

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Public Health Protection and Safety**  
**(Amendment)**

**902 KAR 50:032. Standards for farm requirements for manufactured[~~manufacturing~~] grade milk.**

RELATES TO: KRS 217.005-217.215, 217C.010-217C.990, 7 C.F.R. 58.131(2)

STATUTORY AUTHORITY: KRS 194A.050(1), 217C.040[~~194.050, 211.090~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 217C.040 authorizes the secretary to adopt rules and regulations for the inspection of dairy herds, dairy farms, and such other matters relating to milk and milk products as may be necessary to protect the public health[cabinet for Human Resources to regulate milk for manufacturing purposes]. This administrative regulation sets uniform standards for dairy herd health, milking procedures, safe handling of milk, sanitization of all milking equipment and utensils, farm[; ~~the production, handling, and sale of manufacturing milk and milk products; and,~~] construction, and inspection of dairy farms.

Section 1. Farm Requirements for Milk for Manufacturing. (1) Health of herd.

(a) General health. All animals in the herd shall be maintained in a healthy condition.

(b) Tuberculin test. The herd shall be located in an area within the state that[~~which~~] meets the requirements of a modified accredited area in which not more than one-half (1/2) of one (1) percent of the cattle have been found to be infected with tuberculosis[~~-This requirement is~~] in accordance with the provisions of the [~~"]Bovine Tuberculosis Eradication, Uniform Methods and Rules["], 2005.~~

~~1. [February 3, 1989, incorporated by reference, for establishing and maintaining tuberculosis-free herds of cattle and modified accredited areas approved by the Animal and Plant Health Inspection Service, Veterinary Services, U.S. Department of Agriculture.]~~ If the herd is not located in a modified accredited area, it shall be tested annually under the jurisdiction of the program.

~~2. Additions to the herd shall be from a modified accredited area or from herds meeting the requirements of this administrative regulation. [Copies of the "Bovine Tuberculosis Eradication, Uniform Methods and Rules" are available for inspection and copying, 8 a.m. until 4:30 p.m., Monday through Friday, at the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky 40621. This publication may also be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.]~~

(c) Brucellosis test. The herd shall be located in an area within the state in which the percentage of cattle affected with brucellosis does not exceed one (1) percent, and the percentage of herds in which brucellosis is present does not exceed five (5) percent[~~-This requirement is~~] in accordance with provisions of the [~~"]Brucellosis Eradication, Uniform Methods and Rules["], 2003, [May 6, 1992, incorporated by reference,] for establishing and maintaining certified brucellosis-free areas [approved by the Animal and Plant Health Inspection Service, Veterinary Services, U.S. Department of Agriculture].~~

~~1. If the herd is located in an area that does not meet these requirements, the herd shall be blood-tested annually or milk-ring-tested semiannually.~~

~~2. Additions to the herd shall be from herds meeting the requirements of this administrative regulation. [Copies of the "Brucellosis Eradication, Uniform Methods and Rules" are available for inspection and copying, 8 a.m. until 4:30 p.m., Monday through Friday, at the Office of the~~

Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky 40621. This publication may also be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.]

(2) Milking procedures. Milking shall be done in an approved milking barn, stable, or parlor under relatively dust free conditions.

(a) The udders, flanks, and teats of all milking cows shall be free of dirt and dust at time of milking as far as is practicable.

(b) Cows which secrete abnormal milk shall be milked last or with separate equipment. This milk shall be excluded from the supply, and shall be prohibited from sale under this administrative regulation.

(c) Milking directly into cans shall be prohibited.

(3) Milking barn or milking area. An approved milking area shall be provided to allow~~permit~~ normal sanitary milking operations.

(a) Work areas shall have a minimum of ten (10) foot candles of light properly distributed for both day and night milking.

(b) The milking area shall be well ventilated to minimize odors and prevent excessive condensation.

(c) Floors and gutters shall be kept clean, in good repair, graded to drain, and constructed of concrete or other impervious materials.

(d) No swine or fowl shall be permitted in the milking area.

(e) Bedding shall be permitted in the milking area if kept clean and manure is removed daily. Bedding shall be relatively dust free.

(f) The milk area ceiling shall be dust tight to prevent the entry of dust from feed stored overhead.

(g) Walls and ceilings shall be kept clean and in good repair. ~~[It is recommended that the milking area be completely enclosed. If clean, orderly, dust free milking operations can be conducted, the requirements of the walls may be waived.]~~

(h) Feed shall be stored in a manner not to increase the dust content of the air or attract flies in the milking area.

