

1 TITLE 77: PUBLIC HEALTH
2 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
3 SUBCHAPTER m: FOOD, DRUGS AND COSMETICS
4

5 PART 775
6 GRADE A PASTEURIZED MILK AND MILK PRODUCTS
7

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28 AUTHORITY: Authorized by and implementing the Grade A Pasteurized Milk and Milk
29 Products Act [410 ILCS 635].
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31 SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11
32 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1,
33 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271,
34 effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998;
35 amended at 25 Ill. Reg. 11904, effective September 1, 2001; amended at 25 Ill. Reg. 12629,
36 effective September 25, 2001; amended at 27 Ill. Reg. 15979, effective October 1, 2003;
37 amended at 32 Ill. Reg. 8432, effective May 21, 2008; amended at 35 Ill. Reg. 14193, effective
38 August 2, 2011; amended at 37 Ill. Reg. 7166, effective May 13, 2013; amended at 38 Ill. Reg.
39 11796, effective May 21, 2014; amended at 39 Ill. Reg. 420, effective December 19, 2014;
40 amended at 40 Ill. Reg. _____, effective _____.

41
42 **Section 775.10 Definitions**
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44 In addition to the definitions contained in Section 1 of the Grade A Pasteurized Milk Ordinance
45 (PMO), the following definitions shall apply:

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

"Applicant" means a person who formally applies to be a certified pasteurizer sealer or bulk milk hauler/sampler.

"Certified pasteurizer sealer" means a person who has satisfactorily completed a course of instruction and has demonstrated the ability to satisfactorily conduct all pasteurization control tests, as required by this Part. (Section 3(b)(17) of the Act and Section 2.39 of the Illinois Food, Drug and Cosmetic Act)

"Change of ownership" means a transaction in which a new or different owner takes possession of a specified entity.

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

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

"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 premises where one or more lactating animals (cows, goats, sheep, water buffalo, or other hoofed mammal) are kept for milking purposes, and from which a part or all of the milk or milk product is provided, sold or offered for sale to a consumer, milk plant, receiving station or transfer station.

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

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

87 "Distribution agreement" means a herd share or community supported agriculture
88 (CSA) program in which consumers purchase a membership from the dairy farm
89 that entitles them to share the dairy farm's raw milk production, or a buying club
90 in which consumers order raw milk directly from the farm for pick-up by the
91 consumer on the premises of the dairy farm.

92
93 "Distribution point" means a physical location on a the premises of a dairy farm
94 producing raw milk where the raw milk is collected from the various herd sites
95 and distributed to the consumer.

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

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

104
105 *"Enforcing agency" means the Illinois Department of Public Health or a unit of*
106 *local government electing to administer and enforce the Act as provided for in the*
107 *Act. (Section 3(b)(12) of the Act)*

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

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114 *"Grade A" means that milk and milk products are produced and processed in*
115 *accordance with the current Grade A Pasteurized Milk Ordinance as adopted by*
116 *the National Conference on Interstate Milk Shipments and the United States*
117 *Public Health Service – Food and Drug Administration. The term Grade A is*
118 *applicable to "dairy farm", "milk hauler-sampler", "milk plant", "milk product",*
119 *"receiving station", "transfer station", "bulk milk pickup tank", and "certified*
120 *pasteurizer sealer" whenever used in the Act. (Section 3(a) of the Act)*

121
122 "Herd share" means a consumer-signed agreement with the owner of the dairy
123 farm that offers partial ownership of one or more animals, stipulates the expected
124 quantity of raw milk to be received, and requires ongoing payment by the
125 consumer to the farmer for boarding the animal, animals or herd and the service
126 of milking for the consumer.

127
128 "High temperature short time flow-diversion device" or "HTST flow-diversion
129 device" means an automatic milk-flow safety device that controls the flow of milk

130 in relation to the temperature of the milk or heating medium and/or pressure,
131 vacuum, or other auxiliary equipment.

