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DEPARTMENT OF PUBLIC HEALTH

DRAFT NOTICE OF PROPOSED AMENDMENTS 2-21-14

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 775  
GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

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775.150	Drug Residue Control Program

AUTHORITY: Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271, effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998; amended at 25 Ill. Reg. 11904, effective September 1, 2001; amended at 25 Ill. Reg. 12629, effective September 25, 2001; amended at 27 Ill. Reg. 15979, effective October 1, 2003; amended at 32 Ill. Reg. 8432, effective May 21, 2008; amended at 35 Ill. Reg. 14193, effective

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August 2, 2011; amended at 37 Ill. Reg. 7166, effective May 13, 2013; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 775.10 Definitions**

In addition to the definitions contained in Section 1 of the Grade A Pasteurized Milk Ordinance (PMO), the following definitions shall apply:

"Act" means the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

*"Bulk milk pickup tank" means the tank, and those appurtenances necessary for its use, used by a milk hauler-sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station. (Section 3(b)(16) of the Act)*

"Clarification" means an operational procedure that removes sediment from milk.

*"Cleaning and sanitizing facility" means any place, premise or establishment where milk tank trucks are cleaned and sanitized. (Section 3(b)(15) of the Act)*

"Change of Ownership" means a transaction whereby a new or different owner takes possession of a specified entity.

"Change of Tenant" means a transaction whereby a new or different tenant rents or leases a specified entity such as a dairy farm.

"Consumer" means a person or group of people, such as a household or those under a distribution agreement, that purchase raw milk from the dairy farm for consumption.

"Cultured dairy products" means milk and milk products that have been soured after pasteurization using harmless lactic-acid-producing bacteria, food grade phosphoric acid, lactic acid, citric acid or hydrochloric acid, with or without rennet and/or other safe, suitable milk-clotting enzymes.

*"Dairy farm" means any place or premise where one or more cows or goats are kept, and from which a part or all of the milk or milk products are provided, sold*

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*or offered for sale to a consumer, milk plant, transfer station, or receiving station.*  
(Section 3(b)(1) of the Act)

*"Department" means the Illinois Department of Public Health.* (Section 3(b)(7)  
of the Act)

"Distribution Agreement" means a community supported agriculture (CSA) program where consumers purchase a membership from the dairy farm that entitles them to share the dairy farm's raw milk production, or a buying club where consumers order raw milk directly from the farm for delivery by the farmer or pick-up by the consumer.

*"Director" means the Director of the Illinois Department of Public Health.*  
(Section 3(b)(8) of the Act)

"Downstream" means located after the automatic milk flow safety device in a high temperature short time (HTST) flow-diversion device.

*"Embargo or hold for investigation" means a detention or seizure designed to deny the use of milk or milk products which may be unwholesome or to prohibit the use of equipment which may result in contaminated or unwholesome milk or dairy products.* (Section 3(b)(9) of the Act)

*"Enforcing agency" means the Illinois Department of Public Health or a unit of local government electing to administer and enforce the Act as provided for in the Act.* (Section 3(b)(12) of the Act)

"Field representative" means a person qualified and trained in the sanitary methods of production and handling of milk as set forth in this Part, and generally employed by a processing or manufacturing plant for the purpose of doing quality control work.

*"Grade A" means that milk and milk products are produced and processed in accordance with the current Grade A Pasteurized Milk Ordinance as adopted by the National Conference on Interstate Milk Shipments and the United States Public Health Service – Food and Drug Administration. The term Grade A is applicable to "dairy farm", "milk hauler-sampler", "milk plant", "milk product", "receiving station", "transfer station", "bulk milk pickup tank", and "certified*

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*pasteurizer sealer" whenever used in the Act. (Section 3(a) of the Act)*

"Herd Share" means a consumer-signed agreement with the owner of the dairy farm, which offers purports to offer partial ownership of a cow, goat or entire herd, stipulates the expected quantity of raw milk to be received, and requires ongoing payment by the consumer to the farmer for boarding the cow, goat or herd and service of milking for the consumer.

"High temperature short time flow-diversion device" or "HTST flow-diversion device" means an automatic milk-flow safety device that controls the flow of milk in relation to the temperature of the milk or heating medium and/or pressure, vacuum, or other auxiliary equipment.

