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02.04.05 - RULES GOVERNING MANUFACTURE GRADE MILK

IDAPA 02
TITLE 04
CHAPTER 05

02.04.05 - RULES GOVERNING MANUFACTURE GRADE MILK

(by Provisions of Title 37, Chapter 4, Idaho Code)

000. LEGAL AUTHORITY.
This chapter is adopted under the legal authority of Title 37, Chapter 4, Idaho Code. (4-8-94)

001. TITLE AND SCOPE.
The title of this chapter is Rules of the Department of Agriculture Governing Manufacture Grade Milk. This chapter has the following scope: These rules shall govern requirements for milk for manufacturing purposes and it's production and processing. The official citation of this chapter is IDAPA 02.04.05.000 et. seq. For example, this Section's citation is IDAPA 02.04.05.001. (4-8-94)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (4-8-94)

003. ADMINISTRATIVE APPEAL.
There is no provision for administrative appeals before the Department of Agriculture under this chapter. (4-8-94)

004. DEFINITIONS.
The following definitions shall apply in the interpretation and enforcement of this chapter: (4-8-94)

01. Regulatory Agency. Department of Agriculture is authorized by law to administer these rules. (4-8-94)

02. License. A license issued under this section by the Department of Agriculture. (4-8-94)

03. Fieldman. A person qualified and trained in the sanitary methods of production and handling of milk as set forth herein, and generally employed by a processing or manufacturing plant for the purpose of making dairy farm surveys and doing quality control work. (4-8-94)

04. Fieldman, Approved. A fieldman qualified, trained, and approved by the Department of Agriculture to perform farm inspections and raw milk grading. (4-8-94)

05. Inspector. A qualified, trained person employed by the Department of Agriculture to perform dairy farm or plant inspections and raw milk grading. (4-8-94)

06. Milk Grader or Bulk Milk Collector. A person licensed by the Department of Agriculture who is qualified and trained for the grading of raw milk in accordance with the quality standards and procedures of Sections 050 through 149. (4-8-94)

07. Producer. The person or persons who exercise control over the production of the milk delivered to a plant, and who receives payment for this product. A "new producer" is one who is initiating the shipment of milk from a farm. A "transfer producer" is one whose shipment of milk from a farm is shifted from one plant to another plant. A "producer/processor" is one who manufactures dairy products on the dairy farm entirely from his own milk, or from his own milk combined with milk from one or more other producers. (4-8-94)

08. Dairy Farm or Farm. A place or premise where one or more milking cows, sheep or goats are kept, and from which all or a portion of the milk produced thereon is delivered, sold, or offered for sale to a manufacturing plant. (4-8-94)

09. Dairy Plant or Plant. Any place, premise, or establishment where milk or dairy products are received or handled for processing or manufacturing and/or prepared for distribution. When "plant" is used in connection with the production, transportation, grading, or use of milk, it means any plant that handles or purchases milk for manufacturing purposes; when used in connection with requirements for plants or licensing of plants, it means only those plants that manufacture dairy products. (4-8-94)

10. Milk. The term "milk" shall include the following: (4-8-94)

a. Milk is the lacteal secretion practically free from colostrum obtained by the complete milking of one or more healthy cows. (4-8-94)

b. Goat milk is the lacteal secretion practically free from colostrum obtained by the complete milking of one or more healthy goats. Goat milk shall only be used to manufacture dairy products that are legally provided for in 21 CFR or recognized as non-standardized traditional products normally manufactured from goat milk. (4-8-94)

c. Sheep milk is the lacteal secretion practically free from colostrum obtained by the complete milking of one or more healthy sheep. (4-8-94)

d. The word "milk" used herein includes only milk, sheep and goat milk for manufacturing purposes. (4-8-94)

11. Milk For Manufacturing Purposes. Milk produced for processing and manufacturing into products for human consumption but not subject to Grade A or comparable requirements. (4-8-94)

12. Acceptable Milk. Milk that qualifies as to appearance and odor and that is classified No. 1 or No. 2 for sediment content. (4-8-94)

13. Probational Milk. Milk classified No. 3 for sediment content. (4-8-94)

14. Rejected Milk. Milk rejected from the market according to the provisions of Section 070. (4-8-94)

15. Excluded Milk. All of a producer's milk excluded from the market by the provisions of Section 080. (4-8-94)

16. Dairy Products. Butter, cheese (natural or processed), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole milk and condensed skim milk (plain or sweetened), and such other products, for human consumption, as may be otherwise designated. (4-8-94)

17. Farm Certification. Certification by an inspector or approved fieldman that a producer's herd, milking facility and housing, milking procedure, cooling, milkhouse or milkroom, utensils and equipment and water supply have been found to meet the applicable requirements of Section 150 for the production of milk to be used for manufacturing purposes. (4-8-94)

18. Official Methods. Official Methods of Analysis of the Association of Official Agricultural Chemists, a publication of the Association of Official Analytical Chemists. (4-8-94)

19. Standard Methods. Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association. (4-8-94)

20. 3-A Sanitary Standards. The standards for dairy equipment formulated by the 3-A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the US. Public Health Service, and the Dairy Industry Committee. Published by the International Association of Milk, Food and Environmental Sanitarians. (4-8-94)

21. C-I-P or Cleaned-In-Place. The procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation. (4-8-94)

22. Atmosphere Relatively Free From Mold. No more than ten (10) mold colonies per cubic foot of air as determined in Standard Methods. (4-8-94)

23. Sanitizing Treatment. Application of any effective method or sanitizing agent to clean surface for the destruction of pathogens and other organisms as far as is practicable. The sanitizing agents used shall comply with the Federal Food, Drug, and Cosmetic Act. (4-8-94)

005. -- 009. (RESERVED).

010. RAW MILK OR CREAM.
All raw milk or cream for manufacturing purposes from all sources shall be based on the following quality specifications. (7-1-93)

01. Raw Milk. The appearance and odor of acceptable raw milk shall be normal, fresh, and sweet and free from objectionable feed and other off odors that would adversely affect the finished product. (7-1-93)

02. Milk or Cream. Milk or cream is unacceptable which: (7-1-93)

a. Is other than the lacteal secretion obtained by the complete milking of one or more healthy cows or goats properly kept and fed; (7-1-93)

b. Contains added water; (7-1-93)

c. Contains colostrum, is ropy, bloody or gives any indication of having come from diseased or injured udders; (7-1-93)

d. Contains filth, is contaminated with flies, earwigs or other insects, dirt, oil, economic poisons, pesticides or other foreign matter which renders it unfit for human consumption; (7-1-93)

e. Tests positive for antibiotics or inhibitors as tested by the accepted methods of the latest edition of Standard Methods for the Examination of Dairy Products or by tests approved by the Department of Agriculture; (7-1-93)

f. Has more than .17% of one percent acid calculated as lactic and does not meet the criteria in Subsection 010.01; (7-1-93)

g. In the case of cream, is rancid, putrid or actively foaming; (7-1-93)

h. In the case of cream, contains more than .8 of one percent acid calculated as lactic; (7-1-93)

i. Is more than three (3) days old when picked up at the farm; (7-1-93)

j. Does not meet the quality standards as set forth in these rules. (7-1-93)

011. -- 049. (RESERVED).

