

901:11-1-06

Meetings of the milk sanitation board.

(A) A regular meeting of the milk sanitation board shall be held annually between the first day of July and last day of August.

(B) Notice of meetings

(1) Regular meetings: Notice of all of the milk sanitation board's regularly scheduled meetings, including date, starting time, and location will be posted on the Ohio department of agriculture's web site ~~www.agri.ohio.gov~~ and may also be published in ~~Gongwer or Hannah news service website~~ in advance of all regularly scheduled ~~meeting~~ meetings.

(2) Special meetings: Notice of date, time, place, and purpose of any special meetings of the milk sanitation board shall be placed on the department of agriculture's website ~~www.agri.ohio.gov~~ and may also be published in ~~Gongwer or Hannah news service, as well as~~ and sent to media outlets that requested such information, at least twenty-four hours prior to a special meeting.

(3) Emergency meetings: Notice of date, time, location, and purpose of all emergency meetings of the milk sanitation board shall be given to all news media who requested prior notification. The notice of the emergency meeting shall also be published on the department's website ~~www.agri.ohio.gov~~ and may also be published in ~~Gongwer or Hannah news service~~.

(C) Any person may obtain prior notice of the date, time, and location of any regularly scheduled, special, ~~and~~ or emergency meeting of the milk sanitation board or notice of any meeting at which a particular type of business is to be discussed by either requesting prior notification in writing from the "Ohio Department of Agriculture, Dairy Division, 8995 East Main Street, Reynoldsburg, Ohio 43068" or providing the secretary of the board, in care of the foregoing address, with self-addressed stamped envelopes.

Effective:

Five Year Review (FYR) Dates: 3/17/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 917.02
Rule Amplifies: 917.03
Prior Effective Dates: 12/01/1977, 09/15/1999, 06/02/2005, 12/14/2009,
01/10/2015

901:11-2-02

Quality requirements.

- (A) Acceptability of raw milk from each producer shall be based on a visual examination for appearance and odor or by an acceptable test procedure for bacterial count, somatic cell count, and drug residue test as specified in rules 901:11-2-03 to 901:11-2-05 of the Administrative Code.
- (B) The appearance of acceptable raw milk shall be normal and free of excessive coarse sediment. The milk shall not show any abnormal condition including but not limited to: curdled, ropy, bloody, or mastitic. When milk is tested for sediment and ~~if the~~ sediment exceeds the following United States department of agriculture standards, ~~if the milk~~ shall be considered as adulterated:
- (1) No. 1 acceptable - not to exceed 0.50 mg. or equivalent.
 - (2) No. 2 acceptable - not to exceed 1.50 mg. or equivalent.
 - (3) No. 3 probational, not over a ten day period - not to exceed 2.50 mg. or equivalent.
 - (4) No. 4 reject, considered to be adulterated - over 2.50 mg. or equivalent.
- (C) Adulterated milk may be embargoed by the director and disposed of in accordance with ~~division (E) of~~ section 917.02 of the Revised Code.
- (D) Methods for determining the sediment content of the milk of individual producers shall be those described in the standard methods. Sediment content shall be based on comparison with applicable charts of the United States sediment standards for milk and milk products which are found in Title 7 C.F.R. parts 58-134 (2011).
- (E) The odor shall be fresh and sweet. The milk shall be free from objectionable feed and other off-odors that would adversely affect the finished product.
- (F) Lactating animals which show evidence of the secretion of abnormal milk in one or more quarters based upon bacteriological, chemical, or physical examination shall be milked last or with separate equipment, and the milk shall be discarded. Lactating animals treated with, or lactating animals which have consumed chemical, medicinal, or radioactive agents which are capable of being secreted in the milk and which in the judgement of the director, may be deleterious to human health, shall be milked last or with separate equipment, and the milk disposed of as the director may direct. In making determinations regarding the impact of radioactive agents on human health, the director may consult with the director of health.
- (G) A plant, hauler, ~~or weigher, or sampler, or tester~~ shall reject specific producer raw milk if the milk fails to meet the requirements for appearance and odor or if ~~if the~~ milk tests positive for drug residue.

