

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

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STATE OF WASHINGTON

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RULES AND REGULATIONS RELATING TO THE PRODUCTION, MANUFACTURE, LABELING, AND SALE OF DRY MILK PRODUCTS TO BE DESIGNATED AS GRADE A.

I, Joe Dwyer, Director of Agriculture of the State of Washington, by virtue of the authority vested in me under Chapters 15.32 and 15.36, Revised Code of Washington, after due notice and public hearing held at Olympia on March 15, 1960, do promulgate the following regulations relating to the production, manufacture, and labeling of dry milk products to be designated as Grade A.

Regulation 1. Definition of Terms

Section 1. For the purpose of this order, terms shall apply as herein defined unless the context clearly indicates otherwise.

- (1) "Milk" is the whole unadulterated lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within ten days before and seven days after calving, or such longer period as may be necessary to render the milk colostrum free; which milk contains not less than eight and one-quarter percent milk solids not fat, and not less than three and one-half percent milk fat: PROVIDED, That nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants, or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards herein fixed.
- (2) "Milk Products" mean and shall include skim milk, nonfat or de-fatted milk, cream, condensed or concentrated milk, and any other products made by the addition of any wholesome substance to milk or any of these products.
- (3) "Pasteurized Milk Products" mean and shall include Grade A pasteurized milk products regulated under chapter 15.36, RCW.
- (4) "Dry Milk Products" mean and include 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.
- (5) "Grade A Dry Milk Products" mean and include dry milk products which comply with the applicable provisions of this order.
- (6) "Milk Drying Plant" means and includes any place, premises or establishment where milk or milk products are dried, or where milk products are received, separated, concentrated or otherwise processed for drying.
- (7) "Director" means the director of agriculture of the State of Washington or his duly authorized representative (RCW 15.36.060).
- (8) "Health Officer" means the county or city health officer as defined in Title 70 RCW, or his duly authorized representatives (RCW 15.36.060).
- (9) "Person" means any individual partnership, firm, corporation, company, trustee, or association (RCW 15.36.060).

Regulation 2. Manufacture and Sale of Grade A Dry Milk Products

Section 1. No person shall produce, manufacture, sell or offer for sale any dry milk product designated as Grade A by label or otherwise, except such dry milk product be produced and manufactured in accordance with the requirements of this order.

Regulation 3. Permits

Section 1. Pursuant to RCW 15.36.080, it shall be unlawful for any person to manufacture, sell or offer for sale any Grade A dry milk product who does not possess an appropriate permit from the director or an authorized inspection service as defined in chapter 15.36.560, RCW: PROVIDED, That the manufacture of dry milk products which do not meet the requirements of this order or which are not in any way designated as Grade A, shall not be construed to violate the terms of this order or RCW 15.36, if such products are processed, packaged and stored separately and are plainly identified.

It shall be unlawful for any person to manufacture in a plant operating under a permit for Grade A dry milk products any dry milk product which does not meet the requirements of this order without a permit from the director or health officer of a milk inspection unit who shall require that such dry milk products be processed, packaged, and stored separately from Grade A dry milk products, and that each package of such products be plainly marked in such manner as to prevent confusion of the product with Grade A dry milk products.

A permit for the manufacture of either Grade A dry milk products or dry milk products which do not meet the requirements of this order for Grade A dry milk products may be temporarily suspended by the director or health officer of a milk inspection unit upon violation by the holder of any of the terms of this order, or revoked after an opportunity for hearing by the director upon serious or repeated violations.

Regulation 4. Inspection of Milk Drying Plants

Section 1. Upon application for a permit, the director shall inspect the milk drying plant with respect to which the permit is sought. If he is satisfied that the operation of the plant can comply with requirements of this order, he shall issue a permit which shall not be transferable. If a permit is not issued, the director shall advise the applicant of the reasons therefor, and shall afford him an opportunity for a hearing.

At least once every six months after the issuance of a permit, the director shall inspect all milk drying plants manufacturing dry milk products as defined herein. He shall notify the holder of the permit of any failure to comply with the provisions of this order and, if a violation of regulation is involved, shall allow a reasonable period but in no event less than three working days, to correct conditions; PROVIDED, That the director may require the suspension of operations until corrective action has been taken if, in his judgment, continued operation of the plant will result in a serious threat to the public health. Upon the expiration of the period allowed, he shall reinspect the premises. Violation of the same requirement on such reinspection shall call for immediate suspension of permit and/or court action.

The director shall also make such other inspections and investigations as are necessary for the enforcement of this order.

One copy of the inspection report shall be posted by the director in a conspicuous place upon an inside wall of the milk drying plant, and said inspection report shall not be defaced or removed by any person except the director. Another copy of the inspection report shall be filed with the records of the director.

The holder of any permit under this order 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 director during normal business hours.