050. QUALITY REQUIREMENTS FOR MILK FOR MANUFACTURING PURPOSES.

01. Basis. The quality classification of raw milk for manufacturing purposes from each producer shall be based on an organoleptic examination for appearance and odor, a drug residue test and quality control tests for sediment content, bacterial estimate and somatic cell count. (4-8-94)

a. At least once each month the haulers shall bring in not less than a four (4) ounce sample of mixed milk for the .20 inch diameter or a pint sample of mixed milk for the .40 diameter, from a producer's bulk milk tank. The sample shall be taken in accordance with recommended procedures outlined in the latest edition of Standard Methods for the Examination of Dairy Products and 37-413, Idaho Code. (4-8-94)

02. Appearance and Odor. The appearance of acceptable raw milk shall be normal and free of excessive coarse sediment when examined visually or by an acceptable test procedure. The milk shall not show any abnormal condition (including but not limited to curdles, ropy, bloody or mastitic condition), as indicated by sight or other test procedures. 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. (4-8-94)

03. Sediment Content Classification. Milk shall be classified for sediment content, regardless of the

results of the appearance and odor examination described in Subsection 050.02. The USDA Sediment Standard is as follows. (4-8-94)

a. No. 1 (acceptable) - not to exceed 0.50 mg. or equivalent. (4-8-94)

b. No. 2 (acceptable) - not to exceed 1.50 mg. or equivalent. (4-8-94)

c. No. 3 (probational, not over ten (10) days) - not to exceed 2.50 mg. or equivalent. (4-8-94)

d. No. 4 (reject) - over 2.50 mg. or equivalent. (4-8-94)

04. Method of Testing. Methods for determining the sediment content of the milk of individual producers shall be those described in the latest edition of Standard Methods for Examination of Dairy Products. Sediment content shall be based on comparison with applicable charts of the United States Sediment Standards for Milk and Milk Products, 7 CFR Part 58, Subpart T, Section 58.2728 through 58.2732 as amended. (4-8-94)

05. Frequency of Test. At least once each month, at irregular intervals, the milk from each producer shall be tested as follows: (4-8-94)

a. Milk in cans. One (1) or more cans of milk selected at random from each producer. (4-8-94)

b. Milk in farm bulk tanks. A sample shall be taken from each farm bulk tank. (4-8-94)

06. Acceptance or Rejection of Milk. If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: Provided, that if the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined at the farm before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers in No. 3 or No. 4 (milk cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested. (4-8-94)

07. Retests. On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3, may be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment tested. This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not to exceed ten (10) calendar days. If at the end of this time all of the producer's milk does not meet the acceptable sediment content classification (No. 1 or No. 2) it shall be excluded from market. (4-8-94)

051. -- 059. (RESERVED).

060. BACTERIAL ESTIMATE CLASSIFICATION.
A laboratory examination to determine the bacterial estimate shall be made on each producer's milk at least once each month at irregular intervals. Samples shall be analyzed at a laboratory approved by the Department of Agriculture. (4-8-94)

01. Methods of Testing. Milk shall be tested for bacterial estimate by using one of the following methods or any other method approved by Standard Methods for the Examination of Dairy Products: (4-8-94)

a. Direct microscopic clump count. (4-8-94)

b. Standard plate count. (4-8-94)

c. Plate loop count. (4-8-94)

d. Pectin gel plate count. (4-8-94)

e. Petrifilm aerobic count. (4-8-94)

f. Spiral plate count. (4-8-94)

02. Bacterial Estimate Procedures. Whenever the bacterial estimate indicates the presence of more than 200,000 bacteria per ml., the following procedures shall be applied: (4-8-94)

a. The producer shall be notified with a warning of the excessive bacterial estimate. (4-8-94)

b. Whenever two of the last four consecutive bacterial estimates exceed 200,000 per ml., the appropriate regulatory authority shall be notified and a written warning notice given to the producer. The notice shall be in effect so long as two of the last four consecutive samples exceed 200,000 per ml. (4-8-94)

c. An additional sample shall be taken after a lapse of 3 days but within 21 days of the notice required in Subsection 060.02.b. If this sample also exceeds 200,000 per ml., subsequent milkings shall be excluded from the market until satisfactory compliance is obtained. Shipment may be resumed and a temporary status assigned to the producer by the appropriate State regulatory agency when an additional sample of herd milk is tested and found satisfactory. The producer shall be assigned a full reinstatement status when three out of four consecutive bacterial estimate test do not exceed 200,000 per ml. (4-8-94)

061. -- 069. (RESERVED).

070. REJECTED MILK.
A plant shall reject specific milk from a producer if the milk fails to meet the requirements for appearance and odor, if it is classified No. 4 for sediment content, or if it tests positive for drug residue. All reject milk shall be identified with a reject tag and/or colored with harmless food coloring. (4-8-94)

071. -- 079. (RESERVED).

080. EXCLUDED MILK.
A plant shall not accept milk from a producer if: (4-8-94)

01. Probational Sediment Content. The milk has been in a probational (No. 3) sediment content classification for more than ten (10) calendar days. (4-8-94)

02. Exceeding Maximum Bacteria. Three of the last five milk samples have exceeded the maximum bacteria estimate of two hundred thousand (200,000) per ml. (4-8-94)

03. Insanitary Conditions. If the milk is produced under insanitary conditions. (4-8-94)

04. Maximum Somatic Cell Count. Three of the last five milk samples have exceeded the maximum somatic cell count level of seven hundred fifty thousand (750,000) per ml. or one million (1,000,000) per ml. for goat or sheep milk. (4-8-94)

05. Positive Drug Test. The producer's milk shipments to either the Grade A or the manufacturing grade milk market currently are not permitted due to a positive drug residue test. (4-8-94)

06. Delinquent Review. The producer is delinquent in completing a review of the "Milk and Dairy Beef Quality Assurance Program" with a licensed veterinarian following an occurrence of shipping milk testing positive for drug residue. (4-8-94)

081. -- 089. (RESERVED).

090. QUALITY TESTING OF MILK FROM PRODUCERS.

01. New Producers. An examination and tests shall be made on the first shipment of milk from a new

producer or from a producer resuming shipment after a period of non-shipment. The milk shall meet the requirements for; "Acceptable milk", Somatic cell count, Drug residue level, and Bacteria estimate. (4-8-94)

a. Thereafter, each milk shipment shall meet the requirements of Section 050, and shall be tested in accordance with the provisions of Sections 060, 102, and 103. (4-8-94)

02. Transfer Producers. An examination and test shall be made by the new buyer on the first shipment of milk from a transfer producer. The milk shall meet the requirements for; "Acceptable milk," Somatic cell count, Drug residue level and Bacteria estimate. (4-8-94)

a. Thereafter, each milk shipment shall meet the requirements of Section 050, and shall be tested in accordance with the provisions of Sections 060, 102, and 103. (4-8-94)

b. In addition, the new buyer shall determine from the producer's records that: (4-8-94)

i. The milk is currently classified "acceptable" for bacteria and sediment; (4-8-94)

ii. Three of the last five consecutive milk samples do not exceed the maximum somatic cell count level requirements; (4-8-94)

iii. The last shipment of milk received from the producer by the former plant did not test positive for drug residue; (4-8-94)

iv. Milk shipments currently are not excluded from the market due to a positive drug residue test; and (4-8-94)

v. Meets farm certification requirements. (4-8-94)

03. Delivery. When a producer discontinues milk delivery at one plant and begins delivery at another plant for any reason, the new buyer shall not accept the first milk delivery until he has requested from the previous buyer a copy of the record of: (4-8-94)

a. The producer's milk quality tests covering the preceding ninety (90) days; (4-8-94)

b. The producer's drug residue test results for the preceding twelve (12) month period; and (4-8-94)

c. A statement of the farm certification status and date of certification. (4-8-94)

05. Status of Quality Records. The previous buyer shall furnish the new buyer with such information within twenty-four (24) hours after receipt of the request. A new buyer may accept a transfer producer's milk after making the request for records, but before receiving them, if he first confirms the producer's records verbally from the previous buyer. If verbal communication is used to ascertain the status of quality records, the new buyer shall send to the previous buyer, as soon as possible, a written confirmation of the conversation. (4-8-94)

06. Reporting Failure to Provide Quality Records. If the new buyer fails to receive the quality records from the previous buyer, he shall report this fact to the State regulatory agency. The new buyer may then, alternatively, obtain from the producer a copy of the test results for sediment content, bacterial estimate, and somatic cell count for the preceding ninety (90) day period and a copy of the drug residue test results for the preceding twelve (12) month period. (4-8-94)

091. -- 099. (RESERVED).