132
133 *"Imminent hazard to the public health" means any hazard to the public health*
134 *when the evidence is sufficient to show that a product or practice, posing or*
135 *contributing to a significant threat of danger to health, creates or may create a*
136 *public health situation that should be corrected immediately to prevent injury and*
137 *that should not be permitted to continue while a hearing or other formal*
138 *proceeding is being held. (Section 3(b)(10) of the Act)*

139
140 *"Milk" means the milk of cows or goats and includes skim milk and cream.*
141 *(Section 3(b)(2) of the Act)*

142
143 "Milkfat and Nonfat Solid Content Standards" means the standards set forth in 21
144 CFR 131.110. (See Section 775.20.)

145
146 *"Milk plant" means any place, premise, or establishment where milk or milk*
147 *products are collected, handled, processed, stored, pasteurized, ultra-pasteurized,*
148 *aseptically processed and packaged, condensed, dried, or prepared for*
149 *distribution. (Section 3(b)(3) of the Act)*

150
151 "Pasteurization" or "pasteurized" or similar terms mean the process of heating
152 every particle of milk or milk products, in properly designed and operated
153 equipment, to one of the temperatures given in the charts in the Pasteurized Milk
154 Ordinance (PMO) (see Section 775.20(a)(1)(A)) and held continuously at or
155 above that temperature for at least the corresponding specified time.

156
157 *"Permit" means a document awarded to a person for compliance with the*
158 *provisions of and under conditions set forth in the Act and this Part. (Section*
159 *3(b)(13) of the Act)*

160
161 *"Person" means any individual, group of individuals, association, trust,*
162 *partnership, corporation, person doing business under an assumed name, the*
163 *State of Illinois, or any political subdivision or Department thereof, or any other*
164 *entity. (Section 3(b)(11) of the Act)*

165
166 "Quality assurance program" means the Milk and Dairy Beef Quality Assurance
167 Program, Boeckman, Steve and Carlson, Keith R., Agri-Education Inc., Stratford,
168 Iowa 50249 or equivalent program as determined by the Department.

169
170 "Raw milk" means milk that has not been pasteurized.

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172 "Raw milk dispenser" means equipment approved by PMO 3-A standards and
173 used to store, cool and provide a mechanism for self-service of bottled raw milk
174 to the consumer. "Raw milk dispenser" does not mean household refrigerator or
175 commercial refrigerator.
176

177 "Raw milk permit" means a permit that allows a dairy farm to sell or distribute
178 raw milk, for use or consumption to consumers, only on the premises of the dairy
179 farm where the animal, animals or herd is located.
180

181 "*Receiving station*" means any place, premise, or establishment where raw milk is
182 received, collected, handled, stored or cooled and prepared for further
183 transporting. (Section 3(b)(5) of the Act)
184

185 "Separation" means an operational procedure that removes butterfat from milk.
186

187 "*Transfer station*" means any place, premise, or establishment where milk or milk
188 products are transferred directly from one milk tank truck to another. (Section
189 3(b)(6) of the Act)
190

191 "Violative drug residue" means a drug residue at or above the tolerance and/or
192 safe levels as set forth in 21 CFR 556 and Appendix N of the PMO.
193

194 (Source: Amended at 40 Ill. Reg. _____, effective _____)
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196 **Section 775.20 Incorporated and Referenced Materials**

197
198 a) The following regulations, guidelines and standards are incorporated in this Part:
199