The director shall upon request be afforded access to all parts of any milk drying plant holding a permit from the director at any reasonable time, for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

Regulation 5. Labeling of Grade A Dry Milk Products

Section 1. Grade A dry milk products shall be packaged in containers which are plainly and permanently labeled or marked with: (1) the common or usual name of the product and, if a mixture of two or more ingredients, the common or usual name of each ingredient; (2) the designation "Grade A"; (3) the identity of the plant in which the product was manufactured, either by name and address or by permit number and identity of the regulatory agency issuing such permit; and, in the latter case, the name and address of the distributor, qualified by an expression of connection with the product, such as "Distributed by _____," shall also be shown; (4) a code or lot number identifying the contents with a specific date, run, or batch of the product; and (5) the quantity of the contents of the container.

Other information, such as a registered trademark design, may also be included, provided that it is not misleading and does not obscure any of the labeling required above.

Regulation 6. Milk and Milk Products Used in the Manufacture of Grade A Dry Milk Products

Section 1. Milk and milk products used in the manufacture of Grade A dry milk products shall comply with the requirements for Grade A Raw Milk for Pasteurization as provided in RCW 15.36 and shall be produced under the routine supervision of the director, health officer of a milk inspection unit, or produced under provisions which are substantially equivalent to the requirements of RCW 15.36.

Regulation 7. Examination of Dry Milk Products

Section 1. The director 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 the director may deem necessary. Bacteriological examinations shall be in accordance with the procedures of the latest current edition of Standard Methods for the Examination of Dairy Products recommended by the American Public Health Association.

Regulation 8. Bacteriological, Chemical, and Physical Requirements for Grade A Dry Milk Products

Section 1. Grade A raw milk for pasteurization and Grade A 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 200,000 per ml. After pasteurization such milk and milk products shall at no time have a bacterial plate count exceeding 20,000 per ml.: PROVIDED, That the above limits shall be increased in the case of concentrated products in proportion to the degree of concentration.

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 chemical and 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.

Regulation 9. Sanitation Requirements for Milk Drying Plants

Section 1. Floors. The floors of all rooms in which milk or milk products are handled or stored, or in which milk utensils are washed, or in which dry milk products are handled, up to and including packaging, but not including rooms used only for storage of packaged dry milk products, shall be constructed of concrete, or other equally impervious and easily cleaned material, and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair. Floors of storage rooms for packaged dry milk products shall be kept clean, dry and in good repair.

Section 2. Walls and Ceilings. Walls and ceilings of rooms in which milk and milk products are handled or stored, or in which milk utensils are washed, or in which dry milk products are handled, up to and including packaging, but not including rooms used only for storage of packaged dry milk products, shall have a smooth, washable, light-colored surface, and shall be kept clean and in good repair. Walls and ceilings of storage rooms for packaged dry milk products shall be kept clean.

Section 3. Doors and Windows. Unless other effective means are provided to prevent the access of flies, all openings to the outer air from rooms in which fluid milk and milk products are handled and stored, or in which milk utensils are washed, or in which dry milk products are processed or handled, up to and including packaging, but not including rooms used only for storage of packaged dry milk products, shall be effectively screened, and all doors shall be self-closing.

Section 4. Lighting and Ventilation. All rooms shall be well lighted and well ventilated.

Section 5. Miscellaneous Protection from Contamination. The various milk drying plant operations shall be so located and conducted as to prevent any contamination of milk, milk products, dry milk products, or clean equipment. All necessary means shall be used for the elimination of flies, other insects, and rodents. Cans of incoming milk or milk products shall not be unloaded directly into the processing rooms. Rooms in which milk, milk products, dry milk products, or unprotected clean containers are handled or stored, shall not open directly into any stable or living quarters. The milk drying plant, milk containers, utensils and equipment shall be used for no purpose other than the processing of milk, milk products, or dry milk products, and the operations incident thereto, except as may be approved by the director.

Section 6. Toilet Facilities. Every milk drying plant shall be provided with adequate and satisfactory flush-toilet facilities. Toilet rooms shall not open directly into any room in which milk, milk products, dry milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing and open outward. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. The text of Regulation 10 of this order and a notice directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

Section 7. Water Supply. The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

Section 8. Hand-washing Facilities. Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, approved sanitary towels, and suitable waste disposal facilities. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without having washed his hands.

Section 9. Sanitary Piping. All piping, including fittings, used to conduct milk and milk products shall be constructed of smooth, impervious, noncorrodible and nontoxic materials; shall be so constructed as to permit proper cleaning, and shall be kept in good repair.

Section 10. Construction and Repair of Containers and Equipment. All multiuse containers and equipment with which milk, milk products, or dry milk products come into contact shall be smooth, impervious, noncorrodible, nontoxic material; shall be so constructed and so located as to be easily cleaned; and shall be kept in good repair. All single-service containers, gaskets, and other articles used shall have been manufactured, packaged, transported and handled in a sanitary manner.

