

1 Department of Agriculture

2

3 Adopted Permanent Rules Relating to Grade A and Manufacturing
4 Grade Milk and Dairy Products

5

6 Rules as Adopted

7 1525.1110 COOLING.

8 All milk received for fluid use or for use in Grade A
9 products, unless it is to be pasteurized within two hours of
10 receipt, must be cooled immediately to a temperature of 45
11 degrees Fahrenheit or lower, in properly operated equipment
12 approved by the commissioner and maintained at 45 degrees
13 Fahrenheit or lower, until pasteurized; except, that mixed milk
14 from two or more consecutive milkings must be at a temperature
15 of 45 degrees Fahrenheit or lower, when received.

16 1525.1410 SANITARY QUALITY OF INGREDIENTS OTHER THAN MILK AND
17 MILK PRODUCTS.

18 In determining the sanitary quality of ingredients other
19 than milk and milk products, the commissioner shall employ the
20 methods set forth in the current editions of Standard Methods
21 for the Examination of Dairy Products of the American Public
22 Health Association and the Official Methods of Analysis of the
23 Association of Official Analytical Chemists and may be guided by
24 tentative standards recommended for ingredients other than milk
25 and milk products by the United States Public Health Service in
26 its Frozen Desserts Ordinance and Code.

27 PRODUCERS QUALITY RECORDS FOR MILK

28 1525.1470 MAINTENANCE OF QUALITY RECORDS.

29 Subpart 1. Record and contents. Every licensed purchaser
30 of milk shall maintain a record of all the quality tests made of
31 milk as required by Minnesota Statutes, section 32.411 and the
32 rules adopted by the commissioner of agriculture, for a period
33 of at least one year from the date of the test. The record must
34 show the name and address of the producer and the patron's

1 number assigned to the producer. The semimonthly record must
2 show at least the day, month, and year the test was made.

3 Subp. 2. **Monthly records for milk.** Tests used to analyze
4 milk samples must comply with the current edition of Standard
5 Methods for the Examination of Dairy Products of the American
6 Public Health Association and the current edition of Official
7 Methods of Analysis of the Association of Official Analytical
8 Chemists. These tests must be conducted in a certified
9 laboratory approved by the department.

10 Subp. 3. [See repealer.]

11 Subp. 4. **Reporting of monthly test results.** Results of
12 these tests must be reported back to the producer and to the
13 regulatory agency monthly in a manner that assures timely
14 enforcement procedures. Producers whose milk is found to be out
15 of compliance on any quality tests must be notified by the
16 licensed purchaser and enforcement action taken under part
17 1530.0820.

18 Maintenance and delivery of records must comply with
19 Minnesota Statutes, section 32.411, subdivisions 2, 3, 4, and 5.

20 1525.1510 PROCEDURE WHEN NO QUALITY RECORD IS AVAILABLE.

21 A licensed purchaser who accepts milk from a producer
22 without receiving a copy of the producer's quality record for
23 the three months immediately preceding with the first delivery
24 of milk received shall make all quality tests required by law or
25 promulgated by the commissioner and shall make and file with the
26 commissioner a report of the purchaser's acceptance showing:

27 A. date first milk received;

28 B. to G. [Unchanged.]

29 1525.2020 ALTERNATIVE TESTS.

30 Tests considered to be equivalent to the Babcock test for
31 fat in milk and milk products are those in the current edition
32 of Standard Methods for the Examination of Dairy Products of the
33 American Public Health Association and the current edition of
34 Official Methods of Analysis of the Association of Official
35 Analytical Chemists.

1 1525.2320 REQUIREMENTS FOR CERTIFICATION.

2 A milk laboratory that desires to be certified to conduct
3 tests for the purpose of enforcement of requirements for
4 distribution of milk, milk products, or goat milk under the
5 Grade A label must: use only analysts approved to conduct
6 laboratory sampling procedures, bacterial counts, detection of
7 inhibitory substances, coliform determinations, and/or
8 phosphatase and temperature checks; employ sampling procedures
9 and required laboratory examinations that are in substantial
10 compliance with the most recent edition of Standard Methods for
11 Examination of Dairy Products of the American Public Health
12 Association and the most recent edition of Official Methods of
13 Analyses of the Association of Analytical Chemists; and
14 otherwise meet the requirements of the Grade A Pasteurized Milk
15 Ordinance Recommendation of the United States Public Health
16 Service.

17 1525.2330 EVALUATION OF LABORATORIES FOR CERTIFICATION.

18 The following apply to evaluation of milk laboratories for
19 the purpose of certification:

20 A. An assessment of the milk laboratory's operation
21 relative to the requirements of the current edition of the Grade
22 A Pasteurized Milk Ordinance must be made at the time of
23 application for certification and not less frequently than once
24 each two years afterwards. In the case of a certified milk
25 laboratory that moves to another building that uses another
26 source of tap water, distilled water, or steam supply for the
27 autoclave, a resurvey may be conducted even though no change in
28 personnel or procedures is planned.