200 1) Federal government guidelines:
201

202 A) The Grade A Pasteurized Milk Ordinance (PMO), and Appendices
203 A through R (except Sections 16 and 17) Recommendations of the
204 United States Public Health Service/Food and Drug
205 Administration, 2013 Revision (Publication 229). U.S.
206 Department of Health and Human Services, Public Health Service,
207 Food and Drug Administration, Milk Safety Branch (HFS-316),
208 5100 Paint Branch Parkway, College Park MD 20740-3835. In
209 addition, the jurisdiction name, left blank in Sections 1, 2, 3, 5, and
210 11 of the PMO, for the purposes of this Part, shall mean the State
211 of Illinois; and the regulatory agency referred to in Section 1 shall
212 mean the Illinois Department of Public Health. (See Section
213 775.30(a).)
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- 215 B) Evaluation of Milk Laboratories (2013 Revision), U.S. Department
216 of Health and Human Services, Public Health Service/Food and
217 Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint
218 Branch Parkway, College Park MD 20740-3835.
219
- 220 C) Methods of Making Sanitation Ratings of Milk Supplies (2013
221 Revision), U.S. Department of Health and Human Services, Public
222 Health Service/Food and Drug Administration, Milk Safety Branch
223 (HFS-316), 5100 Paint Branch Parkway, College Park MD
224 20740-3835.
225
- 226 D) Procedures Governing the Cooperative State-Public Health
227 Service/Food and Drug Administration Program of the National
228 Conference on Interstate Milk Shipments (2013 Revision), U.S.
229 Department of Health and Human Services, Public Health
230 Service/Food and Drug Administration, Milk Safety Branch
231 (HFS-316), 5100 Paint Branch Parkway, College Park MD
232 20740-3835.
233
- 234 2) Private and professional standards:
235
- 236 A) Standard Methods for the Examination of Dairy Products (17th
237 Edition, 2004, American Public Health Association, 1015 – 18th
238 Street, N.W., Washington, DC 20036). (See Section 775.70(b).)
239
- 240 B) Official Methods of Analysis of the Association of Official
241 Analytical Chemists (18th Edition, 2010, Association of Official
242 Analytical Chemists, P.O. Box 540, Ben Franklin Station,
243 Washington, DC 20044). (See Section 775.70(b).)
244
- 245 3) Federal regulations:
246
- 247 A) 21 CFR 131.110, Milk (2013). (See Section 775.10, the definition
248 of "milkfat and nonfat solid content standards".)
249
- 250 B) 21 CFR 556, Tolerances for Residues or New Animal Drugs in
251 Food (2013). (See Section 775.10, the definition of "violative drug
252 residue".)
253
- 254 C) 40 CFR 180, Tolerances and Exemptions from Tolerances for
255 Pesticide Chemicals in Food (2013). (See Section 775.140(a)(1).)
256
- 257 b) The following rules and statutes are referenced in this Part:

- 258
259 1) Illinois Plumbing Code (77 Ill. Adm. Code 890), Illinois Department of
260 Public Health. (See Section 775.30(c)(4).)
261
262 2) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code
263 100), Illinois Department of Public Health. (See Section 775.90.)
264
265 3) Food Service Sanitation Code (77 Ill. Adm. Code 750).
266
267 4) The Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS
268 115].
269
270 5) Illinois Administrative Procedure Act [5 ILCS 100].
271
272 6) Food Handling Regulation Enforcement Act [410 ILCS 625].
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274 c) All incorporations by reference of federal guidelines and regulations and the
275 standards of professional organizations refer to the materials on the date specified
276 and do not include any amendments or editions subsequent to the date specified.
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278 d) All citations to federal regulations in this Part concern the specified regulation in
279 the 2013 Code of Federal Regulations, unless another date is specified.
280
281 e) Copies of all incorporated materials are available for inspection and copying by
282 the public at the Department's Central Office, Division of Food, Drugs, and
283 Dairies, 525 West Jefferson Street, Springfield IL 62761.
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285 (Source: Amended at 40 Ill. Reg. _____, effective _____)
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287 **Section 775.30 Minimum Requirements**
288

- 289 a) The production, transportation, processing, handling, sampling, examination,
290 grading, labeling and sale of all milk and milk products; the inspection of dairy
291 herds, dairy farms and milk plants, receiving and transferring stations, and
292 cleaning and sanitizing facilities; the suspension of permits to milk producers and
293 haulers, shall be regulated in accordance with the provisions of the PMO and
294 Appendices A through R (with the exception of Sections 16 and 17) of the PMO.
295 (See Section 775.20.)
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297 b) The production, handling, sale, distribution, labeling, sampling and testing
298 requirements and quality standards for raw milk, the inspection of dairy farms,
299 and the suspension, revocation and reinstatement of permits of dairy farms shall
300 be regulated in accordance with Sections 775.55 and 775.60.

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- c) 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) In addition to subsections (a), (b) and (c), 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.

 - 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
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344 stamped sample from each continuous processing of a specific pasteurized
345 fluid milk product as defined in the PMO (see Section 1 of the PMO).
346 These samples shall be of the pasteurized milk product itself and not of
347 each type of container in which the milk product is packaged. In addition,
348 the samples shall be retained until two days after the guaranteed sale date
349 in accordance with the cooling requirements of the PMO (see Section 7,
350 Table 1 of the PMO).