100. RECORDS OF TESTS.
Accurate records of the results of the milk quality and drug residue tests for each producer shall be kept on file for a period of not less than twelve (12) months. The records shall be available for examination by the regulatory agency. (4-8-94)

101. FIELD SERVICE.

A representative of the plant shall arrange to promptly visit the farm of each producer whose milk tests positive for drug residue, exceeds the maximum somatic cell count level, or does not meet the requirements for acceptable milk. The purpose of the visit shall be to inspect the milking equipment and facilities and to offer assistance to improve the quality of the producer's milk and eliminate any potential causes of drug residues. A representative of the plant should routinely visit each producer as often as necessary to assist and encourage the production of high quality milk. (4-8-94)

102. SOMATIC CELL COUNT.

01. Level of Somatic Cells. A laboratory examination to determine the level of somatic cells shall be made on each producer's milk at least four times in each six-month period at irregular intervals. Samples shall be analyzed at a laboratory and by a method approved by the state regulatory agency. (4-8-94)

02. Procedures. Whenever the confirmatory somatic cell count indicates the presence of more than 750,000 somatic cells per ml., (1,000,000 per ml for goat and sheep) the following procedures shall be applied: (4-8-94)

a. The producer shall be notified with a warning of the excessive somatic cell count. (4-8-94)

b. Whenever two of the last four consecutive somatic cell counts exceed 750,000 per ml., (1,000,000 per ml. for goat and sheep) the appropriate regulatory authority shall be notified and a written warning notice given to the producer. The notice shall be in effect so long as two of the last four consecutive samples exceed 750,000 per ml., (1,000,000 per ml. for goat and sheep). (4-8-94)

c. An additional sample shall be taken after a lapse of three (3) days but within twenty-one (21) days of the notice required in paragraph 02.b. of this section. If this sample also exceeds 750,000 per ml., (1,000,000 per ml. for goat and sheep) subsequent milkings shall be excluded from the market until satisfactory compliance is obtained. Shipment may be resumed and a temporary status assigned to the producer by the appropriate State regulatory agency when an additional sample of herd milk is tested and found satisfactory. The producer shall be assigned a full reinstatement status when three out of four consecutive somatic cell count tests do not exceed 750,000 per ml., (1,000,000 per ml. for goat and sheep). (4-8-94)

103. DRUG RESIDUE LEVEL.

01. Industry's Sampling and Testing Responsibilities. All milk shipped for processing or intended to be processed on the farm where it was produced shall be sampled and tested, prior to processing, for beta lactam drug residue. Collection, handling and testing of samples shall be done according to procedures established by the appropriate State regulatory agency. (4-8-94)

a. When so specified by the US. Food and Drug Administration (FDA), all milk shipped for processing, or intended to be processed on the farm where it was produced, shall be sampled and tested, prior to processing, for other drug residues under a random drug sampling program. The random drug sampling program shall include at least four samples collected in at least four (4) separate months during any six (6) month period. (4-8-94)

b. When the Commissioner of the FDA determines that a potential problem exists with an animal drug residue or other contaminant in the milk supply, a sampling and testing program shall be conducted, as determined by the FDA. The testing shall continue determines with reasonable assurance that the potential problem has been remedied. (4-8-94)

c. The dairy industry shall analyze samples for beta lactams and other drug residues by methods evaluated by the Association of Official Analytical Chemists (AOAC) and accepted by the FDA as effective in determining compliance with established "safe levels" or tolerances. "Safe levels" and tolerances for particular drugs are established and amended by the FDA. The industry may employ on a temporary basis other test methods evaluated by the Virginia Polytechnic Institute and State University, or by other institutions using equivalent evaluation procedures, and determined to demonstrate accurate compliance results. These test methods may be used until they are evaluated by the AOAC and accepted or rejected by the FDA. (4-8-94)

d. Individual producer sampling. (4-8-94)

i. Bulk Milk. A milk sample for beta lactam drug residue testing shall be taken at each farm and shall include milk from each farm bulk tank. (4-8-94)

ii. Can Milk. A milk sample for beta lactam drug residue testing shall be performed separately at the receiving plant for each can milk producer included in a delivery, and shall be representative of all milk received from the producer. (4-8-94)

iii. Producer/processor. A milk sample for beta lactam drug residue testing shall be performed separately according to paragraphs d.i. and d.ii. of this section for milk produced or received by a producer/processor. (4-8-94)

e. Load sampling and testing. (4-8-94)

i. Bulk Milk. A load sample shall be taken from the bulk milk pickup tanker after its arrival at the plant and prior to further commingling. (4-8-94)

ii. Can milk. A load sample representing all of the milk received on a shipment shall be formed at the plant, using a sampling procedure that includes milk from every can on the vehicle. (4-8-94)

iii. Producer/processor. A load sample shall be formed at the plant using a sampling procedure that includes all milk produced and received. (4-8-94)

f. Sample and record retention. A load sample that tests positive for drug residue shall be retained according to guidelines established by the appropriate State regulatory agency. The records of all sample test results shall be retained for a period of not less than 12 months. (4-8-94)

g. Industry follow-up. (4-8-94)

i. When a load sample tests positive for drug residue, industry personnel shall notify the appropriate State regulatory agency immediately, as directed by the Department of Agriculture, of the positive test result and of the intended disposition of the shipment of milk containing the drug residue. All milk testing positive for drug residue shall be disposed of in a manner that removes it from the human or animal food chain, except when acceptably reconditioned under FDA compliance policy guidelines. (4-8-94)

ii. Each individual producer sample represented in the positive-testing load sample shall be singly tested as directed by the appropriate State regulatory agency to determine the producer of the milk sample testing positive for drug residue. identification of the producer responsible for producing the milk testing positive for drug residue, and details of the final disposition of the shipment of milk containing the drug residue, shall be reported immediately to the appropriate agency, according to State policy. (4-8-94)

iii. Milk shipment from the producer identified as the source of milk testing positive for drug residue shall cease immediately and may resume only after a sample from a subsequent milking does not test positive for drug residue. (4-8-94)

02. Regulatory Agency's Monitoring and Surveillance Responsibilities. The Department of Agriculture shall monitor the milk industry's drug residue program by conducting unannounced on-site inspections to observe testing and sampling procedures and to collect samples for comparison drug residue testing. In addition, the regulatory agency shall review industry records for compliance with State policy. The review shall seek to determine that: (4-8-94)

a. Each producer is included in a routine, effective drug residue milk monitoring program utilizing AOAC-evaluated and FDA-approved methods to test samples for the presence of drug residue; (4-8-94)

b. The regulatory agency receives prompt notification from industry personnel of each occurrence of

a sample testing positive for drug residue, and of the identity of each producer identified as a source of milk testing positive for drug residue; (4-8-94)

c. The regulatory agency receives prompt notification from industry personnel of the intended and final disposition of milk testing positive for drug residue, and that disposal of the load is conducted in a manner that removes it from the human or animal food chain, except when acceptably reconditioned under FDA compliance policy guidelines; and (4-8-94)

d. Milk shipment from a producer identified as a source of milk testing positive for drug residue completely and immediately ceases until a milk sample taken from the dairy herd does not test positive for drug residue. (4-8-94)

