

2 VAC 5-501, REGULATIONS GOVERNING THE COOLING, STORING, SAMPLING AND TRANSPORTING OF MILK

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Statutory Authority §§ 3.1-530.1, 3.1-530.2, 3.1-535, and 3.1-535.1 of the Code of Virginia (1950), as amended.

2 VAC 5-501-10 Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Bulk milk hauler" means any person who holds a permit issued by the Virginia Department of Agriculture and Consumer Services to collect official milk samples and transport: (i) raw milk from a dairy farm to a milk plant, receiving station, or transfer station; or (ii) raw milk products from one milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.

"Bulk milk pickup tanker" means a vehicle, including the truck, tank, and those appurtenances necessary for its use, used by a bulk milk hauler or bulk milk sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

"Bulk milk pickup tanker commingled milk" means the commingled raw milk from two or more dairy farms which has not been removed from the bulk milk pickup tanker.

"Bulk milk sampler" means any person who holds a permit issued by the Virginia Department of Agriculture and Consumer Services to collect, store, or transport official milk samples.

"Cancel" means to permanently nullify, void, or delete a permit issued by the Virginia Department of Agriculture and Consumer Services.

"Contract hauler" or "subcontract hauler" means any person who contracts; (i) to transport raw milk from a dairy farm to a milk plant, receiving station, or transfer station; or (ii) to transport raw milk or milk products between a milk plant, receiving station, or transfer station and another milk plant, receiving station, or transfer station.

"Dairy farm" means any place or premises where any cow, goat, sheep, water buffalo, or other mammal (except humans) is kept, from which cow, goat, sheep, water buffalo, or other mammal (except

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humans) any milk, dairy product, or milk product is ~~provided,~~ sold~~[-]~~ or offered for sale for human consumption.

“Dairy plant sampler” means any employee of: (i) a milk plant who is responsible for collecting official milk samples in the Commonwealth of Virginia; (ii) the Virginia Department of Agriculture and Consumer Services who is responsible for collecting raw milk or pasteurized milk product samples at a milk plant; or (3) the Virginia Department of Health who is responsible for collecting raw milk or pasteurized milk product samples at a milk plant and who holds a permit issued by the Virginia Department of Agriculture and Consumer Services for the collection of official milk samples for regulatory purposes.

“Dairy product” means butter, natural or processed cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated whole or skim milk, condensed whole milk, and condensed plain or sweetened skim milk.

“Deny” means the Virginia Department of Agriculture and Consumer Services will not issue a permit to the applicant.

“Farm bulk cooling or holding tank” means any tank installed on a dairy farm for the purpose of cooling or storing raw milk.

“Milk” means the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, goats, sheep, water buffalo, or other mammal (except humans) intended for human consumption excluding that obtained before and after birthing, for such a period as may be necessary to render the milk practically colostrum free.

“Milk plant ” means any place, premises, or establishment where milk, milk products, or dairy products are collected, handled, processed, stored, pasteurized, aseptically processed, bottled, packaged, or prepared for distribution.

“Milk producer” means any person who operates a dairy farm and provides, sells, or offers any milk for human consumption.

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"Milk product" means: (i) acidified lowfat milk, acidified milk, acidified milk product, acidified skim milk, acidified sour cream, acidified sour half-and-half, aseptically processed milk, aseptically processed milk product, buttermilk, coffee cream, concentrated milk, concentrated milk product, cottage cheese, cottage cheese dry curd, cream, cultured half-and-half, cultured milk, cultured lowfat milk, cultured skim milk, cultured sour cream, dry curd cottage cheese, eggnog, eggnog-flavored milk, flavored milk, flavored milk product, fortified milk, fortified milk product, frozen milk concentrate, goat milk, half-and-half, heavy cream, lactose-reduced lowfat milk, lactose-reduced milk, lactose-reduced skim milk, light cream, light whipping cream, lowfat cottage cheese, lowfat milk, lowfat yogurt, low-sodium lowfat milk, low-sodium milk, low-sodium skim milk, milk, nonfat milk, nonfat yogurt, recombined milk, recombined milk product, reconstituted milk, reconstituted milk product, sheep milk, skim milk, sour cream, sour half-and-half, table cream, vitamin D milk, vitamin D milk product, whipped cream, whipped light cream, whipping cream, or yogurt; (ii) any of the following foods: milk, lowfat milk, or skim milk with added safe and suitable microbial organisms; or (iii) any food made with a food specified in (i) of this definition by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin, or mineral fortification. Milk products also include those dairy foods made by modifying the federally standardized products listed above in accordance with 21 CFR 130.10 – Requirements for foods named by use of a nutrient content claim and a standardized term.

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

"Milk tank truck cleaning facility" means any place, premise, or establishment, separate from a milk plant, receiving station, or transfer station where a bulk milk pickup tanker or milk transport tank is cleaned and sanitized.

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

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"Official laboratory" means a facility where biological, chemical, or physical testing is performed which is operated or approved by the State Regulatory Authority.

"Official milk sample" means each sample of milk, milk product, or dairy product that is collected for compliance with requirements of this chapter by a person who holds a permit to collect milk, milk product, or dairy product samples issued by the State Regulatory Authority.

"Other mammals" means any mammal except humans, cows, goats, sheep, or water buffalo.

"Pay purpose laboratory" means a laboratory that conducts tests for the purpose of determining the composition of milk, milk product, cream, or dairy product as a basis for payment in buying or selling any milk, milk product, cream, or dairy product.

"Permit" means the written document issued by the Virginia Department of Agriculture and Consumer Services to a person qualified to be a bulk milk hauler, bulk milk sampler, contract hauler, subcontract hauler, dairy plant sampler, pay purpose tester, or to operate a pay purpose laboratory, bulk milk pickup tanker, or milk transport tank.

"Person" means any individual, plant operator, partnership, corporation, company, firm, trustee, institution, or association.

"Raw" means unpasteurized.

"Receiving station" means any place, premises, or establishment where any milk, milk product, or dairy product is received, collected, handled, stored or cooled, and prepared for further transporting.

"Revoke" means to permanently annul, repeal, rescind, countermand, or abrogate the opportunity for any person or persons to hold a permit issued by the Virginia Department of Agriculture and Consumer Services.

"State Regulatory Authority" means the Virginia Department of Agriculture and Consumer Services, the agency having jurisdiction and control over the matters embraced within this chapter.

"Summarily suspend" means the immediate suspension of a permit issued by the State Regulatory Authority without the permit holder being granted the opportunity to contest the action prior to the

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effective date and time of the suspension.

"Suspend" means to temporarily nullify, void, debar, or cease for a period of time a permit issued by the Virginia Department of Agriculture and Consumer Services.

"Transfer station" means any place, premises, or establishment where milk, dairy products, or milk products are transferred directly from one transport milk tank to another, or from one or more bulk milk pickup tankers to one or more transport milk tanks.

"Transport commingled milk" means any raw milk, milk product, or dairy product which has been removed from one or more bulk milk pickup tankers or any silo, vat, or container in a milk plant and loaded into a milk transport tank.

"Transport tank operator" means any person who hauls transport commingled milk.

"3-A Sanitary Standards" means the standards for dairy equipment and accepted practices formulated by the 3-A Sanitary Standards Committees representing the International Association for Food Protection, the U. S. Public Health Service, and the Dairy Industry Committee and published by the International Association for Food Protection.