- (H) All ~~reject~~rejected milk shall be identified either with a reject tag or colored with harmless food coloring.
- (I) A plant shall not accept milk from a producer if:
- (1) Three of the last five milk samples have exceeded the maximum bacterial count as specified in rule 901:11-2-03 of the Administrative Code;
 - (2) Three of the last five milk samples have exceeded the maximum somatic cell count as specified in rule 901:11-2-04 of the Administrative Code; or
 - (3) The producer's last milk sample was positive on a drug residue test as specified in rule 901:11-2-05 of the Administrative Code.
- (J) Quality testing of milk from new producers, producers whose license or registration has been suspended, ~~and/or~~ transfer producers shall meet the requirements in this rule for the items listed in ~~this paragraph~~paragraphs (J)(1) to (J)(4) of this rule. Thereafter, each milk shipment shall meet the requirements of acceptable milk, and ~~shall~~ be tested in accordance with the provisions of rules 901:11-2-03 to 901:11-2-05 of the Administrative Code.
- (1) Acceptable raw milk;
 - (2) Bacterial count;
 - (3) Somatic cell count; and,
 - (4) Drug residue level.
- (K) Prior to receipt of the first shipment of milk from a producer whose milk shipment is shifted from one plant to another plant, the processor shall make a request to the director for the following information and may receive the producer's milk if:
- (1) The producer holds a valid, active license or registration as set forth in rule 901:11-1-04 of the Administrative Code; and
 - (2) The last shipment of milk received from the producer by the former plant ~~meet~~meets the requirements for:
 - (a) Acceptable milk;
 - (b) Bacterial count;
 - (c) Somatic cell count; and

(d) Drug residue level.

Effective:

Five Year Review (FYR) Dates: 3/17/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 917.02
Rule Amplifies: 917.05
Prior Effective Dates: 06/18/2001, 06/06/2005, 09/19/2007, 02/21/2016

901:11-2-26

Pasteurization, sterilization, and cooking.

- (A) When pasteurization is intended or required, or when a product is designated "pasteurized" every particle of the product shall be subjected to temperatures and holding periods that will assure proper pasteurization of the product. When product is desired to be heat-treated, the product shall be heated to temperatures greater than one hundred twenty-five degrees Fahrenheit but less than one hundred sixty-one degrees Fahrenheit, provided, cream may be heated further to less than one hundred sixty-six degrees Fahrenheit in a continuous heating process and immediately cooled to forty-five degrees Fahrenheit or less when necessary for enzyme deactivation for a functional reason.
- (B) Pasteurization shall comply with the applicable specifications of item 16p of the PMO. The recording and indicating thermometers of heat-treating devices shall be checked by the director as often as required. Nothing in this rule shall be construed as barring any other pasteurization process that has been recognized by the food and drug administration to be equally effective and which is approved by the director.
- (C) The phenol value of test samples of a pasteurized finished product shall be no greater than the maximum specified for that product as determined and specified by the phosphatase test method prescribed in the official methods.
- (D) All milk, buttermilk, and whey used in the manufacture of dry dairy products shall be pasteurized at the plant where dried. Milk or skim milk to be used in the manufacturing of nonfat dry milk shall be pasteurized prior to condensing. Condensed skim manufactured from pasteurized skim milk may be transported to a drying plant, provided, the condensed skim milk is effectively repasteurized at the drying plant, prior to drying, at not less than one hundred seventy-five degrees Fahrenheit for at least twenty-five seconds.
- (E) All buttermilk or cream from which ~~it~~ the buttermilk is derived shall be pasteurized prior to condensing ~~at a temperature of at not less than one hundred eighty-five degrees Fahrenheit for at least fifteen seconds.~~
- (F) All cheese whey or milk from which ~~it~~ the cheese whey is derived shall be pasteurized prior to condensing ~~at a temperature of not less than one hundred sixty-one degrees Fahrenheit for at least fifteen seconds.~~
- (G) The milk or cream shall be pasteurized at the plant where the milk or cream is processed into butter. ~~Cream or re-melt butter for butter manufacturing shall be pasteurized at a temperature of not less than one hundred sixty-five degrees Fahrenheit and held continuously in a vat at such temperature for at least thirty minutes; or pasteurized by the HTST method at a temperature of not less than one hundred eighty-five~~

~~degrees Fahrenheit for at least fifteen seconds; or by any other equivalent time and temperature combination.~~