29 B. Approval of analysts to conduct required
30 laboratory procedures must be based on the ability of the
31 analyst to meet the criteria established in Evaluation of Milk
32 Laboratories -- Recommended by the United States Health Service
33 and its supplements, issued by the Food and Drug Administration
34 and the Public Health Service, relating to standards for
35 sampling, preparation of cultures, viable counts, detection of

1 inhibitory substances, coliform groups, phosphatase tests, and
2 inspection of pasteurized milk containers. An analyst may be
3 approved for one or more procedures and need not be approved to
4 make all tests. Nonetheless, no analyst may perform a procedure
5 for which he or she has not been approved.

6 1525.2390 FEES.

7 An application for initial certification or for
8 recertification following suspension or revocation of a permit
9 must be accompanied by the fee established in Minnesota
10 Statutes, section 32.394, subdivision 8a. The amount of the
11 application fee for an individual laboratory must be based on
12 the costs of conducting laboratory evaluation prior to issuance
13 of the permit. The fee for each set of split samples required
14 for evaluation of laboratories must be as established by
15 Minnesota Statutes, section 32.394, subdivision 8a. The actual
16 fee must be based on the direct costs to the state laboratory
17 for analysis of samples plus the cost of labor involved in
18 providing the analysis. Fees may be adjusted annually within
19 the prescribed range.

20 1525.2430 SAMPLES COLLECTION AND HANDLING.

21 Samples to be used for the testing of protein content must
22 be collected and handled in the same manner as samples used for
23 bacterial tests as prescribed in the current edition of Standard
24 Methods for the Examination of Dairy Products published by the
25 American Public Health Association. The minimum size for a
26 fresh milk sample must be two ounces (0.0592 liter).

27 1525.2520 FEES.

28 The fee for each license to test for protein content will
29 be as established in Minnesota Statutes, section 32.074 and must
30 be paid to the commissioner before a license or renewal is
31 issued.

32 1530.0740 DEFINITIONS.

33 Subpart 1. and 2. [Unchanged.]

34 Subp. 3. Regulatory agency. "Regulatory agency" means the

1 Minnesota Department of Agriculture or an agency designated by
2 the department.

3 1530.0750 ENFORCEMENT.

4 Subpart 1. Procedures. The production, transportation,
5 processing, handling, sampling, examination, grading, labeling,
6 and sale of all milk and milk products intended to bear the
7 Grade A label, and sold for ultimate consumption within the
8 state of Minnesota, including the inspection of dairy herds,
9 dairy farms, milk plants, receiving stations, and transfer
10 stations and the issuing and revocation of permits to milk
11 producers, haulers, distributors, milk plants, receiving
12 stations, and transfer stations, must be regulated in accordance
13 with the provisions of the current edition of the Grade A
14 Pasteurized Milk Ordinance, with the following exceptions: omit
15 sections 9, 16, and 17 in their entirety; the definitions of
16 egg-nog-flavored milk and cottage cheese in parts 1530.0760 to
17 1530.0790 must be included in the definition of milk products.

18 Subp. 2. Finished products. Monthly samples of Grade A
19 finished products must be tested and reported as required by the
20 current edition of the Grade A Pasteurized Milk Ordinance. In
21 addition, products must be tested for fat, solids-not-fat, and
22 other ingredients as stated on the product label. Products must
23 also be tested for weight or volume. Processors of products for
24 which two out of the last four samples have been determined to
25 be out of compliance must be sent a warning letter. When three
26 out of the last five samples are out of compliance, action must
27 be instituted to suspend the permit to market that product.

28 1530.0810 EXAMINATION OF MILK AND MILK PRODUCTS.

29 Sampling procedures and laboratory examinations must be in
30 substantial compliance with the current edition of Standard
31 Methods for the Examination of Dairy Products of the American
32 Public Health Association, and the current edition of Official
33 Methods of Analysis of the Association of Official Analytical
34 Chemists.

35 Dairy plants shall submit for testing a representative

1 sample of raw milk from each producer to a certified laboratory
2 approved by the department. For Grade A producers, the sampling
3 frequency must be as outlined in the current edition of the
4 Grade A Pasteurized Milk Ordinance, and for manufacturing grade
5 producers, as outlined in the Federal Register for April 7,
6 1972, volume 37, number 68, part II.

7 Dairy plants shall report these analyses to the regulatory
8 agency monthly and in a manner that assures timely enforcement
9 procedures.

10 After notice and opportunity for a hearing, the department
11 may withdraw approval of any laboratory if tests are not
12 conducted in accordance with prescribed laboratory test
13 procedures, or test reports or results are fraudulent or
14 inaccurate.

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16 REPEALER. Minnesota Rules, parts 1525.0510; 1525.0520;
17 1525.0550; 1525.1470, subpart 3; 1525.2030; 1525.2040;
18 1525.2050; 1525.2060; 1525.2070; 1525.2090; 1525.2100;
19 1525.2110; 1525.2120; 1525.2130; 1525.2140; 1525.2150;
20 1525.2160; 1525.2170; 1525.2180; 1525.2190; 1525.2200;
21 1525.2210; 1525.2220; 1525.2230; 1525.2240; 1525.2250;
22 1525.2260; 1525.2270; 1525.2280; 1525.2290, are repealed.

1 Correction to Department of Agriculture rules proposed on
2 July 25, 1988, at 13 State Register, page 165. On page 168 the
3 repealer should have included Minnesota Rules, part 1525.2080.

4 These rules were adopted at 13 State Register, page 980, on
5 October 17, 1988.