2 VAC 5-501-20 Intent, scope, and interpretation.

- A. The Virginia Board of Agriculture and Consumer Services hereby finds that a uniform regulation is needed to govern the cooling or storage of milk on Virginia dairy farms; the sampling of milk in storage and the handling of milk samples from the dairy farm to the laboratory; the hauling, transferring, storage, handling, and delivery of milk from the farm to the processing plant; the hauling, transferring, handling, and delivery of milk, milk products, and dairy products between one milk plant and another; and the handling and testing of milk, milk product, and dairy product samples in laboratories if the test results will be used as a basis for payment. This chapter shall be applicable throughout the Commonwealth, shall be enforced on a statewide basis, and shall regulate all milk, milk products, and dairy products produced on Virginia dairy farms or moved between milk plants.

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- B. Unless otherwise provided by state law or regulations of the Virginia Board of Agriculture and Consumer Services, this chapter shall be interpreted and enforced by the Department of Agriculture and Consumer Services. In the interest of the consumer and to facilitate the orderly marketing of milk, the Commissioner of Agriculture and Consumer Services may establish, publish, and enforce interpretations of this chapter.
- C. This chapter defines milk cooling or storage tanks, pay purpose laboratories, dairy farms, plants, etc; sets forth permit requirements, milkhouses and associated facilities required; construction, location and operation of milk cooling or storage tanks; establishes minimum cooling and storage requirements for milk on the farm and in transport; sampling and measuring of milk produced and sold from dairy farms; and facilities and operations required in hauling milk from the farm to the processing plant.

2 VAC 5-501-30 Permits.

- A. It shall be unlawful for any person who does not possess a permit from the State Regulatory Authority of the Commonwealth of Virginia: (1) to operate a bulk milk pickup tanker; (2) to sample, measure, and collect milk from farm bulk milk cooling or holding tanks; (3) to sample, measure, or receive milk in cans or containers into any milk plant, receiving station, or transfer station; (4) to possess or transport official milk samples; (5) to collect official milk samples from bulk milk pickup tankers or milk transport tanks; or (6) to collect official milk samples of pasteurized milk or pasteurized milk products from a milk plant. Each person shall pass a test as prescribed by the State Regulatory Authority. Qualifications of such persons shall be those set forth by laws, regulations, and procedures prescribed by the State Regulatory Authority. All such permits shall expire on December 31 next following the date of issuance. All such permits shall be renewed without further examination if the permit holder renews his permit within one year after the permit's expiration date. No permit to operate a bulk milk pickup tanker to sample, measure, and collect milk

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from farm bulk milk cooling or holding tanks shall be renewed without the applicant satisfactorily passing a test as prescribed by the State Regulatory Authority if the applicant did not renew his permit within one year after it expired. Each bulk milk sampler shall be evaluated by the State Regulatory Authority at least once during the first year after his permit is issued and a minimum of once every two years thereafter as a condition of permit renewal. It shall be the responsibility of each bulk milk sampler to ensure he is available to be evaluated by the State Regulatory Authority.

- B. It shall be unlawful for any person who does not possess a permit from the State Regulatory Authority of the Commonwealth of Virginia to operate a milk tank truck cleaning facility. Each milk tank truck cleaning facility shall be inspected and determined to be in compliance with all requirements of this chapter by the State Regulatory Authority prior to permit issuance. All such permits shall expire on December 31 next following the date of issuance.
- C. Each Contract hauler and subcontract hauler shall obtain a permit from the State Regulatory Authority in order to contract for the hauling of milk from a dairy farm to a milk plant or transfer station. Each contract hauler and subcontract hauler shall also obtain a permit from the State Regulatory Authority for each bulk milk pickup tanker and each milk transport tank they operate. Each bulk milk pickup tanker and each transport tank shall be identified by a five digit number preceded by the letters "VA". The first two digits of the five digit number shall identify the contract hauler or subcontract hauler as assigned by the State Regulatory Authority and the last three digits of the five digit number shall identify the specific bulk milk pickup tanker or transport tank as assigned by the State Regulatory Authority. Each contract hauler and subcontract hauler shall identify each bulk milk pickup tanker and transport tank on the left hand side of the rear bulkhead of each tank with permanent, water resistant letters and numbers. Each contract hauler and subcontract hauler shall use only letters and numbers to identify a bulk milk pickup tanker or milk transport tank that are at least three inches tall and one and one half inches wide. Each contract hauler and subcontract hauler shall provide the State Regulatory Authority with the name of the

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manufacturer, year made, model number, capacity, serial number, number of compartments, whether the tanker is a bulk milk pickup tanker or milk transport tank, delivery address, mailing address, telephone, and contact information for each bulk milk pickup tanker and milk transport tank for permitting purposes. Permits for contract haulers, subcontract haulers, bulk milk pickup tankers, and milk transport tanks shall expire on December 31 next following the date of issuance and shall be renewed annually.

- D. It shall be unlawful for any person who does not possess a permit from the State Regulatory Authority of the Commonwealth of Virginia to operate a pay purpose laboratory or to test milk for pay purposes. Each person employed by a pay purpose laboratory who is involved in testing milk for pay purposes shall pass a test as prescribed by the State Regulatory Authority. Qualifications of such persons shall be those set forth by laws, regulations, and procedures prescribed by the State Regulatory Authority. All such permits shall expire on December 31 next following the date of issuance and shall be renewed annually. All such permits shall be renewed without further examination if the permit holder renews within one year after the permit's expiration date.
- E. Only a person who complies with this chapter shall be entitled to receive and retain such a permit. Permits or identification numbers shall not be transferable with respect to persons, equipment, or locations.
- F. The State Regulatory Authority may cancel, suspend, or revoke the permit of any person, or may deny to any person a permit if:
1. It has reason to believe that a public health hazard exists;
 2. The permit holder fails to engage daily in the business for which the permit was issued;
 3. The permit holder was not evaluated by the State Regulatory Authority if required for permit renewal;
 4. The permit holder fails to comply with any requirement of this chapter, or of §§ 3.1-420 through 3.1-424, §§ 3.1-530.1 through 3.1-530.10, §§ 3.1-531.1 through 3.1-542, or §§ 3.1-544 through

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3.1-545.1 of the Code of Virginia;

5. The permit holder has interfered with the State Regulatory Authority in the performance of its duties;
 6. The person supplies false or misleading information to the State Regulatory Authority: (i) in the person's application for a permit; (ii) concerning the identity of the person who will control the business or equipment that is the subject of the permit; (iii) concerning the amount of milk, milk product, or dairy product which the person weighs, samples, tests, or transports; (iv) concerning the distribution of the person's milk, milk product, or dairy product; (v) concerning any investigation conducted by the State Regulatory Authority; or (vi) concerning the location of any part of the person's operation or equipment that is subject to a permit;
 7. The permit holder engages in fraudulent activity regarding: (i) the amount of milk, milk product, or dairy product the person weighs, samples, tests, or transports; (ii) the collection of samples used to determine compliance with any provision of 2 VAC 5-490-10 et seq., 2 VAC 530-10 et seq., or this chapter; or (iii) the collection or testing of samples used for pay purposes;
 8. The permit holder fails to correct any deficiency that the State Regulatory Authority has cited in a written notice of intent to suspend the person's permit, as a violation of this chapter; or
 9. The authority in another state responsible for issuing permits to contract haulers, subcontract haulers, bulk milk haulers, bulk milk samplers, dairy plant samplers, transporters of official samples, pay purpose laboratories, or testers of milk samples for pay purposes has suspended, or revoked the permit of the person in that state for any act or omission that would violate this chapter or the statutes under which this chapter was adopted, had the act or omission occurred in the Commonwealth.
- G. The State Regulatory Authority may summarily suspend the permit of any person for violation of 2 VAC 5-501-30(F)(1) or 2 VAC 5-501-30(F)(8).
- H. Each bulk milk sampler and bulk milk hauler shall ensure that one complete set of milk samples