03. Enforcement. A penalty sanctioned by the Department of Agriculture shall be imposed on the producer for each occurrence of shipping milk testing positive for drug residue. (4-8-94)

a. The producer shall review the "Milk and Dairy Beef Quality Assurance Program" with a licensed veterinarian within 30 days after each occurrence of shipping milk testing positive for drug residue. A certificate confirming that the "Quality Assurance Program" has been reviewed shall be signed by the responsible producer and a licensed veterinarian. The Department of Agriculture shall receive a copy of the signed "Quality Assurance Program" certificate. (4-8-94)

b. If a producer ships milk testing positive for drug residue three times within a 12-month period, the Department of Agriculture shall initiate procedures to suspend the producer's milk shipping privileges. (4-8-94)

104. RADIONUCLIDES.
Composite milk samples from selected areas in the state should be tested for biologically significant radionuclides at a frequency which the regulatory agency determines to be adequate to protect the consumer. (4-8-94)

105. PESTICIDES AND HERBICIDES.
Composite milk samples should be tested for pesticides and herbicides at a frequency which the regulatory agency determines is adequate to protect the consumer. The test results from the samples shall not exceed established FDA limits. (4-8-94)

106. ADDED WATER.
Milk samples from each producer should be tested for added water at a frequency which the regulatory agency determines is adequate to prevent the addition of water to the milk. (4-8-94)

107. -- 149. (RESERVED).

150. FARM REQUIREMENTS OF MILK FOR MANUFACTURING.

01. Health of Herd. (4-8-94)

a. General health. All animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept. (4-8-94)

b. Tuberculin test. The cows shall be located in a Modified Accredited Area, an Accredited Free State, or an Accredited Free Herd as determined by the US. Department of Agriculture. The goats shall be located in States meeting the current USDA Uniform Methods and Rules and for Bovine Tuberculosis Eradication or an Accredited Free Goat Herd. If the animals are not located in such areas, they shall be tested annually under the jurisdiction of the aforesaid program. All additions to the herd shall be from an area or from herds meeting those same requirements. (4-8-94)

c. Brucellosis test. The cows shall be located in States meeting Class B status, or Certified-Free Herds, or shall be involved in a milk ring test program or blood testing program under the current USDA Brucellosis Eradication Uniform Methods and Rules. All additions to the herd shall be from an area or from herds meeting these

same requirements. (4-8-94)

d. Abnormal milk. Milk from cows known to be infected with mastitis or milk containing residues of antibiotics or others drugs, or milk containing pesticides or other chemical residues in excess of the established limits shall not be sold or offered for sale for human food. The milk shall be disposed of as the regulatory agency may direct. (4-8-94)

02. Milking and Facility Housing. (4-8-94)

a. A milking barn or milking parlor of adequate size and arrangement shall be provided to permit normal sanitary milking operations. It shall be well lighted and ventilated, and the floors and gutters in the milking area shall be constructed of concrete or other impervious material. The facility shall be kept clean, the manure removed daily and stored to prevent access of cows to accumulation thereof; and no swine or fowl shall be permitted in any part of the milking area. (4-8-94)

b. If milk is exposed during straining or transferring in the milking areas it shall be protected from falling particles from areas above milk facility. (4-8-94)

c. The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of standing water pools, insofar as practicable, and shall be kept clean. (4-8-94)

03. Milking Procedure. (4-8-94)

a. The udders and flanks of all milking cows shall be kept clean. The udders and teats shall be washed or wiped immediately before milking with a clean, damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitary method. (4-8-94)

b. The milker's outer clothing shall be clean and his hands clean and dry. No person with an infected cut or open sores on their hands or arms shall milk cows, or handle milk or milk containers, utensils or equipment. (4-8-94)

c. Cows which secrete abnormal milk shall be milked last or with separate equipment. This milk shall be excluded from the supply as required in section 150.01.d. (4-8-94)

d. Milk stools, surcingles and antikickers shall be kept clean and properly stored. Dusty operations should not be conducted immediately before or during milking. Strong flavored feeds should only be fed after milking. (4-8-94)

04. Cooling. (4-8-94)

a. Milk in cans shall be cooled immediately after milking to 45 Deg F. or lower unless delivered to the plant within 2 hours after milking. The cooler, tank, or refrigerated unit shall be kept clean. (4-8-94)

b. Milk in farm bulk tanks shall be cooled to 40 Deg F. or lower within 2 hours after milking and maintained at 45 Deg F. or lower until transferred to the transport tank. (4-8-94)

05. Milkhouse or Milkroom. (4-8-94)

a. A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk and for washing, handling, and storing the utensils and equipment. Other products shall not be handled in the milkroom which would be likely to contaminate milk, or otherwise create a public health hazard. (4-8-94)

b. It shall be equipped with wash and rinse vat, utensil rack, milk cooling facilities and have an adequate supply of hot water available for cleaning milking equipment. If a part of the barn or other building, it shall be partitioned, screened, and sealed to prevent the entrance of dust, flies, or other contamination. A milking parlor used strictly as a milking facility in combination with a milkhouse or milkroom, when properly equipped, arranged

and maintained, need not be partitioned. Concentrates and feed, if stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings shall be constructed of smooth easily cleaned material. All outside doors shall open outward and be self-closing, unless they are provided with tight-fitting screen doors that open outward or unless other effective means are provided to prevent the entrance of flies. (4-8-94)

c. If a farm bulk tank is used, it shall be properly located in the milkhouse or milkroom for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator. (4-8-94)

d. A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse, properly centered under a suitable port opening in the wall for milkhouse connections. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkhouse or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at point of loading. (4-8-94)

e. The milkhouse or milkroom shall be kept clean and free of trash. Animals and fowl shall not be allowed access to the milkhouse or milkroom at anytime. (4-8-94)

06. Farm Chemicals and Animal Drugs. (4-8-94)

a. Animal biologics and other drugs intended for treatment of animals, and insecticides approved for use in dairy operations, shall be properly labeled and used in accordance with label instructions, and shall be stored in a manner which will prevent accidental contact with milk and milk contact surfaces. (4-8-94)

b. Only drugs that are approved by the FDA or biologics approved by the USDA for use in dairy animals that are properly labeled according to FDA or USDA regulations shall be administered to such animals. (4-8-94)

c. When drug storage is located in the milkroom, milkhouse, or milking area, the drugs shall be segregated in such a way so that drugs labeled for use in lactating dairy animals are separated from drugs labeled for use in non-lactating dairy animals. (4-8-94)

d. Herbicides, fertilizers, pesticides, and insecticides that are not approved for use in dairy operations shall not be stored in the milkhouse, milkroom, or milking area. (4-8-94)

07. Utensils and Equipment. (4-8-94)

a. Utensils, milk cans, milking machines (including pipeline systems), and other equipment used in the handling of milk shall be maintained in good condition, shall be free from rust, open seams, milkstone, or any unsanitary condition, and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use with at least 50 p.p.m. chlorine solution or its equivalent. New or replacement can lids shall be umbrella type. All new utensils and equipment shall comply with applicable 3-A Sanitary Standards. (4-8-94)

b. Farm bulk tanks shall meet 3-A Sanitary Standards for construction at the time of installation and shall be installed in accordance with regulations of the regulatory agency. (4-8-94)

c. Single service articles shall be properly stored and shall not be reused. (4-8-94)

08. Water Supply. The dairy farm water supply shall be properly located, protected, and operated, and shall be easily accessible, ample, and of safe, sanitary quality for the cleaning of dairy utensils and equipment. The water supply shall come from source which is approved by the Department of Agriculture; or from a spring, dug well, driven well, bored well, or drilled well, the water from which complies with the standards of the Department of Agriculture. A source that does not conform with the construction requirements of the Department of Agriculture, but is tested annually by an approved laboratory and found to be safe and of sanitary quality shall be satisfactory: Provided, That after adoption of these rules, any new sources of water supply or any farm water supply requiring repairs or reconstruction or any source from which tested samples have been found unsatisfactory shall meet the construction requirements of the Department of Agriculture. (4-8-94)

09. Sewage Disposal. House, milkhouse or milkroom and toilet wastes shall be disposed of in a manner that will not pollute the soil surface, contaminate any water supply, or be exposed to insects. (4-8-94)

10. Qualifications for Farm Certification. Farm certification requires satisfactory compliance with the requirements in section 150. (4-8-94)

151. -- 159. (RESERVED).