(i) The milking area floor shall be kept clean and the manure removed daily.

(j) All manure removed from the milking area shall be discarded to prevent cows from accessing the accumulation, and minimize fly breeding.

(k) Outside surfaces of pipeline systems located in the milking area shall be kept clean.

(l)(k) Milk stools, surcingles, and antikickers shall be kept clean and stored above the floor.

(4) Cow yard~~Cowyard~~ and cattle housing area. The cow yard~~cowyard~~ and cattle housing area shall be constructed to be well drained and relatively free of organic waste.

(a) The cow yard~~cowyard~~ shall be graded to drain as well as local conditions will permit.

(b) Cow yards~~Cowyards~~ which are muddy due to recent rains shall not be considered in violation of this section.

(c) The cattle housing area shall be free of excessive manure, soiled bedding, and waste material to prevent the soiling of cows' udders.[]

~~(d) All manure removed from the milking area shall be stored to prevent access of cows to the accumulation. Manure shall be stored to minimize fly breeding.]~~

(5) Milkhouse or milkroom. There shall be a conveniently located milkhouse or milkroom for~~in which~~ the cooling, handling, and storing of milk; and the washing, sanitizing, and storing of equipment and utensils ~~[shall be done. Milking areas with milkhouse and milkroom facilities combined in an operation that have been given approval prior to the effective date of this administrative regulation, will be acceptable for as long as the combined facility is operated in a sanitary manner].~~

(a) The floor shall be constructed of concrete and well drained.

(b) The walls and ceilings shall be constructed of relatively smooth, easily cleanable material. ~~[A light colored material is recommended.]~~

(c) A drain through the floor or wall shall be provided. The drain shall not be located under the ~~[can cooler or]~~ bulk tank. The drain may discharge to the surface of the ground if waste from the drain does not pool or cause an insect breeding problem.

(d) The milkhouse space shall be large enough to meet the following requirements:

1. Walkways and working areas shall be a minimum of thirty (30) inches wide;
2. The bulk tank shall be kept a minimum of eighteen (18) inches from the walls on all sides, except tanks that extend through the wall; and
3. There shall be a minimum of six (6) inches between the lowest point of the bulk tank and the floor.

(e) Artificial light shall be provided with a minimum 100 watts capacity. The light fixture shall not be located over the bulk tank. ~~[Flood lights are recommended near the ends of the bulk tank.]~~

(f) Ventilation shall be sufficient to prevent odors and condensation.

(g) The milkhouse shall be kept clean and free from unnecessary articles and used only for purposes permitted by the cabinet.

(h) Only insecticides and rodenticides approved for use in the milkhouse shall be stored in the milkhouse. Insecticides and rodenticides shall be stored to prevent contamination of milk, milking equipment, sinks, or cleaning supplies.

~~(i)[(h)]~~ All outer openings shall be screened or protected against the entrance of insects and rodents. Outer doors shall open outward and be self-closing, except doors between the milkroom and milking area may open either way or both ways and shall be self-closing. If during the winter months a screen door is taken down, the milkhouse door may open inward if it is self-closing.

(j) Bulk tank installations shall have an approved hose port properly constructed through the outer wall for milk pickup operations.

~~(k)[(j)]~~ Running water under pressure shall be provided. Water heating facilities conveniently available to supply hot water to the milkhouse shall be provided for all bulk tank installations.

~~(l)[A supply of water shall be available to the milkroom for all can shippers.]~~

~~(j)~~ A two (2) compartment wash and rinse vat shall be provided; if milking equipment is cleaned-in-place, a double~~[single]~~ compartment wash vat will be acceptable.

~~(m)[(k)]~~ A concrete slab at least four (4) feet by four (4) feet shall be located outside the milkhouse under the hose port.

~~(n)[(l)]~~ The milkhouse shall be supplied with approved brushes, cleaners, and sanitizers to properly clean and sanitize equipment and utensils.[]

~~(m)~~ If approval is given by the cabinet, the can cooler may be stored in a suitable place away from the milkhouse in order to be easily accessible to the can hauler.[]

(6) Utensils and equipment. (a) All reusable utensils, containers, and equipment used in milking procedures, handling, storage, and transportation of milk and milk products shall be:

1. Free from rust, open seams, milkstone, or any unsanitary condition;
2. Washed, rinsed, drained after each milking, stored in suitable facilities, and sanitized immediately before each use;
3. Constructed of smooth, heavy-gauge material, with a non-corrodible surface that is non-absorbent and non-toxic, and can be easily cleaned; and
4. Readily accessible for inspection.