*"Imminent hazard to the public health" means any hazard to the public health when the evidence is sufficient to show that a product or practice, posing or contributing to a significant threat of danger to health, creates or may create a public health situation that should be corrected immediately to prevent injury and that should not be permitted to continue while a hearing or other formal proceeding is being held. (Section 3(b)(10) of the Act)*

*"Milk" means the milk of cows or goats and includes skim milk and cream. (Section 3(b)(2) of the Act)*

"Milkfat and Nonfat Solid Content Standards" means the standards set forth in 21 CFR 131.110. (See Section 775.20.)

*"Milk hauler-sampler" means a person who is qualified and trained for the grading and sampling of raw milk in accordance with federal and State quality standards and procedures (Section 3(b)(14) of the Act) and transports bulk raw milk for pasteurization from a dairy farm to a receiving station, transfer station, or milk plant. (Section 3(b)(16)(A) of the Act)*

*"Milk product" means any product including cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat (skim) milk, reduced fat or lowfat milk, frozen milk concentrate,*

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*eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk or nonfat (skim) milk, cottage cheese (including dry curd, reduced fat, lowfat, and nonfat), yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, or nonfat (skim) milk, low-sodium milk, low-sodium reduced fat lowfat milk, low-sodium nonfat (skim) milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat (skim) milk, aseptically processed and packaged milk and milk products, and milk, reduced fat, lowfat milk or nonfat (skim) milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined in this Section. (Section 3(b)(4) of the Act)*

"Milk tank truck" is the term used to describe both a bulk or milk pickup tanker and a milk transport tank.

"Milk transport tank" means a vehicle, including the truck and tank used to transport bulk shipments of milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant.

"Off-farm raw milk permit" means a permit that allows a dairy farm to sell or distribute raw milk for use or consumption from the dairy farm to consumers under a herd share or consumer support agriculture agreement to a pre-identified location within the State of Illinois.

"On-farm raw milk permit" means a permit that allows a dairy farm to sell or distribute raw milk for use or consumption to consumers only from the premises of the dairy farm.

"Pasteurization" or "pasteurized" or similar terms mean the process of heating every particle of milk or milk product, in properly designed and operated equipment, to one of the temperatures given in the charts as indicated in the Pasteurized Milk Ordinance (PMO) and held continuously at or above that temperature for at least the corresponding specified time.

*"Permit" means a document awarded to a person for compliance with the provisions of and under conditions set forth in the Act and this Part. (Section 3(b)(13) of the Act)*

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*"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or any political subdivision or Department thereof, or any other entity. (Section 3(b)(11) of the Act)*

"Quality assurance program" means the Milk and Dairy Beef Quality Assurance Program, Boeckman, Steve and Carlson, Keith R., Agri-Education Inc., Stratford, Iowa 50249 or equivalent program as determined by the Department.

"Raw milk" means milk that has not been pasteurized.

*"Receiving station" means any place, premise, or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transporting. (Section 3(b)(5) of the Act)*

"Separation" means an operational procedure that removes butterfat from milk.

*"Transfer station" means any place, premise, or establishment where milk or milk products are transferred directly from one milk tank truck to another. (Section 3(b)(6) of the Act)*

"Violative drug residue" means a drug residue at or above the tolerance and/or safe levels as set forth in 21 CFR 556 and Appendix N of the PMO.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.20 Incorporated and Referenced Materials**

- a) The following regulations, guidelines and standards are incorporated in this Part:
  - 1) Federal government guidelines:
    - A) The Grade A Pasteurized Milk Ordinance (PMO), and Appendices A through R (except Sections 16 and 17) Recommendations of the United States Public Health Service/Food and Drug Administration, 2011 Revision (Publication 229). U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Milk Safety Branch (HFS-316),

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5100 Paint Branch Parkway, College Park MD 20740-3835. In addition, the jurisdiction name, left blank in Sections 1, 2, 3, 5, and 11 of the PMO, for the purposes of this Part, shall mean the State of Illinois; and the regulatory agency referred to in Section 1 shall mean the Illinois Department of Public Health. (See Section 775.30(a).)