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352 3) In addition to Section 7, items 8r and 7p, of the PMO, the Illinois
353 Plumbing Code shall apply.
354

355 (Source: Amended at 40 Ill. Reg. _____, effective _____)
356

357 **Section 775.50 Permits**
358

359 *It shall be unlawful for any person to establish, maintain, conduct, or operate a dairy farm, milk*
360 *plant, receiving station, or transfer station processing milk or milk products, to establish and*
361 *operate a cleaning and sanitizing facility or milk tank truck, to haul or sample milk, or to act as*
362 *a certified pasteurizer sealer within this State, or to bring in and distribute from out-of-state milk*
363 *and milk products without first obtaining a permit from the Department. (Section 5 of the Act)*
364

- 365 a) The Department will grant and renew a permit for persons who maintain, conduct,
366 or operate a milk plant, receiving station, transfer station, or cleaning and
367 sanitizing facilities within the State of Illinois upon completion of an inspection
368 that establishes compliance with the Act and this Part and upon payment of the
369 fee required by Section 5.1 of the Act. Milk plants that maintain cleaning and
370 sanitizing facilities on the same site as the plant do not have to obtain a separate
371 permit for those facilities.
372
- 373 b) The Department will grant and renew a permit for persons who bring into and
374 distribute pasteurized milk or milk products from another state that has
375 administrative rules or requirements that provide for clean, sanitary and safe
376 handling and processing of pasteurized milk and milk products to ensure
377 protection equivalent to that provided by this Part upon receipt of an inspection
378 report that establishes compliance with that state's administrative rules or
379 requirements and upon payment of the fee required by Section 5.1 of the Act.
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- 381 c) A permit will be granted to a milk hauler-sampler when the following conditions
382 are met:
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- 384 1) An inspection establishes that the milk hauler-sampler's equipment is in
385 compliance with the provisions of the Act and this Part;
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- 387 2) The milk hauler-sampler has successfully completed an examination
388 administered by the Department; and
389
- 390 3) The milk hauler-sampler has paid the fee required by Section 5.1 of the
391 Act.
392
- 393 d) A renewal permit will be granted to a milk hauler-sampler when an inspection
394 establishes that the milk hauler-sampler's equipment and sampling procedures are
395 in compliance with the provisions of the Act and this Part and upon payment of
396 the fee required by Section 5.1 of the Act.
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- 398 e) Dairy Farm Permits
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- 400 1) A dairy farm permit is necessary when a farm does not presently hold a
401 permit, when a change of ownership occurs and only the farm owner's
402 name was on the permit, or when a change of tenant occurs and only the
403 former tenant's name was on the permit.
404
- 405 2) A dairy farm permit will be granted to a dairy farm upon the completion of
406 an inspection that establishes compliance with the Act and this Part. The
407 inspection includes procedures for the establishment of a quality record.
408 The quality record is established by the results of four samples taken at a
409 rate of not more than two per week and on separate days within a three-
410 week period.
411
- 412 3) Beginning July 1, 2016, a dairy farm with a dairy farm permit may sell or
413 offer for sale for human consumption raw milk on the premises of the
414 dairy farm in accordance with Section 775.55.
415
- 416 4) Beginning July 1, 2016, it is unlawful for any person who does not possess
417 a dairy farm permit in accordance with Section 775.50 or a raw milk
418 permit in accordance with Section 775.55 to produce, process, sell, offer
419 for sale or distribute raw milk for human consumption.
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- 421 5) Beginning July 1, 2016, a dairy farm producing raw milk for consumption
422 only by family members living on the dairy farm shall be exempt from
423 Section 775.55.
424
- 425 f) Certified Pasteurizer Sealer Permits will be issued in accordance with Section
426 775.115.
427