160. FARM CERTIFICATION.
No milk for manufacturing purposes produced on an uncertified farm shall be bought or sold for human consumption. (4-8-94)

01. Initial Inspection. Certified farms shall be inspected at least annually after initial certification to determine eligibility for recertification. The inspection procedure for recertification shall be the same as that for initial certification. (4-8-94)

02. Inspection. Each farm shall be inspected by an inspector or approved fieldman. When evidence indicates that it is advisable to do so, the Department of Agriculture may require an examination of the herd by a licensed veterinarian. If the farm meets the applicable requirements for certification described in section 150, as indicated by the Farm Certification Report Form, the farm shall be certified as described in section 160.03. If the farm does not meet the requirements for certification, it shall be reinspected within 30 days after the initial inspection. If the farm then meets the requirements for certification, it shall be certified. If the farms does not meet the requirements for certification, it shall not be certified, and the producer's authorization to sell milk for human food from that farm shall be withheld by the Department of Agriculture until such time as the farm qualifies for certification. Repeat violations on any item may cause a farm to lose certification. Provided that, if the inspector determines during any of these inspections that corrections on the farm will require some capital investment, a reasonable extension of the prescribed time limits may be granted by the Department of Agriculture. (4-8-94)

03. Certification. An inspector or approved fieldman shall certify farms that meet the requirements of Section 150, as applicable, based upon the inspection procedure described in section 160.02. The scoring criteria established on USDA Form DA-181 (11/90) as amended, shall be utilized in determining compliance with the provisions of section 150. Farm certification shall authorize the sale from that farm of milk for manufacturing purposes that meets the quality standards. (4-8-94)

04. Probationary Period. If at any time an inspector or approved fieldman determines that a certified farm does not meet the requirements for certification, the Department of Agriculture may allow a reasonable probationary period for the producer to bring the farm within the requirements for certification. If at the end of this time the farm does not meet the requirements for certification, the Department of Agriculture may revoke the farm certification. (4-8-94)

05. Reinstatement. If, after a period of withholding, probation, or revocation of farm certification, a producer makes the necessary corrections at the farm, they may apply for reinspection. When conditions have been corrected, the farm shall be reinspected by an inspector or approved fieldman. When the inspector or approved fieldman determines that requirements for certification have been met, the farm shall be certified. (4-8-94)

161. -- 299. (RESERVED).

300. METHODS OF ANALYSIS.
All milk or cream purchased in or from the state of Idaho at a purchase price based upon or determined by weight and the milkfat, protein or solids non fat content thereof, shall be tested for milkfat protein or solids non fat under the methods approved by the latest edition of "The Methods of Analysis of the Association of Official Analytical Chemists." (7-1-93)

01. Methods of Testing. The methods of testing milk and cream for sale recognized by the state of Idaho are: (7-1-93)

a. The Babcock test in the above named work, Section 15.030. (7-1-93)

b. Solids not fat to be determined by subtracting the results of the Babcock test, Section 15.030, from the total solids test, Section 15.014, of the same work. (7-1-93)

c. Butterfat testing by light transmission as set forth in the same work. (7-1-93)

i. The latest edition of the manufacturer's operation manual shall be available at all times in conjunction with the instrument, and the procedures therein shall be followed. (7-1-93)

ii. A constant flow voltage regulator must be supplied if the instrument does not have one. If an external regulator is supplied, it must be installed immediately ahead of the instrument. (7-1-93)

iii. The calibration of the instrument may be checked by the Babcock method or the ether fat extraction method. If the Babcock method is used, a total of 10 or more individual tests will be run on the Babcock tester and the same samples run on the instrument. The mathematical average of the tests will be used to adjust the instrument. If the ether extraction method is used, a total of four samples will be run on the Mojonnier and on the instrument. The mathematical average of the four tests shall be used to adjust the instrument. The variation average between the Babcock or Mojonnier and the instrument shall not exceed 0.015%. (7-1-93)

iv. At the beginning of each testing day and after each 30 tests during the testing period, a pilot sample of homogenized milk of a known butterfat content shall be tested on the instrument and the results recorded on the permanent test record. If there is a variation of 0.04%, the instrument must be rinsed thoroughly with versene solution and the instrument checked for zero setting in order to get agreement on the test of the standard. At least 3 standard checks must then be run and if the average is in excess of 0.04%), the instrument must be recalibrated. If after the three standard checks are run and the instrument recalibrated, then all samples run after the last check sample must be retested. The results of the rechecks will become official. When any sample varies in butterfat content by more than 2.0% from the sample preceding it through the instrument, there shall be an immediate retest and the second test shall be the one recorded. (7-1-93)

v. The samples used for calibration shall include samples in butterfat ranges normally comprised in the milk or cream purchased. These samples shall be prepared in the same manner as samples upon which producer payments are to be based. (7-1-93)

vi. All calibration results and check test for initial or subsequent calibration shall be recorded in the original record book and all tests for checking accuracy of calibration shall be recorded in the original record book. (7-1-93)

vii. The laboratory record shall be kept in a permanently bound record book in chronological order in the laboratory where the tests are made. Such record book shall be known as the original record. Entries shall be dated and subscribed to by the person making the determination and shall be kept for not less than one year following test. (7-1-93)

viii. Fresh samples of milk to be used where composite samples are not prepared shall be taken in the manner prescribed and approved by the Department of Agriculture. Composite samples, if used, shall be preserved, with not more than one percent (1%) by weight of sample, of Potassium Bichromate or any equally approved preservative. No mercury compound. (7-1-93)

ix. The minimum sample for use by the light transmission method for fat both fresh and preserved samples. If fresh samples are the basis for payment, then the samples shall be from fresh milk. (7-1-93)

x. After making the fresh milk fat tests and the results being normal, the samples may be discarded. (7-1-93)

xi. All milk samples shall be tempered to 90 Degrees F - 100 Degrees F in a controlled water bath which is provided with an accurate thermometer or a thermostatically controlled, enclosed, hot air bath at 90 Degrees F - 100 Degrees F. (7-1-93)

xii. No person shall test milk by the light transmission method where the results are used as a payment for butterfat therein, unless licensed as a Babcock tester and is qualified to operate the instrument by the manufacturer's standards. (7-1-93)

02. Methods of Payment. Methods of payment for butterfat shall be made by daily extensions of weight and butterfat or by the random stratified testing procedure. The stratified testing procedure shall be as follows: (7-1-93)

a. A minimum of three tests per pay period must be used to calculate the pay test on a two pay periods per month basis, or six tests per pay period for monthly pay purposes. (7-1-93)

b. The dates on which samples are to be tested are to be determined by the plant manager and the quality control manager or production supervisor. The dates are to be recorded in a log book for the month prior to testing. If routes are to be tested on different days, the dates by individual routes are to be recorded in a log book. The book is to be kept in a locked place available to management personnel only. Under no circumstances shall the dates of testing be made known in advance to anyone other than management personnel. Lab personnel are to be notified on the days the tests are to be made which routes are to be tested. (7-1-93)

c. To insure proper stratified random sampling one sample is to be tested each five days. (7-1-93)

d. Samples will be collected from every producer's shipment or delivery of milk. These samples shall be collected on Saturdays, Sundays, and holidays as the normal-random sampling procedure. (7-1-93)

03. Infrared Milk Analyzer (I.R.M.A.). The latest edition of the manufacturer's operational manual shall be available at all times in conjunction with the operation of the Milk Analyzer and the procedures therein shall be followed. The instrument performance shall therefore conform to the accepted Standard Methods specification as outlined in the latest Journal of the A.O.A.C. (7-1-93)

301. -- 349. (RESERVED).