~~(b)[Utensils, milk cans, milking machines (including pipeline systems), and other equipment used in the handling of milk shall be maintained in good condition. Milk equipment shall be free from rust, open seams, milkstone, or any unsanitary condition. Milk equipment shall be washed,~~

~~rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use.] All farm bulk tanks shall comply with 7 C.F.R. 58.131(2)[installed after the effective date of this administrative regulation shall meet "3-A Sanitary Standards",] for construction and shall be installed in accordance with this administrative regulation.~~

~~(c) Single service articles shall be properly stored and shall not be reused.~~

~~(d) ["3-A Sanitary Standards", revised May 1993, is incorporated by reference, and a copy is available for inspection and copying, 8 a.m. until 4:30 p.m., Monday through Friday, at the Office of the Commissioner, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621.~~

~~(a) Utensil – construction.~~

~~1. All multiuse containers, utensils, pails, and pipelines shall be constructed of smooth, heavy-gauge material, with a non-corrodible surface which is nonabsorbent and nontoxic (the use of cadmium is prohibited), and shall be constructed to be easily cleaned. All joints and seams shall be flush with solid welds or use "3-A Sanitary Standards" approved gaskets.~~

~~2. All containers, utensils, and other equipment shall be in good repair and free of breaks and corrosion.~~

~~3.] Strainers, if used, shall [be constructed to] use single-service strainer pads only[, and strainer pads shall not be reused]. Woven-wire cloth strainers shall not be used.~~

~~(e)[4. All milking machines, including pails, milker heads, milk claws, milk tubing, and other milk contact parts shall be constructed to be easily cleaned.~~

~~5.] New or replacement milk cans shall have an umbrella-type cover.~~

~~(f)[6.] All cleaned-in-place milk pipelines [installed after the effective date of this administrative regulation] shall be [installed to be] rigid and self-draining. All connections shall provide a smooth, flush interior surface.~~

~~(g)[7. Pipelines installed prior to the effective date of this administrative regulation may be accepted if joined with tygon or other material approved by the cabinet, and if joints are hand cleaned or sufficiently cleaned by C-I-P methods. Each joint shall have a tight, rigid hanger next to the joint.~~

~~(b) Utensils – cleaning. All multiuse containers, equipment, and other utensils used in handling, storage, or transportation of milk and milk products shall be thoroughly cleaned after each usage. All multiuse containers, equipment, and other utensils shall be stored in the milkhouse unless approved by the cabinet.~~

~~(c) Utensils – bacterial treatment.] Prior to use, all multiuse containers, equipment, and other utensils used in handling, storage, or transportation of milk or milk products shall be subjected to a cleaning and sanitation process[bactericidal process approved by the cabinet].~~

~~(h) Steam, hot-water, or hot-air treatment may[shall not] be accepted if[unless] the equipment or containers are completely immersed or exposed for the required time, or longer, and at the required temperature, or higher, throughout the period of exposure.~~

~~(i) Pouring hot or boiling water from vessel to vessel shall not be acceptable.~~

~~(j) All milk containers, utensils, and other equipment, with the exception of milking machine pulsators and air hoses, shall be immersed for at least one (1) minute in, or exposure for at least one (1) minute to a flow of, an approved chemical bactericide containing at least fifty (50) parts per million (ppm)[p.p.m.] chlorine or other approved sanitizer of proper strength.~~

~~(k) All milk contact surfaces shall be wetted by the bactericidal solutions.~~

~~(l) Bactericidal sprays may be used for large equipment.~~

~~(m) Chemical solutions, once used, shall not be reused for bactericidal treatment on any subsequent day, but may be reused for other purposes.~~

~~(n)(d) Utensils – storage.] All containers and other utensils used in the handling, storage, or transportation of milk or milk products, unless stored in bactericidal solutions, shall be stored to drain dry, and to prevent contamination before being used.~~

~~(o)[All equipment and utensils shall be accessible for inspection. All milking equipment containers and other utensils used shall be stored in the milkhouse unless otherwise approved by the cabinet.~~

~~4.] Milk utensils and equipment shall be left in the bactericidal solution or stored in the milkhouse on racks to protect them from contamination, inverting articles that can be inverted.~~

~~(p) Pipeline milkers that[~~which~~] are cleaned in place may be stored in place.~~

~~(q) Storage racks shall be constructed of metal protected against rusting, with the lowest shelf not less than twenty-four (24) inches above the floor.~~