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- representing each of the milk pickups on each load of farm pickup milk in his possession shall accompany the load to its destination. No person may remove the last complete set of milk samples from a bulk milk pickup tanker prior to its delivery to a milk plant, receiving station, or transfer station.
- I. Each person who holds a permit to produce milk shall store a minimum of the past thirty days bulk milk pickup tickets in his milkroom for use by the State Regulatory Authority if he ships his milk by bulk shipment.
- J. Each person who operates a dairy farm shall abstain from selling any milk from his dairy farm after his milk tests positive for excessive drug residues until notified by the State Regulatory Authority that a followup official milk sample taken from his milk supply tested negative for excessive drug residues.
- K. To provide for permitting reciprocity between states, the State Regulatory Authority may issue a Virginia permit to any bulk milk hauler or bulk milk sampler who holds a valid permit issued by the regulatory authority in another state without that person having to take or pass a test in Virginia if the person will be picking up or sampling milk in Virginia.
- L. Each person who operates a dairy farm shall use only a farm bulk milk pickup tanker or milk transport tanker for direct loading and storage of milk on his dairy farm if: (i) the milk tank truck is equipped with a means to collect representative milk samples approved by the State Regulatory Authority at his dairy farm; (ii) the milk tank truck is always delivered to the same milk plant in Virginia where a representative milk sample may be obtained by the State Regulatory Authority; or (iii) the operator of the dairy farm arranges for official milk samples to be collected and delivered to a laboratory operated by the State Regulatory Authority.
- M. Each bulk milk hauler, bulk milk sampler, contract hauler, and subcontract hauler who transports any pasteurized milk, pasteurized milk product, pasteurized dairy product, or pasteurized frozen dessert mix shall use only a milk tank truck that is dedicated solely to transport or hold pasteurized milk, pasteurized milk product, pasteurized dairy product, or pasteurized frozen dessert mix if the

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pasteurized milk, pasteurized milk product, pasteurized dairy product, or pasteurized frozen dessert mix will not be re-pasteurized in the milk plant receiving the pasteurized milk, pasteurized milk product, pasteurized dairy product, or pasteurized frozen dessert mix prior to being packaged for sale.

2 VAC 5-501-40 Milkhouse or milkroom; construction and facilities.

A. Each person who operates a dairy farm shall:

1. Provide a milkhouse or milkroom of sufficient size in which the cooling, handling, and storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted;
2. Provide: (1) incandescent lighting fixtures of 100 watts or more capacity; or (2) fluorescence lighting fixtures of 40 watts or more capacity in his milkhouse or milkroom; and (3) lighting fixtures that are located near, but not directly above any farm bulk milk tank if one is installed;
3. Provide sufficient light in the milkhouse or milkroom to illuminate the interior of each farm bulk milk tank installed on the dairy farm for inspection purposes. The person's lighting fixture for illuminating the interior of each farm bulk milk tank shall be either permanently installed or portable and battery operated;
4. Provide ventilation in his milkhouse or milkroom sufficient to prevent condensation from forming on the milkhouse ceiling or walls. No person who operates a dairy farm shall install vents in a milkhouse ceiling if the vents are located directly above any part of a farm bulk milk tank, wash vat, hand basin, equipment storage rack or floor drain. Each person who operates a dairy farm shall install only vents in a milkhouse ceiling that comply with the following:
 - a. Each vent shall be constructed to form a solid chimney between the milkhouse ceiling and the roof of the building so that there are no openings for dust, insects, birds, or other debris to enter the chimney and fall into the milkhouse or milkroom;
 - b. Each vent shall be screened at the top of the chimney after it exits the roof to prevent the

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- entrance of insects and birds; and
- c. Each vent shall be capped with a rain proof covering to prevent water and snow from falling down into the milkhouse or milkroom;
 5. Not install a forced air heating or cooling vent directly over any farm bulk milk tank, wash vat, equipment storage rack, or hand basin;
 6. Provide in his milkhouse or milkroom a water hose that complies with the following requirements:
 - a. The water hose shall be of sufficient length to reach all parts of the milkhouse;
 - b. The water hose shall be connected to a permanently mounted water valve; and
 - c. The water hose shall be equipped with facilities for storing the water hose above the floor;
 7. Provide in his milkhouse or milkroom a separate, permanently installed hand-washing facility with hot and cold running water under pressure supplied through a mix valve, soap, and single service paper towels;
 8. Provide only potable water under pressure in his milkhouse from a public or private supply properly developed, constructed, and maintained;
 9. Shall store in his milk house or milk room the weighing and sampling receipt from each milk pickup for a minimum of the past sixty days if his milk is picked up by a bulk milk hauler; and
 10. Sell his milk production only to a person who holds a milk plant permit issued by the State Regulatory Authority of Virginia or another state.

2 VAC 5-501-50 Cooling temperature and storage standards for milk stored on a dairy farm.

- A. Each person who operates a dairy farm shall cool his raw milk to 40 °F or cooler, but not frozen, within two hours after milking and the temperature at any time thereafter shall not be warmer than 50 °F. Raw milk which is warmer than a temperature of 50 °F two hours after the first milking or at any time thereafter shall be deemed a public health hazard and shall not be utilized in any milk, milk

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product, or dairy product, offered for sale, or sold.

- B. No person who operates a dairy farm and holds a grade "A" dairy farm permit shall sell or offer to sell any milk as grade "A" milk if the age of the milk is older than 52 hours after the completion of the first milking.
- C. No person who operates a dairy farm and holds a permit to produce milk for manufacturing purposes shall sell, offer to sell, or process any milk for manufacturing purposes if the age of the milk is older than 76 hours after the completion of the first milking. Raw milk for manufacturing purposes older than 76 hours shall be deemed to be a public health hazard.

2 VAC 5-501-60 Construction and operation of farm bulk milk cooling or holding tanks, recording thermometers, interval timing devices, and other required milkhouse or milkroom facilities.

- A. Each person who operates a dairy farm and installs one or more farm bulk cooling or holding tanks in his milkhouse shall provide the following facilities:
 - 1. A milk hose port opening no larger than eight inches in diameter through a wall in the milkhouse closest to the area the bulk milk pickup tanker will be parked to receive the milk from each farm bulk cooling or holding tank;
 - 2. The hose port shall be provided with a self-closing door which shall open to the outside;
 - 3. The hose port shall be of sufficient height above the milkhouse floor and the outside apron to prevent flooding or draining of the milkhouse;
 - 4. An outside apron constructed of concrete or other equally impervious material shall be provided on the outside of the milkhouse directly beneath the hose port to protect the milk-conducting equipment from contamination;
 - 5. Each outside apron shall be a minimum of four inches thick if constructed of concrete and measure a minimum of two feet by two feet horizontally; ~~and~~
 - 6. Each outside apron constructed of a material other than concrete shall measure a minimum of

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two feet by two feet horizontally];