350. STANDARDS FOR BULK MILK HAULERS.

01. Permits. All milk haulers must possess a permit issued by the Department of Agriculture. The permit shall cost twenty-five dollars ($25) and will be issued to the applicant after a training session on proper procedures and successfully passing an examination administered by the Department of Agriculture. (4-8-94)

a. No permit will be issued unless a score of 70% or better is made on the examination. (7-1-93)

b. A Training and refresher course conducted by the Idaho Department of Agriculture will be given in each area once each year. (7-1-93)

c. Every holder of a permit must attend a training and refresher course every third (3rd) year. (4-8-94)

d. Each new prospective bulk milk hauler must immediately apply to the Department of Agriculture for a permit. A date will be set for a special training and licensing session and upon satisfactory completion, a Hauler and Samplers permit will be issued. (7-1-93)

e. A substitute hauler in case of emergency can haul milk for three days without a permit providing the state regulatory official has been notified and the substitute hauler is given some instruction. At the end of three (3) days the substitute hauler must apply for a permit. (7-1-93)

02. Adulteration. If the truck is left unattended, bulk milk haulers shall affix a seal or lock on all tanker ports, covers, and doors to protect the milk from possible adulteration. (7-1-93)

03. Authorization. No hauler shall grade, measure or sample his own milk without written authorization from the processor receiving the milk. (7-1-93)

04. Permit Revocation. The permit may be revoked if: (7-1-93)

a. The hauler fails to grade milk in a farm bulk tank to its odor and appearance and fails to reject all milk which is abnormal in odor or flavor or that contains visible garget or other extraneous matter. (7-1-93)

b. The hauler does not accurately take and record the temperature of milk or if he fails to reject the milk in excess of 45 F. (7-1-93)

c. The hauler fails to wash his hands before he proceeds to measure and sample the milk. (7-1-93)

d. The hauler fails to follow acceptable procedures in measuring the amount of milk in the bulk tank or if he does not, immediately after taking the reading convert the reading to pounds or gallons using the chart of the tank manufacturer and record it on duplicate forms, with one copy to be posted in the milk house and one transmitted to the dairy plant. (7-1-93)

f. The hauler fails to agitate the milk for at least five minutes in bulk tanks less than 1,000 gallons and ten minutes in tanks over 1,000 gallons before taking a sample or if he withdraws any part of the milk from the tank before the sample is taken. (7-1-93)

g. The hauler does not take a sample for butterfat testing and/or bacterial analysis in an approved matter, or sufficient size, in an approved container properly labeled, and cool and maintain the sample between 32 F - 40 F. (7-1-93)

g. The hauler rinses the bulk tank before disconnecting and capping the hose. (7-1-93)

h. The hauler siphons milk from milk cans, water troughs or other containers other than the bulk tank. Milk poured into the bulk tank from other than regular milking machine pails will not be allowed. (7-1-93)

351. -- 399. (RESERVED).

400. STANDARDS OF IDENTITY FOR FROZEN DESSERTS AND FROZEN NOVELTIES.

01. Authority. The standards set forth herein are promulgated pursuant to Section 37-1201, Idaho Code. (7-1-93)

02. Definitions. For purposes of these rules, the standards of identity for ice cream and frozen custards, ice milk, sherbet and water ices are as defined in Section 135.3, Section 135.110, Section 135.120, Section 135.140 and Section 135.160, Part the Food and Drug Administration, United States Department of Health Education and Welfare, as set forth in Volume 21, Parts 100 to 199, Code of Federal Regulations, are by reference and adopted as amended. "Lite ice cream" or "light ice cream" shall comply with the provisions set forth for ice cream; provided it meets the following: (7-1-93)

a. "Lite ice cream" or "light ice cream" shall contain not less than 5% milkfat. (7-1-93)

b. The total amount of milkfat shall not exceed 4.25 grams per 4 ounce serving. (7-1-93)

c. Total milk solids shall be at least 11%. (7-1-93)

d. "Lite ice cream" or "light ice cream" shall contain not less than 1.3 pounds of total solids to the gallon and weigh not less than 4 pounds to the gallon. (7-1-93)

e. "Lite ice cream" or "light ice cream" shall be labeled as such. Further descriptive or non-deceptive labeling may be permitted. (7-1-93)

f. All labels shall be submitted to and approved by the Idaho Department of Agriculture prior to sale or offering for sale of any "lite ice cream" or "light ice cream." (7-1-93)

03. Frozen Yogurt Dessert Mix. Frozen yogurt dessert mix is the food prepared from milk, with or without added milk solids, flavoring or seasoning and which has been pasteurized and afterwards fermented by one or more strains of Lactobacillus Bulgaricus, including yogurt strains Streptococcus Thermophilus and Lactobacillus Acidophilus. It shall be free of molds, yeasts, and other fungi, as well as other objectionable bacteria which may impair the quality of the product. Mature, clean and wholesome fruit or approved flavors may be added for fruit, fruit flavored or flavored yogurts. (7-1-93)

a. Frozen yogurt dessert mix shall contain not less than 3.25% milkfat. (7-1-93)

b. The milkfat may be reduced to not less than 2.8% in flavored products. (7-1-93)

c. The solids not fat in frozen yogurt dessert shall be not less than 9% and the total solids not less than 23%. (7-1-93)

d. The weight of the frozen yogurt dessert mix shall be not less than 5 pounds per gallon. (7-1-93)

e. Harmless, edible stabilizers may be added not to exceed 0.6%. (7-1-93)

f. Addition of sugar is optional. (7-1-93)

g. The freezing and air incorporation shall not exceed 60% by volume of the product. (7-1-93)

04. Frozen Yogurt Dessert. Frozen yogurt dessert is a frozen product produced from a frozen yogurt dessert mix identified in Subsection 400.03 and which complies with all the identity standards herein contained. (7-1-93)

05. Frozen Lowfat and Nonfat Yogurt Dessert. Frozen lowfat yogurt dessert shall be the same as frozen yogurt dessert except it shall contain not more than 2% milkfat with the addition of fruit. Frozen nonfat yogurt dessert shall be the same as frozen yogurt dessert except that it shall contain not more than .5% milkfat. (7-1-93)

06. Dietetic or Dietary Frozen Dessert. Dietetic or dietary frozen dessert is the food prepared from the same ingredients and in the same manner as ice cream except that: (7-1-93)

a. The optional sweetening ingredients shall be low calorie or non-caloric sweetening agent. (7-1-93)

b. The milkfat content shall be not less than .5% nor more than 2% by weight. (7-1-93)

c. The total milk solids shall be not less than 12% by weight. (7-1-93)

d. The content of total food solids shall be not less than 28% by weight or 1.4 pounds per gallon. (7-1-93)

e. The weight of the finished product shall be not less than 4 1/2 pounds per gallon. (7-1-93)

f. The name of the product is Dietetic Frozen Dessert or Dietary Frozen Dessert. (7-1-93)

g. In addition to the labeling requirements of Section 37-1202, Idaho Code, labeling shall be in accordance with applicable Federal requirements. (7-1-93)

h. Dietetic or dietary frozen dessert shall be sold only in packages of 1/2 gallon or less. (7-1-93)

i. Dietetic or dietary frozen dessert shall not be sold as novelties. (7-1-93)