- B) Evaluation of Milk Laboratories (2011 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
- C) Methods of Making Sanitation Ratings of Milk Supplies (2011 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
- D) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments (2011 Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.

2) Private and professional standards:

- A) Standard Methods for the Examination of Dairy Products (17<sup>th</sup> Edition, 2004, American Public Health Association, 1015 – 18<sup>th</sup> Street, N.W., Washington, D.C. 20036). (See Section 775.70(b).)
- B) Official Methods of Analysis of the Association of Official Analytical Chemists (18<sup>th</sup> Edition, 2010, Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, D.C. 20044). (See Section 775.70(b).)
- C) Raw Milk Institute Farmer to Family Standards and Mentoring as amended on July 16, 2012 found at

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<http://rawmilk institute.net/wp/wp-content/uploads/2012/07/RAWMI-Common-Standards-20120716.pdf>.

Raw Milk Institute  
PO Box 6521  
Kerman, CA 93630

- 3) Federal regulations:
  - A) 21 CFR 131.110, Milk (2011). (See Section 775.10, the definition of "milkfat and nonfat solid content standards".)
  - B) 21 CFR 556, Tolerances for Residues or New Animal Drugs in Food (2011). (See Section 775.10, the definition of "violative drug residue".)
  - C) 40 CFR 180, Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food (2011). (See Section 775.140(a)(1).)
- b) The following rules and statutes are referenced in this Part:
  - 1) Illinois Plumbing Code (77 Ill. Adm. Code 890), Illinois Department of Public Health. (See Section 775.30(c)(4).)
  - 2) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), Illinois Department of Public Health. (See Section 775.90.)
  - 3) The Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].
  - 4) Illinois Administrative Procedure Act [5 ILCS 100].
- c) All incorporations by reference of federal guidelines and regulations and the standards of professional organizations refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.
- d) All citations to federal regulations in this Part concern the specified regulation in the 2011 Code of Federal Regulations, unless another date is specified.



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- e) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.30 Minimum Requirements**

- a) The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products; the inspection of dairy herds, dairy farms and milk plants, receiving and transferring stations, and cleaning and sanitizing facilities; the suspension of permits to milk producers and haulers, shall be regulated in accordance with the provisions of the PMO and Appendices A through R (with the exception of Sections 16 and 17) of the PMO. (See Section 775.20.)
- b) The production, handling, sale, distribution, and labeling of raw milk, the inspection of raw milk dairy farms, and the suspension and revocation of permits of raw milk dairy farms shall be regulated in accordance with Section 775.55.
- c)b) The production, manufacture, packaging, labeling and sale of all Grade A condensed milk , Grade A dry milk products, Grade A condensed whey and Grade A dry whey, for use in the commercial preparation of Grade A pasteurized milk products; the inspection of condensing plants and/or drying plants; and the suspension of permits to condensing plants and/or drying plants, shall be regulated in accordance with the provisions of the PMO and Appendices A through R (with the exception of Sections 16 and 17 of the PMO). (See Section 775.20.)
- d)e) In addition to subsections (a) and (b), the following provisions shall apply:
  - 1) In addition to Section 7, item 15p of the PMO:
    - A) All raw milk piping and equipment shall be completely separated from pasteurized milk and milk product piping and equipment during processing. No raw milk piping or fittings shall be interchanged with pasteurized milk piping and fittings unless they have been cleaned and sanitized before use.

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- B) Heat-treated and pasteurized milk or milk products that are not produced at the packaging plant, but that are to be used within a plant for processing pasteurized milk or milk products, shall be re-pasteurized.
  - C) Blending of pasteurized milk or milk products may occur downstream from the HTST flow-diversion device only when approved by the Department in accordance with the following specific requirements:
    - i) All pasteurized milk product lines, raw product lines and cleaning lines within the milk plant shall be labeled so that the lines can be differentiated by visual inspection. The specific configuration of the lines must be verified by a Department on-site inspection prior to the issuance or renewal of a permit. In addition, any segments of lines that are or can be removed for cleaning shall be individually labeled.
    - ii) Cultured dairy products are exempt from this requirement.
- 2) In addition to complying with Section 6 of the PMO, each approved milk plant shall retain from each processing day at least one time and date stamped sample from each continuous processing of a specific pasteurized fluid milk product as defined in the PMO (see Section 1 of the PMO). These samples shall be of the pasteurized milk product itself and not of each type of container in which the milk product is packaged. In addition, the samples shall be retained until two days after the guaranteed sale date in accordance with the cooling requirements of the PMO (see Section 7, Table 1 of the PMO).
  - 3) In addition to Section 7, items 8r and 7p, of the PMO, the Illinois Plumbing Code shall apply.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.50 Permits**

