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STATE OF WISCONSIN }
STATE DEPARTMENT OF AGRICULTURE } SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, D. N. McDowell, Director of the State Department of Agriculture, and custodian of the official records of said department, do hereby certify that the annexed rules relating to Grade A dry milk products (Wis. Adm. Code ch. Ag 86) were duly adopted by this department on October 27, 1959.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the Capitol, in the city of Madison, this 27th day of October, A. D. 1959.

D. N. McDowell
Director

Docket No. 571.
G. O. 205.

ORDER OF THE STATE DEPARTMENT OF AGRICULTURE
ADOPTING RULES

Pursuant to authority vested in the State Department of Agriculture by section 93.09, Wis. Stats., the State Department of Agriculture hereby adopts rules as follows:

Chapter Ag 86 of the Wisconsin administrative code is adopted to read:

Chapter Ag 86

GRADE A DRY MILK PRODUCTS

Ag 86.01 Definitions. (1) "Milk" means milk as defined in section 97.02 (5), Wis. Stats.

(2) "Milk products" mean and shall include skim milk, nonfat or defatted milk, cream, condensed or concentrated milk, and any fluid product made by the addition of any wholesome substance to milk or to any of these products.

(3) "Dry milk products" mean products resulting from the drying of milk or milk products and any product resulting from the combination of dry milk products with other wholesome dry ingredients.

(4) "Grade A dry milk products" mean dry milk products which comply with the applicable provisions of this chapter.

(5) "Milk drying plant" means a plant in which milk or milk products are dried, or in which milk or milk products are received, separated, concentrated or otherwise processed for drying.

(6) "Department" means the State Department of Agriculture.

(7) "Person" means any individual, partnership, corporation, firm or association.

Ag 86.02 Manufacture and sale of Grade A dry milk products.

No person shall sell, offer or expose for sale, or have in possession with intent to sell, any dry milk products labeled or otherwise represented as Grade A unless such dry milk products are produced in compliance with the requirements of this regulation or with the provisions of a substantially equivalent regulation which is enforced with equal effectiveness.

Ag 86.03 Permits. The operator of any milk drying plant desiring to use the "Grade A" label on any dry milk products manufactured by him shall make application for a Grade A permit on a form prescribed by the department.

Ag 86.04 Inspection of milk drying plants. (1) Upon application for a permit, the department shall inspect the milk drying plant with respect to which the permit is sought. If it is satisfied that the operation of the plant can comply with requirements of this chapter, a permit shall be issued. Such permit shall not be transferable. If a permit is not issued the department shall advise the applicant of the reasons therefor.

(2) As often as may be necessary and at least once every six months after the issuance of a permit, the department shall inspect all Grade A milk drying plants. The permit holder shall be notified of any failure to comply with the provisions of this chapter. If a violation of section Ag 80.08 is involved, the permit holder shall be allowed a reasonable period, but in no event less than 3 days, to correct conditions; provided, the department may require suspension of operations if continued operation of the plant will result in a serious threat to public health. Upon expiration of the period allowed, the premises shall be reinspected. In addition to any other remedies that may be invoked, violation of the same requirements shall be grounds for immediate suspension of permit.

(3) The holder of any permit under this chapter shall keep accurate daily records of the actual quantities of dry milk products manufactured and sold, together with a list of all sources of milk or milk products from which such products were made, records of inspections and tests and pasteurization time, and temperature records. Such records shall be retained for a period of 12 months and shall be available for examination in such establishment by the department during normal business hours.

Ag 86.05 Milk and milk products used in the manufacture of Grade A dry milk products. Milk and milk products used in the manufacture of Grade A dry milk products shall comply with the requirements for Grade A raw milk as provided in chapter Ag 80, and shall be produced under the routine supervision of the

department, or produced under provisions which are substantially equivalent to the requirements of this regulation and which are enforced with equal effectiveness by another governmental agency as determined by a sanitation compliance rating. The permit of any Grade A milk drying plant which receives or processes any milk or milk products other than raw milk or milk products produced in accordance with the provisions of chapter Ag 80 or a substantially equivalent regulation shall be immediately revoked. The holder of a Grade A permit may surrender his permit at any time and may reapply for a permit in accordance with this chapter.