428 (Source: Amended at 40 Ill. Reg. _____, effective _____)
429

430 **Section 775.55 Raw Milk Permit**
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432 a) A raw milk permit shall be obtained for a dairy farm to sell or distribute raw milk
433 on the premises of the dairy farm in accordance with Section 775.50(e)(3), (4) and
434 (5) and this Section. The dairy farm owner shall notify the Department when a
435 change of ownership occurs or when a change of tenant occurs. Dairy farms
436 selling or distributing raw milk will be listed on the Department website
437 (www.dph.illinois.gov).
438

439 1) The Department will inspect a dairy farm for compliance with the Act and
440 this Part prior to issuance of a raw milk permit. Inspections will be in
441 accordance with subsection (e).
442

443 2) A dairy farm participating in only raw milk sales or distribution of raw
444 milk shall comply with the quality count requirements and standards in
445 subsection (f) and Section 775.50(e)(2) prior to the issuance of the raw
446 milk permit and at all times.
447

448 3) The Department will issue a distribution point permit if there is a
449 distribution point on the premises of the dairy farm where raw milk is
450 being stored for sale or distribution in compliance with the requirements
451 of this Section and in accordance with Section 775.50(e)(4). The
452 distribution point shall be accessible for inspection every three months in
453 accordance with the PMO and upon the Department's receiving any
454 complaints. The storage place for raw milk shall be protected from
455 contamination, be kept in a sanitary manner and maintained at a
456 temperature of 41°F or below.
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458 b) Sales or Distribution of Raw Milk Procedures
459

460 1) Raw milk shall be sold or distributed only on the premises of the dairy
461 farm, with or without a distribution agreement between the dairy farm and
462 the consumer. If the transaction is made pursuant to a distribution
463 agreement, the dairy farm shall keep the agreement on file and make the
464 agreement available to the Department upon request.
465

466 2) Raw milk sold on the dairy farm shall not be re-sold or re-distributed.
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468 3) Raw milk shall be offered for sale only within five days after production.
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470 4) Consumers may bring their own containers for their raw milk. If the farm
471 provides the containers for consumer transport, the containers shall meet
472 the requirements of subsection (e)(2).

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- 5) The dairy farm owner shall have a written procedure for recalling products and notifying consumers in accordance with the Illinois Food, Drug and Cosmetic Act. The dairy farm owner shall maintain a log of each raw milk sale or transaction with consumer name, address, phone number and date of sale for six months from the date of sale. The recall procedure and raw milk sale or transaction log shall be made available to the Department upon request in response to a foodborne outbreak for the epidemiologic investigation.
 - 6) The dairy farm owner shall report foodborne illness related complaints and consumer product complaints received to the Department at dph.dairy@illinois.gov within 5 days.
 - 7) A dairy farm shall not make milk products, such as, but not limited to, cheese or yogurt, from raw milk for sale to consumers.
 - 8) The dairy farm shall submit to the Department, upon request, a statement of the total gallons of raw milk sold the previous 12 months.
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- c) Signage and Consumer Advisory
- 1) A dairy farm that sells or distributes raw milk shall post a placard at the point of sale or distribution that is noticeable to consumers. The placard shall read: "Warning: Milk that is not pasteurized is sold or distributed here. This dairy farm is not inspected routinely by the Illinois Department of Public Health." Raw milk may contain pathogens that cause serious illness, especially in children, the elderly, women who are pregnant and persons with weakened immune systems. The placard shall be written in a legible font, such as Arial, and in black ink. The size of the letters on the placard shall be no less than 2 inches in height.
 - 2) The dairy farm shall provide each new consumer with Department-approved consumer awareness information. The Department will also post the information on the Department website.
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- d) Department-approved Labeling and Receipt Information
- 1) All labeling requirements (see subsection (d)(2)) shall be affixed to the container unless the container is provided by the consumer. If the container is provided by the consumer, all labeling requirements shall be given to the consumer on a product receipt.
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- 516 2) The following shall be provided to the consumer either through container
517 labeling or product receipt:
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- 519 A) The name, address and permit number of the permit holder and
520 product date.
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 - 522 B) The words "not pasteurized" or "unpasteurized" in addition to
523 "raw" preceding the name of the product;
524
 - 525 C) The quantity of contents;
526
 - 527 D) The production date and the last date the container may be offered
528 for sale, which shall be within five days after the production date;
529
 - 530 E) The type of animal preceding the term "raw milk" for example
531 "cow raw milk" or "goat raw milk";
532
 - 533 F) The statement "WARNING: This product has not been pasteurized
534 and, therefore, may contain pathogens that cause serious illness,
535 especially in children, the elderly, women who are pregnant and
536 persons with weakened immune systems."; and
537
 - 538 G) Instructions for the consumer to notify the local health department
539 for the area in which the consumer resides of a consumer
540 complaint or suspected foodborne illness or to notify the
541 Department of a complaint of farm sanitary conditions.
542
- 543 e) Inspection Standards for Permitted Dairy Farms
544
- 545 1) Dairy Animal Health and Cleanliness
546
 - 547 A) Lactating animals that show evidence of the secretion of milk with
548 abnormalities in one or more udders, based upon bacteriological,
549 chemical or physical examination, shall be milked last or with
550 separate equipment, and the milk shall be discarded (not offered
551 for sale or for human consumption).
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 - 553 B) Clean bedding material shall be provided for all lactating dairy
554 animals. The bedding material, if used, does not contain more
555 manure than has accumulated since the previous milking.
556
 - 557 C) Cow yard and loafing areas adjacent to lactating dairy animal
558 housing shall be graded and drained and to minimize standing