7. A 220-volt grounded weatherproof electrical outlet installed on the outside of the milkroom or milkhouse near the hoseport for the bulk milk hauler's use to power the milk pump on the bulk milk pickup tanker; and
 8. A switch to control the electrical power to the 220-volt grounded weatherproof electrical outlet located on the inside of the milkroom or milkhouse near the outlet to the farm bulk cooling or holding tank.]
- B. Each person who operates a dairy farm and installs one or more farm bulk cooling or holding tanks in his milkhouse or milkroom shall comply with the following requirements:
1. Each farm bulk cooling or holding tank shall comply with all the requirements contained in:
 - a. 3-A Sanitary Standards for Farm Milk Cooling and Holding Tanks; or
 - b. 3-A Sanitary Standards for Farm Milk Storage Tanks;
 2. Each farm bulk cooling or holding tank shall be equipped with an indicating thermometer accurate to plus or minus two degrees F and capable of registering the temperature of the milk in the tank before it reaches ten percent of the tank's volume;
 3. Each farm bulk cooling or holding tank shall be installed to comply with the following minimum clearance distances around, above, and below each farm bulk cooling or holding tank:
 - a. Three feet measured horizontally between a wash vat and the outermost portion of any farm bulk cooling or holding tank;
 - b. Three feet measured horizontally in a 180 degree arch from the front of the tank where the outlet valve is located;
 - c. Two feet measured horizontally from the sides and rear of any farm bulk cooling or holding tank to any wall, shelves, water heater, hand-basin, or other object;
 - d. Eighteen inches measured horizontally from the outermost portion of any farm bulk cooling or

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- holding tank to any floor drain and the floor drain shall not be located underneath the tank;
 - e. Three feet measured vertically from the top of the manhole cover of any farm bulk cooling or holding tank to the ceiling;
 - f. Eight inches measured vertically from the floor underneath the bottom of any round farm bulk cooling or holding tank that measures greater than 72 inches in diameter;
 - g. Four inches measured vertically from the floor underneath the bottom of any round farm bulk cooling or holding tank that measures equal to or less than 72 inches in diameter; and
 - h. Six inches measured vertically from the floor underneath the bottom of any flat bottom farm bulk cooling or holding tank;
4. Farm bulk cooling or holding tanks installed through a milkroom wall shall meet the following minimum requirements:
- a. The area between the farm bulk cooling or holding tank and the wall shall be tightly sealed;
 - b. All vents and openings on the farm bulk cooling or holding tank located outside the milkroom shall be protected from dust, insects, moisture, and other debris which might enter the tank;
 - c. All agitators located outside the milkroom shall be equipped with a tightly fitting seal between the bottom of the agitator motor and the top of the farm bulk cooling or holding tank;
5. Each person who operates a dairy farm shall ensure that each farm bulk cooling or holding tank is installed with a foundation of sufficient strength to support the tank when it is full.
6. Each person who operates a dairy farm shall obtain prior approval from the State Regulatory Authority for each farm bulk cooling or holding tank and its installation before it is installed on the person's dairy farm; and
7. Each person who operates a dairy farm shall ensure each farm bulk cooling or holding tank on his farm is installed, gauged, and a volume chart prepared in compliance with § 3.1-941.1, "Specifications and tolerances for weighing and measuring devices", of the Code of Virginia (1950) as amended. Each farm bulk cooling or holding tank and any gauge rod, surface gauge,

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gauge, or gauge tube and calibration chart associated with it shall be identified by serial number in a prominent manner.

C. Each person who holds a grade "A" dairy farm permit and installs a farm bulk cooling or holding tank shall comply with the following:

1. Each farm bulk cooling or holding tank shall be equipped with a recording thermometer;
2. Each recording thermometer shall be installed to comply with the following:
 - a. Each recording thermometer shall be installed in the milkhouse;
 - b. No recording thermometer may be installed on or attached to a farm bulk cooling or holding tank;
 - c. Each recording thermometer shall be installed: (i) on an inside wall of the milkhouse; or (ii) on an outside wall of the milkhouse or milkroom if installed with one inch of rigid insulation between the back of the recording thermometer and the surface of the outside wall; or (iii) on metal brackets from the ceiling or floor;
 - d. Each recording thermometer sensor shall be installed on the farm bulk cooling or holding tank to record the temperature of the milk in the tank before the milk reaches ten percent of the tank's volume;
3. Standards for recording thermometers. Each recording thermometer installed on a farm bulk cooling or holding tank shall comply with the following minimum requirements:
 - a. The case for each recording thermometer shall be moisture proof under milkhouse conditions;
 - b. The case for each recording thermometer shall be UL rated NEMA 4X enclosure or equivalent;
 - c. The case for each recording thermometer shall be equipped with a corrosion resistant latching mechanism that keeps the recording thermometer tightly closed;
 - d. The recorder chart for each recording thermometer shall not exceed a maximum chart

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- rotation time of 48 hours. Recorder charts for farm bulk cooling or holding tanks that are picked up every other day shall have a chart rotation time of 48 hours. Recorder charts for farm bulk cooling or holding tanks that are picked up every day may have a chart rotation time of 24 or 48 hours;
- e. The recorder chart for each recording thermometer shall be marked with water resistant ink;
 - f. The scale on the recording chart shall cover a minimum of 30°F to 180°F, with the scale reversed to show cold temperatures at the outside of the chart for best resolution;
 - g. Each division on the recording chart shall represent a maximum of 1°F between 30°F and 60°F, with two degree divisions between 60°F and 180°F;
 - h. Spacing of divisions on the recorder chart shall be a minimum of 0.040 inches per two degrees F, with the ink line easily distinguishable from the printed line;
 - i. The recording thermometer speed of response or sensing of temperature shall be a maximum of 20 seconds;
 - j. The recording thermometer shall be accurate to plus or minus two degrees F;
 - k. The sensor for each recording thermometer shall be: (i) a resistance temperature detector (RTD) type sensor; (ii) constructed of stainless steel type 304 or type 316 on all exterior surfaces; (iii) hermetically sealed; (iv) accurate to .3 degrees C; and (v) continuous run wire;
 - l. Each recording thermometer and sensor shall be calibrated and supplied as a package;
 - m. No capillary system containing any toxic gas or liquid shall be allowed to come into direct contact with any milk or milk product;
 - n. Other recording devices may be accepted by the State Regulatory authority if they comply with the requirements of 2 VAC 5-501-60(C)(3)(a) through 2 VAC 5-501-60(C)(3)(m);
 - o. If a strip chart style recorder is used, it shall move not less than one inch per hour, and may be continuous for a maximum of thirty days; and

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- p. Recording thermometers may be manually wound or electrically operated;
- 4. Recording thermometer operation: Each recording thermometer installed on a farm bulk cooling or holding tank shall comply with the following minimum operating requirements:
 - a. Each recording thermometer shall be provided with a means to seal the calibration and zeroing mechanism to provide evidence of unauthorized adjustment or tampering;
 - b. Each recording thermometer shall be provided with a pin in the hub to prevent the recording chart from being rotated; and
 - c. Each recording thermometer shall be properly grounded and short circuit protected;
- 5. Each person who operates a dairy farm and installs a recording thermometer on his farm bulk cooling or holding tank shall maintain a minimum of a thirty day supply of unused recorder charts designed for the specific recording thermometer he installed and maintain a minimum of the past sixty days used charts for purposes of inspection;
- 6. Each person who operates a dairy farm and installs a recording thermometer on his farm bulk cooling or holding tank shall provide a moisture proof storage container in the milkhouse or milkroom for purpose of storing a supply of new charts and a minimum of sixty days of used charts;
- D. No person may remove from the dairy farm any recorder chart which has been used once and removed from the recorder within the past 60 days unless he has obtained permission from the State Regulatory Authority. All recorder charts removed from any dairy farm by any person other than a representative of the State Regulatory Authority shall be returned to the dairy farm within ten days. All recorder charts shall be available to the State Regulatory Authority.
- E. Handling of recording charts. Each bulk milk hauler shall comply with the following requirements when picking up milk from a dairy farm if the farm bulk cooling or holding tank is equipped with a recording thermometer:
 - 1. Each milk hauler, in making a milk pickup, shall properly agitate the milk and remove the chart