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*It shall be unlawful for any person to establish, maintain, conduct, or operate a dairy farm, milk plant, receiving station, or transfer station processing milk or milk products, to establish and operate a cleaning and sanitizing facility or milk tank truck, to haul or sample milk, or to act as a certified pasteurizer sealer within this State, or to bring in and distribute from out-of-state milk and milk products without first obtaining a permit from the Department. (Section 5 of the Act)*

- a) The Department will grant and renew a permit for persons who maintain, conduct, or operate a milk plant, receiving station, transfer station, or cleaning and sanitizing facilities within the State of Illinois upon completion of an inspection that establishes compliance with the Act and this Part and upon payment of the fee required by Section 5.1 of the Act. Milk plants that maintain cleaning and sanitizing facilities on the same site as the plant do not have to obtain a separate permit for those facilities.
- b) The Department will grant and renew a permit for persons who bring into and distribute pasteurized milk or milk products from another state that has administrative rules or requirements that provide for clean, sanitary and safe handling and processing of pasteurized milk and milk products to ensure protection equivalent to that provided by this Part upon receipt of an inspection report that establishes compliance with that state's administrative rules or requirements and upon payment of the fee required by Section 5.1 of the Act.
- c) A permit will be granted to a milk hauler-sampler when the following conditions are met:
  - 1) An inspection establishes that the milk hauler-sampler's equipment is in compliance with the provisions of the Act and this Part;
  - 2) The milk hauler-sampler has successfully completed an examination administered by the Department; and
  - 3) The milk hauler-sampler has paid the fee required by Section 5.1 of the Act.
- d) A renewal permit will be granted to a milk hauler-sampler when an inspection establishes that the milk hauler-sampler's equipment and sampling procedures are in compliance with the provisions of the Act and this Part and upon payment of the fee required by Section 5.1 of the Act.

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e) Dairy Farm Permits

- 1) A dairy farm permit is necessary when a farm does not presently hold a permit, when a change of ownership occurs and only the farm owner's name was on the permit, or when a change of tenant occurs and only the former tenant's name was on the permit.
- 2) A dairy farm permit will be granted to a dairy farm upon the completion of an inspection that establishes compliance with the Act and this Part. The inspection includes procedures for the establishment of a quality record. The quality record is established by the results of four samples taken at a rate of not more than two per week and on separate days within a three-week period.
- 3) A dairy farm with a dairy farm permit (Section 775.50 (e)) may sell or offer for sale for human consumption raw milk from the premises of the dairy farm in accordance with the rules and procedures outlined in Section 775.55.

f) Raw Milk Permits

- 1) It is unlawful for any person who does not possess an on-farm or off-farm raw milk permit from the Department to produce, process, sell, offer for sale, or distribute raw milk for human consumption.
- 2) Donations, bartering, free samples and gifts or any type of transaction that is not considered the sale of raw milk is prohibited.
- 3) A dairy farm producing raw milk for consumption only by family consumers living on the dairy farm shall be exempt from Section 775.55 (a).

(Source: Amended at 38 Ill. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.55 On-Farm Raw Milk**

The consumption of raw milk may increase the risk of foodborne illness due to it possibly containing harmful organisms (bacteria, parasites, etc.). Clinical and epidemiological studies

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have established a direct association between gastrointestinal disease and the consumption of raw milk. Proper pasteurization of raw milk is the only proven, reliable method to decrease the amount of harmful organisms to levels safe for human consumption.

