyer shall do each of the following:

(a) At least once annually, inspect all farms shipping milk to that dairy plant or receiving station.

(b) For each inspection described in subdivision (a), complete an inspection form approved by the department that identifies all minimum requirements for milk manufacturing.

(c) Deliver a copy of the completed inspection form to the owner or operator of the inspected farm, provide a copy of the completed inspection form to the department, and file a copy of that form with the records of the dairy plant or receiving station.

(d) If an inspection under this subsection establishes the existence of a condition that adversely affects milk quality, conduct a subsequent inspection not later than 30 days after the original inspection.

(13) If adverse conditions continue after an inspection described in subsection (12)(d), the representative of the milk buyer shall notify the department. The department may suspend or revoke the dairy farm's permit for failure to rectify a condition that adversely affects milk quality.

History: 2001, Act 267, Eff. Feb. 8, 2002