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- from the recorder;
2. Each milk hauler shall record the following information on each chart removed from the recorder:
 - a. The date and time of pickup; and
 - b. The signature of the milk hauler;
 3. Each milk hauler shall store the used chart in the storage container supplied by the dairy farmer;
 4. Each milk hauler shall obtain a new chart from the supply provided by the dairy farmer and record the following information in the chart:
 - a. The date; and
 - b. The patron number of the dairy farmer;
 5. If a recorder chart is used for more than one pickup, each milk hauler shall identify each lot of milk on the chart with the date, time of pickup, and his signature;
 6. Before removing any milk from the farm tank, each milk hauler shall check the recorder chart. If the recorder chart indicates that the milk temperature has varied in a manner that would preclude acceptance, he shall immediately notify his superior and the dairy farmer. If the milk is rejected, each milk hauler shall record this information on the chart. If the milk is picked up, each milk hauler shall sign the chart and record the date and time of pickup;
- F. Maintenance of recording thermometers. Each person who operates a dairy farm and holds a grade "A" dairy farm permit shall be responsible for maintaining each of his recording thermometers in good repair and adjustment to include calibrating the recording thermometer to read accurately within plus or minus two degrees F of the actual milk temperature in the farm bulk cooling or holding tank;
- G. Sealing of recording thermometers: Each recording thermometer installed on a farm bulk cooling or holding tank shall be inspected and may be sealed by the State Regulatory Authority after it has been shown to be properly installed and calibrated.
- H. Each person who holds a grade "A" dairy farm permit and installs a farm bulk cooling or holding tank

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shall:

1. Install on each farm bulk cooling or holding tank an interval timing device that automatically agitates the milk in the farm bulk tank for not less than five minutes every hour during the entire time milk is being cooled or stored in the tank;
2. Not install a manual switch capable of turning off the interval timing device on any farm bulk milk cooling or holding tank while any milk is being cooled or stored; and
3. Maintain in good repair and operating condition each interval timing device installed on his farm bulk cooling or holding tank.

2 VAC 5-501-70 Measuring, sampling, and testing.

- A. Quantity measurements. Each person who determines the quantity of milk in any lot of milk being picked up on any dairy farm in Virginia shall comply with one of the following:
 1. If the milk is being picked up from a farm bulk cooling or holding tank, the person shall use only a measuring rod, gauge, or gauge tube accurately calibrated to the individual farm bulk cooling or holding tank and the accompanying calibration chart with a serial number that matches the serial number for the specific farm bulk cooling or holding tank for which it was prepared;
 2. If the milk being picked up is not stored in a farm bulk cooling or holding tank, the person shall determine the quantity of milk at the point of delivery to the milk plant processing the milk by commingling all of the milk in a vessel equipped with a gauge rod, surface gauge, gauge, or gauge tube and a volume chart that has been prepared in compliance with § 3.1-941.1, "Specifications and tolerances for weighing and measuring devices", of the Code of Virginia (1950) as amended;
 3. If the milk being picked up is not stored in a farm bulk cooling or holding tank and the basis for payment for the milk will be based solely on the volume of milk in gallons, the person shall determine the quantity of milk by adding the volume in gallons of each separate full container and

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- the volume in gallons of any milk in containers that are not full; or
4. If the milk being picked up is not stored in a farm bulk cooling or holding tank and the basis for payment for the milk will be based solely on the pounds of milk delivered, the person shall determine the quantity of milk in pounds by weighing each of the containers of milk on a commercial scale before and after they have been emptied and subtracting the weight of the empty containers from the total weight of the containers and the milk, the difference being the weight in pounds of milk.
- B. Each person who desires to convert a volumetric measurement of milk to weight in pounds of milk shall multiply the volume of milk in gallons by 8.60.
- C. Each person who operates a dairy farm and transports any milk in cans or other containers from his dairy farm to a milk plant and intends to determine the basis for payment of his milk based solely on its volume in gallons or solely on its weight in pounds, shall ensure the cans or other containers comply with the following:
1. Each container shall be provided with a visual means to measure the volume of milk in the container in divisions of one or more whole gallons up to the total capacity of the container;
 2. Each container shall be equipped with a tightly fitting lid that prevents any milk from leaking out around the closure;
 3. Each container shall be manufactured from stainless steel, food grade plastic, or tinned metal;
 4. No container shall be manufactured from glass or other easily breakable material;
 5. Each container shall be smooth and easily cleanable; and
 6. Each container shall be equipped with an opening large enough to allow the container to be washed by hand if it is intended to be washed by hand or washed by mechanical means if it is intended to the washed by mechanical means.
- D. Each person who operates a pay purpose laboratory shall:
1. Provide a separate room of sufficient size in which pay purpose testing shall be conducted;

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2. Provide lighting of at least twenty foot-candles when measured at work bench levels and at all other work areas used to conduct testing;
 3. Provide adequate ventilation sufficient to prevent condensation from forming and to prevent noxious or hazardous chemical fumes from collecting in the laboratory;
 4. Provide heating and cooling equipment sufficient to maintain a constant room temperature of 70 degrees F plus or minus 2 degrees F in his laboratory at all times;
 5. Provide a separate permanently installed hand-washing facility with hot and cold running water under pressure supplied through a mix valve, soap, and single service paper towels;
 6. Provide only potable water under pressure in his laboratory;
 7. Provide walls that are constructed of impervious material with a light colored material and which are easily cleanable;
 8. Provide floors made of concrete or other equally impervious material which are easily cleanable;
 9. Provide toilet facilities for his employees;
 10. Use only methods and equipment approved by the State Regulatory Authority to test milk for protein, solids, solids not fat, and fat;
 11. Construct the facility to insure that the laboratory environment has a stable electrical supply, water supply, stable heating and cooling, and stable ventilation to allow a constantly controllable environment for pay purpose testing procedures and pay purpose equipment; and
 12. Dispose of all liquid, solid, and gaseous wastes in a manner that complies with state and federal requirements for waste disposal.
- E. Sampling. Each bulk milk hauler shall:
1. Collect at least two representative samples from each bulk milk cooling or holding tank each time that milk is picked up from the dairy farm for use as official milk samples;
 2. Collect a minimum of four ounces of milk for each official milk sample collected;
 3. Maintain custody of all official milk samples collected or transfer custody of all official milk

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samples collected to another permitted bulk milk hauler, bulk milk sampler, or at the discretion of the State Regulatory Agency, lock all official milk samples in a suitable container in which they may be transported or stored;

4. Pickup all of the milk in each farm bulk cooling or holding tank each time that milk is picked up from the farm bulk cooling or holding tank; and
5. Pick up only milk that is 45° F or cooler, but not frozen.