- a) A dairy farm permit shall be obtained for a dairy farm to sell raw milk from the premises of the dairy farm in accordance with Section 775.50. The dairy farm owner shall notify the Department when a change of ownership occurs or when a change of tenant occurs. Dairy farms selling or distributing raw milk will be listed on the Department website.
  - 1) A dairy farm shall be inspected for compliance with the Act and this Part prior to issuance of an on-farm raw milk permit. Inspections shall be in accordance with subsection (e).
  - 2) A dairy farm participating in only on-farm sales or distribution of raw milk shall comply with the quality count requirements in subsection (f)(1) prior to the issuance of the permit and at any time.
  
- b) On-Farm Sales or Distribution of Raw Milk Procedures
  - 1) Raw milk shall be sold only from the premises of the dairy farm.
  - 2) All transactions shall take place physically on the premises of the dairy farm. Raw milk sold from the premises of the dairy farm shall not be re-sold or re-distributed. Distribution agreements, herd shares or any other contractual arrangements or exchanges are prohibited for on-farm raw milk permitted dairy farms.
  - 3) Consumers shall bring their own containers for their raw milk.
  - 4) The dairy farm owner shall have a written procedure for recalling product and notifying consumers, which shall be made available to the Department upon request. The dairy farm owner shall maintain a log of raw milk sales with consumer name, address and phone number. The dairy farm owner shall report consumer complaints received to the Department.
  - 5) A dairy farm shall not make milk products, such as, but not limited to, cheese or yogurt, from raw milk for sale to consumers. Consumers may

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make milk products from the purchased raw milk but shall not sell or distribute these products.

- 6) The sale, bartering or distribution of raw milk for pet or animal consumption is not to be re-directed for human consumption.
- 7) The dairy farm shall submit to the Department a statement of the total gallons of raw milk sold the previous 12 months upon request.

c) On-Farm Signage and Consumer Advisory

- 1) A dairy farm that participates in on-farm sales or distribution of raw milk shall post a placard at the point of sale. The placard shall read: "Notice: Raw Milk that is not pasteurized is sold or distributed here. This dairy farm is not inspected routinely by the Illinois Department of Public Health." The placard shall be written in Arial font and in black ink. The size of the letters on the placard shall be no less than 2 inches in height.
- 2) A dairy farm that participates in on-farm sales or distribution of raw milk shall post a placard at the point of sale that reads: "WARNING: This product has not been pasteurized and, therefore, may contain bacteria that can cause serious illness in children, the elderly, women who are pregnant and in persons with weakened immune systems." The placard shall be written in Arial font and in black ink. The size of the letters shall be no less than 2 inches in height.
- 3) The dairy farm shall provide the consumer with Department-approved consumer awareness information. The Department will also post the information on the Department website.

d) All raw milk shall have Department-approved labeling information available to the consumer either through container labeling or product receipt.

- 1) The name and address and permit number of the permit holder shall be affixed to the container.
- 2) The following shall be provided to the consumer either through container labeling or product receipt:

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- A) The words "not pasteurized" or "unpasteurized" in addition to "raw" preceding the name of the product;
  - B) The quantity of contents;
  - C) A maximum product code date of five days from the commencement of filling the container; and
  - D) Where applicable, the word "goat" preceding the term name of the "raw milk", and
  - E) Instructions for the consumer to notify the local health department of a consumer complaint or suspected foodborne illness or the Department of a complaint on farm sanitary conditions.
- e) Inspection Standards for On-Farm Permitted Raw Milk Dairy Farms
- 1) Dairy animal health and cleanliness
    - A) Lactating animals that show evidence of the secretion of milk with abnormalities in one or more udders, based upon bacteriological, chemical or physical examination, shall be milked last or with separate equipment, and the milk shall be discarded (not offered for sale or for human consumption).
    - B) Clean bedding material shall be provided for all lactating dairy animals.
    - C) Cow yard and loafing areas adjacent to lactating dairy animal housing shall be graded and drained and shall have no standing pools of water or accumulation of organic waste.
    - D) Swine or poultry shall not be housed with lactating dairy animals.
  - 2) Equipment construction and storage