559 pools of water or accumulation of organic waste. Lactating animal
560 droppings and soiled bedding shall be removed, or clean bedding
561 added, at sufficiently frequent intervals to prevent soiling of the
562 lactating animal's udder and flanks. Manure packs shall be
563 properly drained and shall provide a reasonably firm footing.
564

565 D) Swine and fowl shall be kept out of the milking area and not be
566 housed with lactating dairy animals.
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568 2) Equipment Construction and Storage
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570 A) All multi-use containers, utensils and equipment used in handling,
571 storing or transporting milk shall be made of smooth, nonabsorbent
572 and corrosion-resistant food-grade material. Containers, utensils
573 and equipment shall be in good repair. Multiple-use woven
574 material shall not be used for straining milk. All single-service
575 articles shall have been manufactured, packaged, transported and
576 handled in a sanitary manner. Articles intended for single use shall
577 not be reused.
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579 B) All multiple-use containers, utensils and equipment that are
580 exposed to milk or milk products, or from which liquids may drip,
581 drain or be drawn into milk or milk products, shall be made of
582 smooth, impervious, nonabsorbent, safe materials of the following
583 types:
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585 i) Stainless steel of the American Iron and Steel Institute
586 (AISI) 300 series;
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588 ii) Equally corrosion-resistant non-toxic metal;
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590 iii) Heat-resistant glass; or
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592 iv) Plastic or rubber and rubber-like materials that are
593 relatively inert, resistant to scratching, scoring,
594 decomposition, crazing, chipping and distortion under
595 normal use conditions; that are non-toxic, fat resistant,
596 relatively nonabsorbent, and relatively insoluble; that do
597 not release component chemicals or impart flavor or odor
598 to the product; and that maintain their original properties
599 under repeated use conditions.
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601 C) Milk cans shall have umbrella lids.

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- D) All containers, utensils and equipment used in handling or storing milk or transporting milk by the consumer, unless stored in sanitizing solution, shall be stored to assure complete drainage and shall be protected from contamination prior to use. These requirements do not apply to containers furnished by the consumer.
 - E) Raw milk being transported to a distribution point on the premises of a dairy farm shall be transported in approved single-service containers or containers approved in accordance with Item 12p of the PMO. The containers shall be properly cleaned and shall be protected from contamination in a sanitary manner in accordance with the PMO. The temperature of the product shall be maintained at 41°F or below. The containers shall be labeled in accordance with the PMO.
 - F) A raw milk dispenser used for refrigeration of bottled raw milk on the premises of the dairy farm shall be in compliance with the PMO 3-A standards in accordance with PMO Item 9r and Item 11p. A household refrigerator or commercial refrigerator is an option for refrigeration and is exempt from 3-A standards. The dairy farm shall notify the Department before purchasing the raw milk dispenser. The raw milk dispenser must be preapproved by the Department before being used in compliance with 3-A standards in accordance with PMO Item 9r and Item 11p. The raw milk dispenser shall be kept clean, shall protect the product from contamination, and shall maintain the raw milk temperature at 41°F or below.
- 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.