F. Butterfat testing. Each person who desires to determine the butterfat content of milk as a basis for payment shall:

1. Select from each dairy farm supplying them with milk a minimum of four milk samples taken at irregular intervals each month and utilize only laboratory butterfat test results from milk samples that have been tested within forty-eight hours of collection for pay purposes; or
2. Collect a representative sample from each shipment of each producer supplying them with milk for a maximum of sixteen days, if composite milk samples are used to determine butterfat content;
3. Store composite milk samples only in an approved milk laboratory that will perform the butterfat test;
4. Preserve all composite milk samples with an appropriate preservative designed to prevent the spoilage of milk and that will not affect the butterfat test; and
5. Test each composite milk sample within three days following the end of the number of days used to create the composite milk sample.

2 VAC 5-501-80 Farm bulk milk pickup tanker and milk transport tank requirements.

A. Each contract hauler or subcontract hauler shall:

1. Use only a farm bulk milk pickup tanker or a milk transport tank that complies with all the requirements contained in 3-A Sanitary Standards for Stainless Steel Automotive Milk and Milk

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Product Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service and that are maintained in good repair;

2. Ensure that all appurtenances of each farm bulk milk pickup tanker or each milk transport tank including any hoses, pumps, and fittings comply with all applicable 3-A Sanitary Standards for construction and are maintained in good repair;
3. Provide sample racks for holding all milk samples collected in the sample cooler;
4. Provide a sample dipper or other sampling device of sanitary design that is maintained clean and in good repair;
5. Provide milk sample storage coolers that have sufficient insulation to maintain proper milk temperatures under all conditions throughout the year;
6. Provide only sterile sample bags, tubes or bottles, properly stored to prevent contamination;
7. Provide a calibrated pocket thermometer certified as accurate within plus or minus two degrees F to each bulk milk hauler in his employ and ensure the pocket thermometer is re-certified a minimum of each six months thereafter;
8. Provide a United States Environmental Protection Agency approved and registered sanitizer for the sample dipper container;
9. Provide a suitable sanitizer test kit to each bulk milk hauler in his employ for use in checking the strength of sanitizing solutions;
10. Ensure that each appurtenance requiring flexibility for the milk transfer system to operate properly is free draining, supported to maintain a uniform slope and alignment, and easily disassembled and accessible for inspection without the use of tools;
11. Ensure that each farm bulk milk pickup tanker or a milk transport tank and their appurtenances are cleaned and sanitized prior to being used the first time, after each use thereafter, and each time seventy-two hours has elapsed since the last cleaning and sanitizing treatment;
12. Ensure that multiple milk pickups from dairy farms occur during a twenty-four hour period without

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- washing and sanitizing the farm bulk milk pickup tanker only if a maximum of two hours elapses between the time of the last delivery and start of the next milk pickup;
13. Pickup any milk in a farm bulk milk pickup tanker or milk transport tank only if there exists a wash and sanitize record for the farm bulk milk pickup tanker or milk transport tank documenting that the tank has been washed and sanitized within the past seventy-two hours;
 14. Install and use clamps on each milk pickup hose that are easily dismantled by hand without the use of tools;
 15. Identify and maintain each farm bulk milk pickup tanker or milk transport tank with the identification numbers and letters assigned to each farm bulk milk pickup tanker or milk transport tank by the State Regulatory Agency. The identification shall be affixed to the left rear bulkhead of the tanker;
 16. Provide a suitable enclosure in the rear milk hose or sample compartment of each farm bulk milk pickup tanker for storing inspection sheets capable of protecting the inspection sheets from excessive moisture, dust, soil, or light that might damage or render the inspection sheets illegible and so they will be available to any state or federal regulatory agent wherever the farm bulk milk pickup tanker might deliver;
 17. Provide a suitable enclosure located within three feet of the tank outlet valve or located on top of one of the rear wheel fenders for each milk transport tank for storing inspection sheets capable of protecting the inspection sheets from excessive moisture, dust, soil, or light that might damage or render the inspection sheets illegible and so they will be available to any state or federal regulatory agent wherever the milk transport tank might deliver;
 18. Completely empty the farm bulk cooling or holding tank each time that milk is picked up;
 19. Store the three most recent inspection reports for each farm bulk milk pickup tanker or transport tank in the protected enclosure provided on each farm bulk milk pickup tanker or transport tank at all times; and

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20. Provide a means to lock or seal each opening into a bulk milk pickup tanker or milk transport tank for security purposes.
- B. When picking up and transporting any milk in a bulk milk pickup tanker each bulk milk hauler shall:
1. Practice good hygiene, maintain a neat and clean appearance, and abstain from using tobacco products in any milkhouse;
 2. Conduct all pickup and handling practices to prevent contamination of any milk contact surface;
 3. Pass the milk transfer hose through the hose port and remove the cap from the transfer milk hose and set it where it will not become contaminated and then attach the transfer milk hose to the tank outlet valve;
 4. Wash his hands thoroughly and dry his hands with a clean single-service towel or electric forced air hand dryer immediately prior to measuring or sampling the milk in the tank;
 5. Examine the milk in the tank by sight and smell for any off odor or any other abnormalities which would render the milk unacceptable and reject the milk if necessary;
 6. Record the milk producer's name, milk producer's identification number, the date and time of pickup, the temperature of the milk, the measuring rod reading, the poundage, the name of the purchasing organization, and the signature of the bulk milk hauler on the producer's weight ticket;
 7. Check the temperature of the milk in each farm bulk cooling or holding tank at least once a month with an accurately calibrated pocket thermometer after it has been properly sanitized ;
 8. Turn off the milk tank agitator if it is running when they arrive at the milkhouse or milkroom and allow the surface of the milk to become quiescent;
 9. Carefully insert the measuring rod, after it has been wiped dry with a single-service towel, into the tank and then read the measurement. Each bulk milk hauler shall repeat this procedure until two identical measurements are obtained and then shall record the measurement on the weight ticket;
 10. Agitate the milk in each tank holding two thousand gallons or less milk a minimum of five minutes

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before collecting any milk sample;

11. Agitate the milk in each tank holding more than two thousand gallons of milk a minimum of ten minutes before collecting any milk sample;
12. While the tank is being agitated, bring the sample container, dipper, dipper container, and sanitizing agent, or single service sampling tubes into the milkhouse aseptically;
13. While the tank is being agitated, remove the cap from the tank outlet valve and examine for milk deposits or foreign matter and then sanitize if necessary;
14. Remove the sample dipper or sampling device from the sanitizing solution and rinse it in the milk from the tank at least twice before collecting any official milk sample;
15. Collect two representative samples from each tank after the milk has been properly agitated, transferring the milk from the sample dipper to the sample container away from the tank opening to avoid spilling any milk back into the tank, and filling the sample containers only three quarters full;
16. Rinse the sample dipper with water until it is free of visible milk and replace it in its carrying container;
17. Close the cover or lid of the bulk tank;
18. Identify each milk sample with the producer's patron or member number and the date of collection;
19. Collect at the first pickup for each load of milk two temperature samples and identify the temperature samples with the date, time, temperature of the milk, producer number, and name of the bulk milk hauler;
20. Place each milk sample collected immediately on ice in the sample storage cooler;
21. After collection of milk samples, open the outlet valve and start the pump to transfer the milk from the farm tank to the bulk milk pickup tanker;
22. Turn off the agitator once the level of milk in the tank has reached the level where over-agitation

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will occur;