- (H) The pasteurization of cream for plastic or frozen cream shall be pasteurized at the plant where the milk or cream is processed. The temperature for the vat pasteurization method shall be not less than one hundred seventy degrees Fahrenheit for at least thirty minutes. Pasteurization by the high-temperature, short-time (HTST) method shall be at a temperature of not less than one hundred ninety degrees Fahrenheit for at least fifteen seconds or by any other temperature and holding time which will assure adequate pasteurization and comparable keeping quality characteristics.
- (I) After the HTST unit has been tested according to appendix I of the PMO. The public health controls shall be sealed at the correct setting by the director to assure pasteurization. The HTST pasteurizer shall be tested initially upon installation, at least each six months, and whenever any alteration or replacement is made which affects the proper operation of the pasteurizer. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.
- (J) Sterilization or the complete destruction of all living organisms is performed in one of the following methods:
- (1) The complete in-container method, by heating the container and contents to a range of two hundred twelve degrees Fahrenheit to two hundred eighty degrees Fahrenheit for a time sufficient to destroy all living organisms;
 - (2) By a continuous flow ~~ultra-high-temperature~~high-heat, short-time (~~UHTST~~)(HHST) method at two hundred eighty degrees Fahrenheit or above for a time sufficient to destroy all living organisms, then packaged aseptically; or
 - (3) The product is initially sterilized according to continuous flow ~~UHTST~~HHST method as stated in paragraph (B) of this rule, then packaged and given further heat treatment to complete the sterilization process.
- (K) Cooking.
- (1) Each batch of cheese within the cooker, including the optional ingredients, shall be thoroughly commingled and the contents shall be ~~pasteurized~~cooked at a temperature of not less than one hundred fifty-eight degrees Fahrenheit and held at that temperature for at least thirty seconds.

- (2) Cheese particles or ingredients shall not be added after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.
- (3) Cookers shall be of the steam jacketed or direct steam type. ~~They~~ Cookers shall be constructed of stainless steel or other equally corrosion-resistant material. All product contact surfaces shall be readily accessible for cleaning.
- (4) Each cooker shall be equipped with an indicating thermometer, ~~and~~ a temperature recording device, and be tested initially upon installation, at least each six months, and whenever any alteration or replacement is made which affects the proper operation of the cooker.
- (5) Steam check valves on direct steam type cookers shall be mounted flush with the cooker wall, be constructed of stainless steel and designed to prevent the backup of product into the steam line, or the steam line shall be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product, only culinary steam shall be used.

Effective:

Five Year Review (FYR) Dates: 10/24/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 917.02
Rule Amplifies: 917.02
Prior Effective Dates: 06/18/2001, 06/06/2005, 09/19/2007, 01/10/2013,
02/21/2016, 10/24/2017

901:11-3-04

Chemical, bacteriological, and temperature standards.

- (A) Raw milk or milk products intended for use in the manufacturer of frozen desserts shall not be accepted by the frozen dessert manufacturer unless the milk and milk products meet the following standards at the time of delivery:
- (1) Temperature. The milk and milk products must be received at forty-five degrees Fahrenheit (seven degrees Celsius) or less.
 - (2) Bacterial limits. The milk and milk products shall not exceed three-hundred thousand parts per milliliter. The test for bacterial limits shall be tested in conjunction with the drug residue inhibitory substance test.
 - (3) Drugs. There shall be no positive results on drug residue detection methods analyzed at an officially designated laboratory using examinations in substantial compliance with the standard methods and the official methods.
 - (4) These standards shall be maintained by the frozen dessert manufacturer through pasteurization.
- (B) Bulk loads of raw milk and milk products shall be pasteurized in accordance with rule 901:11-3-05 of the Administrative Code at the receiving plant prior to use in the manufacturing of finished products.
- (C) Bulk loads of pasteurized milk or milk products shall be re-pasteurized in accordance with rule 901:11-3-05 of the Administrative Code at the receiving plant prior to use in the manufacturing of finished products.
- (D) Frozen desserts made from pasteurized milk or milk products shall meet the following standards:
- (1) Temperature. After pasteurization the milk and milk products shall be cooled to forty-five degrees Fahrenheit (seven degrees Celsius) or less.
 - (2) Bacterial limits. The milk and milk products shall not exceed ~~three-hundred~~thirty thousand parts per milliliter. The test for bacterial limits shall be tested in conjunction with the drug residue inhibitory substance test.
 - (3) Coliform. The milk and milk products shall not exceed ten parts per milliliter.
 - (4) Drugs. There shall be no positive results on drug residue detection methods analyzed at an officially designated laboratory using examinations in substantial compliance with the standard methods and the official methods.

- (5) Phosphatase. The milk and milk products shall not exceed three hundred and fifty milliunits per liter using examinations in substantial compliance with the standard methods and the official methods.

Effective:

Five Year Review (FYR) Dates: 6/16/2023

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 917.02
Rule Amplifies: 917.02
Prior Effective Dates: 09/20/2004, 06/06/2005, 10/15/2007, 06/16/2018