07. Milk Shake Base. Milk shake base is the food prepared from the same ingredients and in the same manner as ice milk except that: (7-1-93)

a. Its milkfat content is not less than 2% by weight. (7-1-93)

b. Its content of milk solids not fat is not less than 11% by weight. (7-1-93)

c. The total food solids is not less than 25% by weight. (7-1-93)

d. The provision for reduction in milkfat and total milk solids by the addition of bulky ingredients does not apply. (7-1-93)

e. No person except a manufacturer of frozen dessert mix or frozen dessert shall reduce the percentage by weight of milkfat by the addition of any milk product. (7-1-93)

08. Lowfat Frozen Dairy Dessert and Nonfat Dairy Dessert. Lowfat frozen dessert is the food prepared by freezing while stirring a pasteurized mix prepared from the same ingredients and in the same manner as ice cream except that: (7-1-93)

a. Its content of milkfat is more than .5% but not more than 2%. (7-1-93)

b. It shall contain not less than 12.0% total milk solids not including milk components which may be added as ingredients. (7-1-93)

c. The weight per gallon of frozen product is not less than 4.5 pounds. (7-1-93)

d. Its content of food solids per frozen gallon shall be not less than 1.3 pounds. (7-1-93)

09. Nonfat Frozen Dairy Dessert. Nonfat frozen dairy dessert shall meet all the requirements of lowfat frozen dessert except the milkfat content shall be less than 0.5% by weight. The product shall be labeled in the same manner as lowfat frozen dairy dessert except the name of the food which shall be "nonfat frozen dairy dessert." (7-1-93)

10. Nondairy Frozen Dessert. (7-1-93)

a. Nondairy frozen dessert is the food which is prepared by freezing, while stirring, a nondairy frozen dessert mix composed of one or more of the optional characterizing ingredients specified in Subsection 400.10.b. sweetened with one or more of the optional sweetening ingredients specified in Subsection 400.10.c. The nondairy product, with or without water added, may be seasoned with salt. One or more of the ingredients specified in Subsection 400.10.d. may be used. Pasteurization is not required. (7-1-93)

b. The optional flavoring ingredients referred to in Subsection 400.10.a., are natural and artificial flavoring and characterized food ingredients. (7-1-93)

c. The optional sweetening ingredients referred to in Subsection 400.10.a. are sugar (sucrose), dextrose, invert sugar paste or syrup), glucose syrup, dried glucose syrup, corn sweetener, dried corn sweetener, malt syrup, malt extract, dried malt syrup, dried malt extract, maltose syrup and dried maltose syrup. (7-1-93)

d. The optional ingredients referred to in Subsection 400.10.a. are caseinates, hydrogenated vegetable oil, dipotassium phosphate, coloring, mono and diglycerides or polysorbates and other safe and suitable thickening agents. (7-1-93)

e. Such non dairy frozen desserts are deemed "processed" when manufactured as a dry powdered mix. The addition of water is the manner in which such nondairy frozen desserts are served. (7-1-93)

11. Labeling. Each of the products identified in Subsections 400.02 through 400.10 shall be labeled as provided in Section 37-1202, Idaho Code. In addition, each container shall bear an identifiable code so as to identify the lot and/or date in which the product was manufactured. (7-1-93)

12. Coliform Standard. Compliance with the coliform standard shall be deemed to have been met if the

number of coliform organisms does not exceed 10 per gram per sample in more than two of the last five samples. No enforcement action shall be taken if the last sample is within the standard. (7-1-93)

13. Bacteria Standard. Compliance with the bacteria standard shall be deemed to have been met if the number of bacteria per gram does not exceed 20,000 bacteria per gram per sample in more than two of the last five samples. (7-1-93)

14. Licensed Manufacturers. All frozen dessert mixes except nondairy frozen dessert shall be secured from a licensed manufacturer and shall be manufactured into a semifrozen state without adulteration. Freezing device salvage shall not be reused as a mix. (7-1-93)

15. Violations. The Director of the Idaho Department of Agriculture or the Director's authorized representative shall issue and enforce a written stop sale order to the owner or custodian of any quantity of frozen desserts or frozen novelties which have in violation of Title 37 Chapters 3, 4, 5, 6, 7, 8, 9, 10, 11 Idaho Code, or regulations adopted pursuant thereto. Disposition of products not in compliance shall be at the discretion of the Director. (7-1-93)

401. -- 499. (RESERVED).

500. IDAHO STANDARDS FOR WHEY BUTTER.

01. Definition. (7-1-93)

a. Whey Butter: The food product made by gathering the fat of fresh or ripened whey cream separated from cheese whey formed into a mass, with or without added cream obtained from milk, which also contains a small portion of other whey or milk constituents, with or without the addition of salt or a harmless coloring matter. Whey butter shall be clean and non-rancid and shall contain not less than eighty percent (80%) butter fat. For the purposes of these rules whey butter shall be pasteurized. (7-1-93)

b. Whey Cream: That portion of whey rich in milk fat which is separated from whey. (7-1-93)

02. Basis for Determining the Acceptability of Whey Butter. The acceptability of whey butter is determined on the basis of classifying first the flavor characteristics and then the characteristics in body, color and salt. Flavor is the basic quality factor in grading whey butter and is determined organoleptically by taste and smell. The flavor characteristic is identified and together with it relative intensity, is rated according to the applicable classification. When more than one flavor characteristic is discernible in a sample of whey butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest rating. Body, color and salt characteristics are then noted and any defects are disrated in accordance with the established classification. Acceptability for the sample is then established in accordance with the flavor classification, subject to disratings for body, color and salt. When the disratings for body, color and salt exceed the permitted amount or if the flavor is not acceptable, the whey butter will not be allowed to be sold or distributed within the state of Idaho unless the packages are labeled as provided. (7-1-93)

03. Specifications for Acceptability of Whey Butter. Whey butter shall be free of foreign materials and visible mold. It shall possess a fine and highly pleasing whey butter flavor. May possess any of the following flavors to a slight degree: Flat, malty, musty, neutralized, scorched, utensil, stale, and woody. May possess the following flavors to a definite degree: Cooked, aged, bitter, coarse-acid, smothered, storage and old cream. May possess feed flavor to a pronounced degree. The permitted total disratings in body, color and salt characteristics are limited to one and one-half. (7-1-93)

04. Whey Butter Label Requirements. It is hereby declared to be unlawful to sell or offer for sale any whey butter within the state of Idaho unless the wrappers and containers in which said butter is packaged are conspicuously labeled as herein provided: (7-1-93)

a. The name of the product shall be Whey Butter or Whey Cream Butter or "Butter made from whey cream." (7-1-93)

b. The name of the product shall be placed on the principal display panel(s) and shall be of uniform type and prominence. (7-1-93)

c. The manufacturer identification number shall be conspicuously placed on each wrapper and container of whey butter. (7-1-93)

d. Labels of whey butter sold or distributed within Idaho shall be approved by the director of the Department of Agriculture. (7-1-93)

05. Enforcement. Whey butter which fails to meet flavor or body, color and salt requirements as defined in Section 500 may be sold or distributed within the state of Idaho, provided the word, "undergrade" is placed on the principal display panel(s) immediately preceding or following the product name and is of uniform type size and prominence. (7-1-93)

06. Table I -- CLASSIFICATION OF FLAVOR CHARACTERISTICS

Identified Flavors	Acceptable	Unexceptable
Flat	S	D
Malty	S	D
Musty	S	D
Neutralized	S	D
Scorched	S	D
Utensil	S	D
Cooked	D	P
Aged	D	P
Bitter	D	P
Smothered	D	P
Storage	D	P
Old Creme	D	P
Feed	P	-
Acid	D	P
Weed	S	D