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- A) All multi-use containers, utensils and equipment used in handling, storing, or transporting milk shall be made of smooth, nonabsorbent and corrosion-resistant food-grade material. Containers, utensils and equipment shall be in good repair. Multiple-use woven material shall not be used for straining milk. All single-service articles shall have been manufactured, packaged, transported and handled in a sanitary manner. Articles intended for single use shall not be reused.
- B) All multiple-use containers, utensils and equipment that are exposed to milk or milk products, or from which liquids may drip, drain or be drawn into milk or milk products, shall be made of smooth, impervious, nonabsorbent, safe materials of the following types:
- i) Stainless steel of the American Iron and Steel Institute (AISI) 300 series; or
  - ii) Equally corrosion-resistant non-toxic metal; or
  - iii) Heat-resistant glass; or
  - iv) Plastic or rubber and rubber-like materials that are relatively inert, resistant to scratching, scoring, decomposition, crazing, chipping and distortion under normal use conditions; that are non-toxic, fat resistant, relatively nonabsorbent, and relatively insoluble; that do not release component chemicals or impart flavor or odor to the product; and that maintain their original properties under repeated use conditions.
- C) Milk cans shall have umbrella lids.
- D) All containers, utensils and equipment used in handling, storing, or transporting milk, unless stored in sanitizing solution, shall be



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stored to assure complete drainage and shall be protected from contamination prior to use.

3) Milking practices

A) The flanks, udders, bellies and tails of all lactating dairy animals shall be free from visible dirt. The udders and teats of all lactating dairy animals shall be clean and dry before milking. Teats shall be treated with a sanitizing solution just prior to the time of milking and shall be dry before milking.

B) The product-contact surfaces of all multi-use containers, equipment and utensils used in handling or storing milk shall be cleaned after each use.

C) The product contact surfaces of all multi-use containers, equipment and utensils used in handling, storing, or transporting milk shall be sanitized before each use.

i) Complete immersion in hot water at a temperature of at least 77°C (170°F) for at least five minutes; or exposure to a flow of hot water at a temperature of at least 77°C (170°F), as determined by the use of a calibrated thermometer, at the outlet for at least five minutes.

ii) Certain chemical compounds are effective for sanitizing milk utensils, containers, and equipment. These are contained in 40 CFR 180.940 and shall be used in accordance with label directions.

D) The milking operator shall wash his or her hands and dry the hands on a disposable towel prior to beginning milking.

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- E) Milk shall be cooled to less than 45 degrees or be distributed to the end user within four hours after beginning milking.
- F) Wet hand milking is prohibited.
- 4) Milking Environment
  - A) Milking shall take place in an area with overhead protection to prevent contamination of the raw milk; walls and floors shall be made of a smooth, easily cleanable material, and the area shall have sufficient lighting to visually inspect flanks, teats and equipment. This area shall be cleaned prior to milking.
  - B) Milking equipment shall be washed and sanitized using a safe, potable water supply.
  - C) All milking equipment shall be stored in a dust-tight room; with smooth and easily cleanable walls, or in a sealed storage vessel that protects the food contact surfaces of the equipment. The storage room shall be maintained in a clean state.
- f) Quality Count Requirements and Standards
  - 1) Quality Counts and Standards shall be performed in a certified laboratory in accordance with Section 775. 20(a)(1)(A) and (B), Section 775.100, and Appendix B of the PMO. The results shall be sent to the Department.
  - 2) The samples shall be collected by a certified sampler in accordance with the Act and this Part.
  - 3) Sampling and testing shall be conducted prior to issuance of a permit and at any time in accordance with subsection (f)(3)(A) . A permit will not be issued until all of the standards are met. In accordance with the Raw Milk Institute Farmer to Family Standards and Mentoring, the following standards shall apply:

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- A) Coliform shall be less than 25 coliforms per milliliter of raw milk.
  - B) Bacteria count shall be less than 15,000 bacteria per milliliter of raw milk.
  - C) The milk supply shall not contain any drug residues.
  - D) The somatic cell count shall be less than or equal to 750,000 cells per milliliter of raw milk.
  - E) The dairy farm water supply shall be free of coliforms.
- 4) For every day of a sales or distribution transaction, a raw milk sample shall be kept a minimum of five days. The sample shall be stored between 32°F and 40°F in a sanitary container, be at least 6 ounces and be labeled with the date of the transaction.
- g) Enforcement of Standards and Quality Counts
- 1) The Department will issue a warning when two out of the last four coliform, bacteria or somatic cell counts are in violation of the standards. The on-farm raw milk permit shall be suspended when three out of the last five coliform, bacteria or somatic cell counts are in violation of the standards.
  - 2) The Department will suspend the on-farm raw milk permit when drug residues are detected in the raw milk supply.
  - 3) The Department will suspend the on-farm raw milk permit when coliforms are detected in the water supply.
  - 4) The Department will suspend or revoke the permit of the dairy farm whenever the Department has reason to believe that a public hazard exists; or whenever the dairy farm has interfered with the Department in performance of its duties; or whenever the dairy farm has violated any of the procedures in Section 775.55(a), Section 775.60(a),(b),(c),(d) and (e), Section 775.80, Section 775.130 and Section 775.150.

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- h) Reinstatement of On-Farm Raw Milk Permit
- 1) The Department will reinstate the on-farm raw milk permit when an inspection of the dairy farm does not reveal any coliform and bacteria violations.
  - 2) The Department will reinstate the on-farm raw milk permit when a raw milk sample reveals that the somatic cell count is in compliance with the standard in subsection (a)(6)(C).
  - 3) The Department will reinstate the on-farm raw milk permit when the dairy farm water supply is free of coliform.
- i) The Department shall ~~be allowed to~~ conduct an inspection of the dairy farm at any time or in response to a consumer complaint, product complaint, or reported suspected foodborne illness pursuant to Section 775.70. The inspection will include collection of samples and notification to consumers. The Department will suspend sales shall if a confirmation test reveals the presence of a pathogen.
- j) The Grade A Pasteurized Milk Ordinance does not apply to this Section.

**Section 775.57 Off-Farm Raw Milk**

- a) A dairy farm permit shall be obtained for a dairy farm to sell or distribute raw milk beyond the premises of the dairy farm in accordance with Section 775.50 and with the requirements set forth in this Section. The owner shall notify the Department when a change of ownership occurs or when a change of tenant occurs. Dairy farms selling raw milk will be listed on the Department website ([www.idph.state.il.us](http://www.idph.state.il.us)).
- 1) The dairy farm shall comply with on-farm requirements for any on-farm sales in accordance with Section 775.55.
  - 2) Off-farm raw milk sales or distribution shall be in accordance with herd share, distribution agreements or any other contractual agreement or exchanges between the dairy farm and the consumer. The dairy farm owner shall keep these agreements on file and make them available to the Department upon request. Herd share agreements, distribution agreements

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or any other contractual agreement or exchanges are allowed under an off-farm raw milk permit.

- 3) The Department will inspect a dairy farm for compliance with the Grade A Pasteurized Milk and Milk Products Act and this Part before issuing a permit.
- 4) A dairy farm shall not make milk products, such as, but not limited to, cheese or yogurt, from raw milk for sale to consumers. Consumers may make milk products from the purchased raw milk but shall not sell or distribute these products.
- b) Sanitation, equipment and quality standards and labeling referenced in the PMO shall apply.
- c) Inspection, enforcement and investigation of the dairy farm will be conducted in accordance with the PMO and Section 775.70.
- d) Raw milk that is transported in containers shall be protected from contamination, in a sanitary manner in accordance with the PMO, and with the temperature of the product being maintained at 45°F or less. The containers shall be labeled in accordance with the PMO.
- e) Any place where raw milk is being stored for distribution shall be approved by the Department and accessible for inspection annually and upon the Department's receiving any complaints. The storage place shall be protected from contamination, be kept in a sanitary manner and maintained at a temperature of 41°F or less. The Department shall notify the local health department of the location.
- f) The use of vending or dispensing machines for distributing raw milk shall be in compliance with the 3-A standards in accordance with the PMO Item 9r and Item 11p. The off-farm raw milk dairy farm shall notify the Department before purchasing the vending or dispensing machine. The equipment and location must be preapproved by the Department before being used in compliance with 3-A standards in accordance with the PMO Item 9r and Item 11p. The vending or dispensing machine shall be kept clean, shall protect the product from contamination, and shall maintain the raw milk temperature at 41°F or less.

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(Source: Added at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)