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- C) The product contact surfaces of all multi-use containers, equipment and utensils used in handling or storing milk and transporting milk by the consumer shall be sanitized before each use by:
 - 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; or
 - ii) Chemical compounds contained in 40 CFR 180.940 shall be used in accordance with label directions for sanitizing milk utensils, containers and equipment.
 - D) The milking operator shall wash his or her hands and dry the hands on a disposable towel prior to beginning milking.
 - E) Milk shall be cooled to 45°F or below within four hours after beginning milking. If milk is not sold or distributed to the consumer within four hours after beginning milking, it shall be immediately cooled to 41°F or below.
 - 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. When conditions warrant, the Department may approve a barn without four walls, or a shed-type barn, provided it is kept clean and animals and fowl are prohibited from entering the barn.
 - B) Milking equipment shall be washed and sanitized using a safe, potable water supply.
 - C) All milking equipment shall be stored in an enclosed 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.

- 686 f) Quality Count Requirements and Standards
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688 1) Quality Counts and Standards shall be performed in a certified laboratory
689 in accordance with Section 775.20(a)(1)(A) and (B), Section 775.100 and
690 Appendix B of the PMO. The results shall be sent to the Department.
691
692 2) The samples shall be collected by a certified sampler in accordance with
693 the Act and this Part.
694
695 3) Sampling and testing shall be conducted prior to issuance of a permit in
696 accordance with Section 775.50(e)(2) and at least four times during every
697 six consecutive months. A permit will not be issued until all of the
698 following standards are met.
699
700 A) Coliform shall be less than or equal to 10 coliforms per milliliter of
701 raw milk.
702
703 B) Bacteria count shall be less than 20,000 bacteria per milliliter of
704 raw milk.
705
706 C) The milk supply shall not contain any drug residues.
707
708 D) The somatic cell count shall be less than or equal to 750,000 cells
709 per milliliter of raw cow milk or 1,000,000 cells per milliliter of
710 raw goat milk.
711
712 E) The dairy farm water supply shall be free of coliform bacteria.
713
714 4) In response to a foodborne outbreak or when a high risk of infection
715 exists, the Department will require pathogen testing to be performed on
716 the raw milk.
717
718 5) For every day of a sale or distribution transaction, one raw milk sample
719 shall be kept a minimum of 14 days. The sample shall be stored between
720 32°F and 40°F in a sanitary container, be at least 6 ounces and be labeled
721 with the date of the production.
722
723 g) Enforcement of Standards and Quality Counts
724
725 1) The Department will issue a warning when two out of the last four
726 coliform, bacteria or somatic cell counts are in violation of the standards
727 established in subsection (f)(3). The raw milk permit will be suspended

728 when three out of the last five coliform, bacteria or somatic cell counts are
729 in violation of the standards.

730
731 2) The Department will suspend the permit when drug residues are detected
732 in the raw milk supply.

733
734 3) The Department will suspend the permit when coliforms are detected in
735 the water supply.

736
737 4) The Department will suspend or revoke the dairy farm permit whenever:

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739 A) the Department has reason to believe that a public hazard exists;

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741 B) the dairy farm has interfered with the Department in performance
742 of its duties; or

743
744 C) the dairy farm has violated any of the procedures in subsection (a)
745 or (f)(3); Section 775.60(a), (b), (c), (d) or (e); Section 775.80;
746 Section 775.130; or Section 775.150.

747
748 h) Reinstatement of Permit
749 The Department will reinstate the permit

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751 1) when an inspection of the dairy farm does not reveal violations; and

752
753 2) when the dairy farm is in compliance with subsection (f).

754
755 i) The Department will conduct an inspection of the dairy farm at any time or in
756 response to a consumer complaint, product complaint, or reported suspected
757 foodborne illness pursuant to Section 775.70. The inspection may include
758 collection of samples and notification to consumers. The Department will
759 suspend sales if a confirmation test reveals the presence of a pathogen.

760
761 j) The Grade A Pasteurized Milk Ordinance does not apply to this Section.

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763 (Source: Amended at 40 Ill. Reg. _____, effective _____)