(7-1-93)

07. Table II -- CHARACTERISTICS AND DISRATINGS IN BODY, COLOR AND SALT

Characteristics	Body Disratings		
	S	D	P
Crumbly	1/2	1	
Gummy	1/2	1	
Leaky		1/2	1

Characteristics	Body Disratings		
	S	D	P
Mealy or grainy		1/2	1
Short		1/2	1
Weak	1/2	1	
Sticky	1/2	1	
Ragged boring	1	2	

S--Slight; D--Definite; P--Pronounced (7-1-93)

08. Explanation of Terms with Respect to Flavor, intensity and Characteristics: (7-1-93)

a. Slight: Detected only upon critical examination. (7-1-93)

b. Definite: Detectable but not intense. (7-1-93)

c. Pronounced: Readily detectable and intense. (7-1-93)

d. Aged: Characterized by lack of freshness. (7-1-93)

e. Bitter: Astringent, similar to taste of quinine and produces a puckery sensation. (7-1-93)

f. Coarse-acid: Lacks a delicate flavor or aroma and is associated with an acid condition but there is no indication of sourness. (7-1-93)

g. Cooked (fine): Smooth, nutty-like character resembling a custard flavor. (7-1-93)

h. Feed: Aromatic flavor characteristic of feeds eaten by cows. (7-1-93)

i. Flat: Lacks natural butter flavor. (7-1-93)

j. Malty: A distinctive, harsh flavor suggestive of malt. (7-1-93)

k. Musty: Suggestive of the aroma of a damp vegetable cellar. (7-1-93)

l. Neutralizer: Suggestive of a bicarbonate of soda flavor or the flavor of similar compounds. (7-1-93)

m. Old Cream: Aged cream characterized by lack of freshness and imparts a rough aftertaste on the tongue. (7-1-93)

n. Scorched: A more intensified flavor than cooked (coarse) and imparts a harsh aftertaste. (7-1-93)

o. Sour: Characterized by an acid flavor and aroma. (7-1-93)

p. Smothered: Suggestive of improperly cooled cream. (7-1-93)

q. Storage: Characterized by a lack of freshness and more intensified than "aged" flavor. (7-1-93)

r. Utensil: A flavor suggestive of unclean cans, utensils and equipment. (7-1-93)

s. Weed: Aromatic flavor characteristic of the weeds eaten by cows. (7-1-93)

09. With Respect to Body: (7-1-93)

a. Crumbly: When a "crumbly" body is present the particles lack cohesion. The intensity is described as "slight" when the trier plug tends to break and the butter lacks plasticity; and "definite" when the butter breaks roughly or crumbles. (7-1-93)

b. Gummy: Gummy-bodied-butter does not melt readily and is inclined to stick to the roof of the mouth. The intensity is described as "slight" when the butter tends to become chewy and "definite" when it imparts a gum-like impression in the mouth. (7-1-93)

c. Leaky: A "leaky" body is present when on visual examination there are beads of moisture on the surface of the trier plug and on the back of the trier or when slight pressure is applied to the butter on the trier plug. The intensity is described as "slight" when the droplets or beads of moisture are barely visible and about the size of a pinhead; "definite" when the moisture drops are somewhat larger or the droplets are more numerous and tend to run together; and "pronounced" when the leaky condition is so evident that drops of water drip from the trier plug. (7-1-93)

d. Mealy or grainy: A "mealy" or "grainy" condition imparts a granular consistency when the butter is melted on the tongue. The intensity is described as "slight" when the mealiness or graininess is barely detectable on the tongue and "definite" when the mealiness or graininess is readily detectable. (7-1-93)

e. Ragged boring: A "ragged boring" body, in contrast to solid boring, is when a sticky-crumbly condition is presented to such a degree that a full trier of butter cannot be drawn. The intensity is described as "slight" when there is a considerable adherence "definite" when it is practically impossible to draw a full plug of the butter. (7-1-93)

f. Short: The texture is short-grained, lacks plasticity and tends toward brittleness. The intensity is described as "slight" when the butter lacks pliability and tends to be brittle; and "definite" when sharp and distinct breaks form as pressure is applied against the plug. (7-1-93)

g. Sticky: When a "sticky" condition is present, the butter adheres to the trier as a smear and possesses excessive adhesion. The intensity is described as "slight" when the smear is present only on a portion of the back of the trier and "definite" when the trier becomes smeary throughout its length. (7-1-93)

h. Weak: A "weak" body lacks firmness and tends to be spongy. The intensity is described as "slight" when the plug of butter, under slight pressure, tends to depress and is not firm and compact; and "definite" when the plug of butter, under slight pressure, tends to depress easily and definitely lacks firmness and compactness. (7-1-93)

10. With Respect to Color: (7-1-93)

a. Mottled: "Mottles" appear as a dappled condition with spots of lighter and deeper shades of yellow. The intensity is described as "slight" when the small spots of different shades of yellow, irregular in shape, are barely discernible on the plug of butter and "definite" when the mottles are readily discernible on the plug of butter.(7-1-93)

b. Specks: "Specks" usually appear in butter as small white or yellow spots, however, the latter may be of variable size. The intensity is described as "slight" when the spots are few in number and "definite" when they are noticeable in large numbers. (7-1-93)

c. Streaked: "Streaked" color appears as light colored portions surrounded by more highly colored portions. The intensity is described as "slight" when only a few are present and "definite" when they are more numerous on the trier plug. (7-1-93)

d. Wavy: "Wavy" color in butter is an unevenness in the color that appears as waves of different shades of yellow. The intensity is described as "slight" when the waves are barely discernible and "definite" when they are readily noticeable on the trier plug. (7-1-93)

11. With Respect to Salt: (7-1-93)

a. Sharp: "Sharp" salt is characterized by taste sensations suggestive of salt. The intensity is described as "slight" when the salt taste predominates in flavor; and "definite" when the salt taste distinctly predominates in flavor. (7-1-93)

b. Gritty: A "gritty" salt condition is detected by the gritty feel of the grains of undissolved salt, imparting a sand-like feeling on the tongue. The intensity is described as "slight" when only a few grains of undissolved salt are detected and "definite" when the condition is more readily noticeable. (7-1-93)

501. -- 599. (RESERVED).

600. NEW DAIRY PRODUCTS.

01. General. Upon request of any interested person, the Director of the Idaho Department of Agriculture may establish a temporary definition and standard for a new dairy product provided, all the following conditions exist: (7-1-93)

a. Research in the uses of milk and the products or by products of milk has developed a new dairy product for which no definition or standard is prescribed. (7-1-93)

b. The new product cannot be produced or marketed because no definition in standard is prescribed for it. (7-1-93)

c. The public interest would be served by the product. (7-1-93)

d. The quality, wholesomeness and manufacturing requirements of the dairy product are at least equal to established standards for similar dairy products. (7-1-93)

e. The product is labeled in accordance to F.D.A. guidelines for a food product and approved by Department of Agriculture. (7-1-93)

02. Permits. The Director of the Department of Agriculture may issue a special permit to the manufacturer/distributor for the production and sale of a new dairy product(s). The fee for this permit shall be twenty five dollars ($25) per dairy product. Such manufacturer/distributor shall be subject to the provisions of Title 37 Idaho Code and regulations adopted pursuant thereto applicable to milk plants and milk products. (7-1-93)

03. Expiration. After two years from the date a temporary permit has been issued for a new dairy product(s), the Department of Agriculture shall promulgate rules to establish definitions and standards for the new, nonstandardized dairy product(s). (7-1-93)

601. -- 999. (RESERVED).