23. Disconnect and cap the transfer hose after removing it from the outlet valve of the tank;
 24. Observe the walls and bottom of the tank for foreign matter and extraneous material and record any objectionable observations on the weight ticket;
 25. Rinse the entire inside of the tank with warm water while the tank outlet valve is open;
 26. Use only sample containers and single-service sampling tubes that comply with all the requirements contained in Standard Methods for the Examination of Dairy Products;
 27. Cool and store all official milk samples to a temperature of 40°F or cooler, but not frozen;
 28. Provide sufficient ice and water or other coolant in the sample storage cooler to maintain all milk samples at proper temperature;
 29. Discard any milk that remains in the external transfer system that exceeds 45 °F including any milk in pumps, hoses, and air elimination equipment or metering systems;
 30. Protect samples from contamination and shall not bury the tops of sample containers in ice or bury sample containers above the milk level in the sample containers;
 31. Keep all producer milk samples which represent the commingled milk on the load with the load of milk until the load of milk has been received by a milk plant, receiving station, or transfer station or if rejected by a milk plant, receiving station, or transfer station until the milk samples are collected for official laboratory testing to determine the disposition of the load of milk; and
 32. Deliver each bulk milk pickup tanker of commingled milk to a milk plant, receiving station, or transfer station within 24 hours after the last milk pickup on the route for the bulk milk pickup tanker.
- C. When sampling any milk from a bulk milk pickup tanker or transport tanker the dairy plant sampler shall:
1. Practice good hygiene, maintain a neat and clean appearance, and abstain from using tobacco

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- products in the receiving area;
2. Conduct all sampling and handling practices to prevent contamination of any milk contact surface;
 3. Wash his hands thoroughly and dry his hands with a clean single-service towel or acceptable air dryer immediately prior to sampling the milk in the tank;
 4. Examine the milk in the tank by sight and smell for any off odor or any other abnormalities which would classify the milk as unacceptable and reject the milk if necessary;
 5. Agitate for a period of time needed to blend the milk in each compartment to a homogenous state using odor-free, pressurized, filtered air or electrically driven stirring or recirculating equipment which has been properly sanitized before sampling or receiving;
 6. Check the temperature of the milk in each compartment with a properly sanitized thermometer which has been checked against a standardized thermometer at least once every 6 months and certified accurate;
 7. Reject any milk which has a temperature above 45 degrees Fahrenheit;
 8. Bring the sample container, properly constructed sample dipper, and sanitizing solution to the tanker aseptically after the milk is properly agitated;
 9. Remove the sample dipper or sampling device from the sanitizing solution and rinse it in the milk from the tank at least twice before collecting any official milk sample;
 10. Collect at least one representative sample from each compartment of the tanker, transferring the milk from the sample dipper to the sample container away from the tank opening to avoid spilling any milk back into the tank, and filling the sample container only three quarters full;
 11. Rinse the sample dipper with water until it is free of visible milk and replace it in its carrying container or storage container;
 12. Close the cover or lid for each compartment of the bulk milk tanker;
 13. Identify each milk sample with the tanker number, compartment if the tanker is equipped with

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- more than one compartment, and the date of collection;
14. Place each milk sample collected immediately on ice in a sample storage cooler or deliver it to the laboratory for immediate analysis;
 15. Attach the milk transfer hose to the outlet valve of the milk tank truck and open the outlet valve of the milk tank truck before starting the pump to transfer the milk from the bulk milk pickup tanker to the milk plant storage facility or silo only after the collection of official milk samples;
 16. Turn off the agitator once the level of milk in the tank has reached the level where over-agitation will occur;
 17. Disconnect and cap the transfer hose after removing it from the outlet valve of the tank;
 18. Observe the walls and bottom of the tank for foreign matter and extraneous material and record any objectionable observations on the plant receiving log;
 19. Rinse the entire inside of the tanker with warm water after the tanker has been emptied and the external transfer system has been disconnected while the tanker outlet valve is open;
 20. Use only sample containers and single-service sampling tubes that comply with all the requirements contained in Standard Methods for the Examination of Dairy Products;
 21. Cool and store all official milk samples to a temperature of 40°F or cooler, but not frozen;
 22. Provide sufficient ice and water or other coolant in the sample storage cooler to maintain all milk samples at proper temperature;
 23. Protect samples from contamination and shall not bury tops of sample containers in ice or bury samples above the milk level in the sample containers;
 24. Promptly deliver samples and sample data to the laboratory; and
 25. Discard any milk that remains in the external transfer system that exceeds 45 °F including any milk in pumps, hoses, air elimination equipment, or metering systems.
- D. Wash and sanitize records. Each bulk milk hauler shall:

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1. Ensure each bulk milk pickup tanker or milk transport tank is properly cleaned and sanitized after unloading;
 2. Ensure a cleaning and sanitizing tag is affixed to the outlet valve of the bulk milk pickup tanker or milk transport tank after it is washed;
 3. Ensure when the bulk milk pickup tanker or milk transport tank is next washed, the previous cleaning and sanitizing tag is removed and stored at the location where the bulk milk pickup tanker or milk transport tank was washed; and
 4. Ensure the following information is recorded on the wash and sanitize tag before it is attached to the outlet valve of the bulk milk pickup tanker or milk transport tank:
 - a. Identification number of the bulk milk pickup tanker or milk transport tank;
 - b. Date and time of day the bulk milk pickup tanker or milk transport tank was cleaned and sanitized;
 - c. Location where the bulk milk pickup tanker or milk transport tank was cleaned and sanitized; and,
 - d. The signature of the person who cleaned and sanitized the bulk milk pickup tanker or milk transport tank.
- E. Wash and sanitize records. Each person who operates a milk plant, receiving station, or transfer station and each dairy plant sampler responsible for sampling and receiving milk into a milk plant, receiving station, or transfer station shall:
1. Ensure each bulk milk pickup tanker and milk transport tank is properly cleaned and sanitized after unloading;
 2. Ensure a cleaning and sanitizing tag is affixed to the outlet valve of the bulk milk pickup tanker or milk transport tank after it is washed;
 3. Ensure when washing a bulk milk pickup tanker or milk transport tank, the previous cleaning and sanitizing tag is removed and stored at the location where the bulk milk pickup tanker or milk

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transport tank is washed; and

4. Record the following information on the wash and sanitize tag before it is attached to the outlet valve of the bulk milk pickup tanker or milk transport tank:

- a. Identification number of the bulk milk pickup tanker or milk transport tank;

- b. Date and time of day the bulk milk pickup tanker or milk transport tank was cleaned and sanitized;

- c. Location where the bulk milk pickup tanker or milk transport tank was cleaned and sanitized;
and

- d. The signature of the person who cleaned and sanitized the bulk milk pickup tanker or milk transport tank.

- F. Labeling and shipping documents. Each bulk milk hauler shall ensure that each shipping document or load manifest contains the following information for each bulk milk pickup tanker or milk transport tank:

1. The shipper's name, address, and permit number;

2. The Interstate Milk Shipper Bulk Tank Unit identification number for each Bulk Tank Unit on the load of milk or the Interstate Milk Shipper listed Plant Number;

3. The milk hauler permit number if the milk hauler is not an employee of the shipper;

4. The point of origin of the shipment;

5. The bulk milk pickup tanker or milk transport tank identification number;

6. The name of the product;

7. The weight of the product;

8. The temperature of the product when loaded;

9. The date of shipment;

10. The name of the supervising regulatory agency at the point of origin of shipment;

11. A statement as to whether the contents of the load are raw, pasteurized, or in the case of cream,

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lowfat, or skim milk whether it has been heat treated;

12. The seal number on inlet, outlet, wash connections and vents, if applicable; and

13. The grade of the product.

G. Protection of Bulk Milk and Chain of Custody of Milk Samples.

1. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall ensure the proper protection of all milk and milk samples in his custody. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall seal or lock each opening into a bulk milk pickup tanker or milk transport tank including each manhole lid, vent, wash port, and door to the pump housing and sample storage box prior to leaving the bulk milk pickup tanker or milk transport tank unattended.

2. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall inspect the condition of the seals and locks placed on each opening into the bulk milk pickup tanker or milk transport tank upon his return after an absence to determine if the seals or locks have been tampered with.

3. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall report immediately to the State Regulatory Authority instances of tampering with the seals or locks.

4. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall hold a valid permit issued by the State Regulatory Authority for the collection of milk samples prior to collecting or transporting any milk or milk samples.

[H. Notwithstanding the provisions of 2 VAC 5-501-80(A)(4) and 2 VAC 5-501-80(A)(8) for each contract hauler or subcontract hauler to provide a sample dipper and approved sanitizer for the sample dipper container; the sample dipper, sample dipper container and approved sanitizer may be provided and stored in the milkroom accessible to the contract hauler or subcontract hauler by the person operating the

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dairy farm where the contract hauler or subcontract hauler is picking up the milk.]

2 VAC 5-501-90 Sanitation requirements for a milk tank truck cleaning facility.

A. Each person who operates a milk tank truck cleaning facility permit shall:

1. Provide floors constructed of concrete or equally impervious material and which are easily cleanable, smooth, properly sloped, provided with trapped floor drains and kept in good repair;
2. Provide walls and ceilings with a smooth, washable, light-colored surface and kept in good repair;
5. Provide effective means to prevent the access of flies and rodents;
6. Provide solid doors or glazed windows for each opening to the outside and shall keep the doors and windows closed during dusty weather;
7. Provide lighting of at least twenty-foot candles measured in all work areas;
8. Provide ventilation sufficient to prevent condensation and odors;
9. Provide a toilet room fitted with tightly-fitting self-closing doors, kept clean and in good repair, well ventilated and lighted and which does not open directly into any room in which milk or milk products are processed or milk product contact surfaces, utensils and equipment are washed;
10. Dispose of all sewage and other wastes in a sanitary manner;
11. Provide hot and cold running water from a supply which is properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe and sanitary quality;
12. Provide hand-washing facilities with hot and cold running water, soap, and individual sanitary towels or other approved hand-drying devices and keep the hand-washing facilities clean and in good repair;
13. Provide and maintain an effective insect and rodent control program and shall keep the milk tank truck cleaning facility neat and clean;
14. Provide only sanitary piping, fittings, and connections which are constructed to be smooth, impervious, corrosion-resistant, non-toxic, easily cleanable, and manufactured from material

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- which is approved for food contact surfaces;
15. Provide and use only stainless steel piping complying with the American Iron and Steel Institute (AISI) 300 series;
 16. Provide only sanitary piping, fittings, and connections that are in good repair and constructed for ease of cleaning;
 17. Provide and use only plastic, rubber, or rubber-like materials made from approved food contact grade materials which are relatively inert, resistant to scratching, scoring, and resistant to damage from cleaning compounds;
 18. Clean and sanitize before each use the product-contact surfaces of utensils and equipment used in the transportation of any milk or food;
 19. Attach a wash tag to the outlet valve of the tanker showing the date, time, place, and signature of the employee who washed the bulk milk pickup tanker or milk transport tank after the milk tank truck has been cleaned and sanitized;
 20. Store and transport all clean and sanitized utensils and equipment to assure complete draining and protection from contamination before use;
 21. Store all single service containers, utensils, and materials in a sanitary manner in a clean dry place until used;
 22. Store, handle, and use poisonous or toxic materials to preclude the contamination of any milk product contact surfaces of equipment and utensils;
 23. Ensure his employees wash their hands thoroughly before commencing cleaning functions and as may be required to remove soil and contamination;
 24. Allow an employee to resume work after visiting the toilet room only after thoroughly washing his hands;
 25. Ensure each of his employees engaged in the handling of milk product contact surfaces, equipment, and utensils wears clean outer garments, adequate hair covering, and refrains from

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using any tobacco products; and

26. Keep the surroundings of the milk tank truck cleaning facility neat, clean, and free from conditions that may attract flies, insects, or rodents.

2 VAC 5-501-100 Interpretation and enforcement.

A. The administrative procedures used to conduct case decisions under this chapter shall conform to the provisions of the Virginia Administrative Process Act.

B. The Virginia Department of Agriculture and Consumer Services shall comply with the following administrative procedures when summarily suspending a permit as specified in 2 VAC 5-501-30(G) of this chapter:

1. The Virginia Department of Agriculture and Consumer Services shall serve upon the permit holder a written notice of suspension. The written notice of suspension shall specify the violations in question and inform the permit holder of the right to appear before the Virginia Department of Agriculture and Consumer Services in person, by counsel, or by other qualified representative at a fact-finding conference for the informal presentation of factual data, arguments, and proof to appeal this determination of violation;
2. Upon receipt of written application from any person whose permit has been summarily suspended (within 30 days after the effective date of the summary suspension), the Virginia Department of Agriculture and Consumer Services shall within seven days after the date of receipt of a written application from any person whose permit has been summarily suspended, proceed to hold an informal fact-finding conference to ascertain the facts of the violations in question, and upon evidence presented at the informal fact-finding conference, shall affirm, modify, or rescind the summary suspension;
3. The Virginia Department of Agriculture and Consumer Services shall, unless the parties consent, ascertain the fact basis for their decisions of cases through informal conference

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proceedings. Such conference proceedings include the rights of parties to the case to have reasonable notice thereof, to appear in person or by counsel or other qualified representative before the Virginia Department of Agriculture and Consumer Services for the informal presentation of factual data, argument, or proof in connection with any case, to have notice of any contrary fact basis or information in the possession of the Department which can be relied upon in making an adverse decision, to receive a prompt decision of any application for license, benefit, or renewal thereof, and to be informed, briefly and generally in writing, of the factual or procedural basis for an adverse decision in any case;

4. No person whose permit has been summarily suspended may be granted an informal fact-finding conference by the Virginia Department of Agriculture and Consumer Services unless the Virginia Department of Agriculture and Consumer Services receives the person's written application within 30 days after the effective date of the summary suspension;

5. From any adverse decision of an informal fact-finding conference, the permit holder may request a formal hearing under § 9-6.14:12 of the Code of Virginia by writing the Program Manager of the Office of Dairy and Foods within 30 days stating the request and providing the Virginia Department of Agriculture and Consumer Services with a statement of the issues in dispute. If the request for a formal conference is denied, the Virginia Department of Agriculture and Consumer Services shall notify the permit holder in writing and further may affirm or modify the decision of the informal fact-finding conference; and

6. If a formal fact-finding conference is denied, the Virginia Department of Agriculture and Consumer Services shall notify the permit holder of the right to file an appeal in the circuit court.

2 VAC 5-501-110 Regulation superseded

This chapter supersedes 2 VAC 5-500, Rules and Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk or Milk Samples from the Farm to the Processing Plant or

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TRANSPORTING OF MILK

Laboratory, and is based upon a Notice of Intended Regulatory Action published in the Virginia
Register of Regulations for June 4, 2001 at page 2704 under "Title 2. Agriculture".