Ag 86.06 Examination of Grade A dry milk products. The department shall collect and examine at least one sample of each Grade A dry milk product being manufactured during each month. Samples of milk products resulting from processing for drying shall be taken and examined as often as necessary. Bacteriological examinations shall be in accordance with procedures of "Standard Methods for the Examination of Dairy Products", Tenth Edition (1953), copies of which are on file at the offices of the State Department of Agriculture, Secretary of State and Revisor of Statutes, and which may be obtained from American Public Health Association, Inc., 1790 Broadway, New York 19, N. Y.

Ag 86.07 Bacteriological and physical requirements for Grade A dry milk products.⁽¹⁾ / Raw milk and raw milk products used for the manufacture of Grade A dry milk products shall at no time between receipt at the milk drying plant and pasteurization have a bacterial plate count or a direct microscopic clump count exceeding 400,000 per milliliter. After pasteurization such milk

and milk products shall at no time have a bacterial plate count exceeding 30,000 per milliliter; provided, that the above limits shall be increased in the case of concentrated products in proportion to the degree of concentration.

(2) Grade A dry milk products shall have at no time a bacterial plate count exceeding 30,000 per gram, or a coliform count exceeding 90 per gram; shall be free of unwholesome and deleterious materials; and shall comply with the physical requirements for U. S. Extra-Grade spray process products as promulgated by the U. S. Department of Agriculture and published in the Federal Register for August 5, 1954 and May 23, 1958.

Ag 86.08 Pasteurization. Milk or milk products shall be pasteurized in the plant in which the milk or milk product is dried. Pasteurization shall be taken to refer to the process of heating every particle of milk or milk products (1) to at least 145° F., and holding it at such temperature continuously for at least 30 minutes, (2) to at least 161° F., and holding it at such temperature continuously for at least 15 seconds, or (3) to such other temperature, and holding it continuously at such temperature for such time as may be approved by the department. Pasteurization shall be performed only in equipment which is constructed and operated in a manner approved by the department.

Ag 86.09 Cooling. All milk received for drying, unless processed within 2 hours after receipt, shall be cooled immediately in approved equipment to 50° F. or less, and shall be maintained at that temperature until processed. Fluid milk

products resulting from processing prior to drying shall, if stored, be cooled immediately to 50° F. or less and maintained thereat until processing is resumed.

Ag 86.10 Packages and packaging. (1) Package material in direct contact with Grade A dry milk products shall be new and shall be sufficiently substantial to protect the contents from contamination. Packaging shall be done at the place of manufacture by methods and equipment which effectively protect the product from contamination and manual contact. Packaging at other locations shall be done only upon written authorization of the department.

(2) When the name and address of the distributor rather than the manufacturer appear on the label of packaged Grade A dry milk products, the Wisconsin Grade A permit number of the manufacturer shall also appear conspicuously on the label.

Ag 86.11 Drier chambers. Floors of drier chambers shall be constructed of smooth, nontoxic, noncorrodible metal.

Ag 86.12 Dairy plant requirements. In addition to the requirements of this chapter, any operator of a milk drying plant holding a permit as provided for herein shall comply with dairy plant requirements of sections Ag 80.08, Ag 80.09, Ag 80.13 and Ag 80.14 to the extent said sections are applicable to a milk drying plant and are not inconsistent herewith.

Ag 86.13 Enforcement interpretation. These rules shall be enforced in accordance with the interpretations of corresponding provisions contained in Supplement 1 to the Milk Ordinance

and Code -- 1953 Recommendations of the U. S. Public Health Service, to the extent such interpretations are not inconsistent with the provisions of this chapter.

Ag 86.14 Inspection fees. To finance the cost of supervising the Grade A dry milk products program, each holder of a permit shall pay semiannually fees in the amount of \$125. Initial fees in such amount shall be submitted with the application for permit to cover the cost of qualifying inspections. Thereafter permittees shall pay fees on January 1 and July 1 of each year.

The rules contained herein shall take effect on December 1, 1959.

Dated: October 27, 1959.

STATE DEPARTMENT OF AGRICULTURE

By /s/ D. N. McDowell
Director