Section 11. Disposal of Wastes. All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and so installed as to prevent contamination of processing equipment by back-flow.

Section 12. Cleaning and Bactericidal Treatment of Containers and Equipment. All milk and milk product containers and equipment, except single-service containers, shall be thoroughly cleaned after each use. Equipment comprising the drying system shall be cleaned more often if necessary to prevent contamination of the product. All multiuse containers shall be subjected effectively to a bactericidal process approved by the director after each cleaning, and all equipment immediately before each usage. When empty, and before being returned to a producer by a milk drying plant, each container shall be thoroughly cleaned and subjected to an effective bactericidal process approved by the director.

Section 13. Storage of Containers and Equipment. After bactericidal treatment, all cans and other multiuse milk, milk products, or dry milk products containers and equipment shall be transported and stored in such a manner as to be protected from contamination.

Section 14. Handling of Containers and Equipment. Between bactericidal treatment and use, and during periods of use, containers and equipment shall not be handled or operated in such a manner as to permit contamination of the milk, milk products, or dry milk products. No milk, milk products, or dry milk products shall be permitted to come into contact with equipment with which ungraded or a lower grade of milk, milk products, or dry milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to a bactericidal process approved by the director.

Section 15. Storage of Single-Service Containers and Materials. Single-service containers and materials shall be purchased and stored only in sanitary packages; shall be kept therein in a clean, dry place above the floor until used; and shall be handled in a sanitary manner.

Section 16. 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 director. Pasteurization shall be performed only in equipment which is constructed and operated in a manner approved by the director.

Section 17. 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.

Section 18. Packages and Packaging. Dry milk products shall be packaged in new containers, which shall be sufficiently substantial to protect the contents from contamination. Packaging shall be done only at the place of manufacture and by methods approved by the director.

Section 19. Health of Personnel. The health officer or a physician authorized by him shall take a careful morbidity history of each person connected with a milk drying plant or about to be employed by one, whose work will bring him into contact with the processing of milk, milk products or dry milk products or with unsealed containers or processing equipment. If examination or history should suggest that such person may be a carrier of, or infected with, the organisms of typhoid fever, paratyphoid fever, or any other communicable disease likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health officer for such examinations, and, if the laboratory results so indicate, such person shall be barred from such employment.

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

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

Section 20. Cleanliness of Personnel. All persons who come into contact with milk, milk products, dry milk products, unsealed containers, or processing equipment, shall wear clean outer garments, and shall keep their hands clean at all times while engaged in such work.

Section 21. Vehicles. Milk tank-cars and tank-trucks shall comply with the construction, cleaning, bactericidal treatment, storage, and handling requirements of sections 5, 10, 12, 13 and 14. While containing milk, cream, or milk products they shall be sealed and labeled in a manner approved by the director. For each tank shipment, a bill of lading shall be prepared in triplicate, containing the identity of the product, the amount shipped, the grade, the receiving point, the shipping point, the shipper's name, the consignee's name and whether the product is raw, pasteurized or otherwise heat treated. Bills of lading shall be kept on file by the shipper, the consignee, and the carrier for a period of 12 months for the information of the director.

Regulation 10. Notification of Disease

Section 1. Pursuant to RCW 15.36.52, no person with any disease in a communicable form, or who is a carrier of such disease, shall work in any milk drying plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, unpackaged dry milk products, containers, or equipment; and no milk drying plant shall employ in any such capacity any such person, or person suspected of having any disease in a communicable form or of being a carrier of such disease. Any processor of dry milk products in whose milk drying 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 such disease, shall notify the health officer immediately.

Regulation 11. Procedure When Infection is Suspected

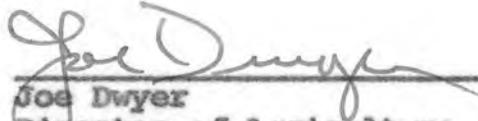
Section 1. Pursuant to RCW 15.36.530, when reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk, milk products and dry milk products, the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of that person from handling milk, milk products, and dry milk products; (2) the immediate exclusion of the milk, milk products, and dry milk products concerned from distribution and use; and (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

Regulation 12. Sale of Out-of-State Dry Milk Products

Section 1. Pursuant to RCW 15.36.500, dry milk and dry milk products from outside the state may not be sold in the State of Washington unless produced under provisions equivalent to the requirements of this order: PROVIDED, That the director shall satisfy himself that the authority having jurisdiction over the production is properly enforcing such provision.

Regulation 13. Federal Dry Milk Products Code Interpretations to Govern

Section 1. Pursuant to RCW 15.36.540, save as in this order provided, these regulations shall be enforced by the director in accordance with the interpretations contained in the United State Public Health Service Grade A Dry Milk Products Code as from time to time adopted and amended.



Joe Dwyer
Director of Agriculture
State of Washington

Signed at Olympia, Washington
March 18, 1960