~~(r)[2.] Strainer pads, parchment papers, and gaskets shall be stored in the original package or in a suitable container or cabinet to protect them from contamination.~~

~~(s)[3.] All equipment and utensils shall be accessible for inspection.~~

~~(t)[(e) Utensils – handling.] After bactericidal treatment, containers and other milk and milk product utensils shall be handled to prevent contamination of any surface that milk or milk products come into contact.~~

~~(u) Sanitized product-contact surfaces, including farm bulk tank openings and outlets, shall be protected against contact with non-sanitized[~~unsanitized~~] equipment, utensils, hands, clothing, splash, condensation, and other sources of contamination.~~

~~(v) Any sanitized product-contact surface [~~which has been~~] exposed to contamination, shall be cleaned and sanitized before being used.[~~

~~(7) Surroundings shall be relatively neat and clean to prevent insect breeding and rodent harborage.]~~

Section 2. Cooling. (1)(a) All milk shall be cooled within two (2) hours after milking to fifty (50) degrees Fahrenheit or lower and maintained at a maximum of fifty (50) degrees Fahrenheit until transferred to the transport truck, unless delivered to the plant within two (2) hours after milking.

(b) Milk in bulk tanks shall be cooled to a maximum of forty (40) degrees Fahrenheit within two (2) hours after milking and maintained at a maximum of fifty (50) degrees Fahrenheit until transferred to the transport truck.

(c) If the first milking does not reach the bulk tank agitators, cooling shall be considered in violation.

(2) Cooling facilities shall be available to cool and store a full supply of milk between pickup at a maximum of fifty (50) degrees Fahrenheit. [~~Can milk shall be collected at least every twenty-four (24) hours.]~~

(3) Bulk tanks shall be designed and sized for everyday or every other day pickup [~~and be capable of cooling the milk to forty (40) degrees Fahrenheit after each milking and maintaining the milk to a maximum of fifty (50) degrees Fahrenheit].~~ No bulk tank milk shall be picked up after three (3) days except in case of emergency. Paper towels shall be available for wiping the bulk tank measuring stick during milk pickup.

(4) Milk shall not be transferred from one (1) producer to another or received by one (1) producer from another.

Section 3. Water supply. (1) Each producer shall have a properly located and protected water supply.

(2) The supply shall:

(a) Be of a sufficient size to meet the needs of the producer to properly clean equipment, milkhouse, and milking area;

(b) [-

~~(3) The supply shall]~~ Be protected against surface water and, in the case of cisterns, have a filter or roof wash barrel approved by the cabinet; and

(c) [-~~(4) The supply shall]~~ Not be within 100 feet of any cesspool, privy, or lateral field unless approved by the cabinet.

(3) All new producers shall have a negative bacteriological water sample analysis prior to the issuance of a permit.

(4)~~[(5)]~~ If the cabinet is in doubt to the physical protection of the supply, a water sample shall be collected and analyzed by the cabinet.

(5) Samples that do not meet the requirements of this administrative regulation shall be re-tested within thirty (30) days after notification is given to the producer in writing by the cabinet.

(6) If two (2) consecutive samples are found to be in excess of the coliform standard, a notice of intent to suspend permit shall be issued by the cabinet and a follow-up sample collected within thirty (30) days. If the follow-up sample is in excess of the standard, the producer may be suspended until a negative sample is obtained.

(7) A~~[(6) All new producers shall have a negative water sample analysis prior to the issuance of a permit. A negative]~~ water sample shall be:

(a) Taken after any repair or alteration of the water supply has been made;

(b) Taken [~~and~~] at least every thirty-six (36) months; and

(c) Meet the requirement of this subsection.

Section 4. Waste Disposal. (1) Manure, discarded milk, and toilet waste shall be properly disposed in a manner approved by the cabinet.

(2) Waste discharging to the ground surface shall not pool or promote fly breeding.

(3) Waste from flush type toilets shall be properly disposed underground.

(4) Pit privies shall be properly constructed to prevent fly breeding.

Section 5. Material Incorporated by Reference. (1) The following material is incorporated by reference:

(a) "Bovine Tuberculosis Eradication, Uniform Methods and Rules", 2005; and

(b) "Brucellosis Eradication, Uniform Methods and Rules", 2003.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Milk Safety Branch, Division of Public Health Protection and Safety, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~[Hearing Procedures. Upon notification of intent to suspend or upon suspension, the producer may request a hearing.~~

~~(1) The request for a hearing shall be made in writing on Form DFS-8, "Request for Hearing", revised January 1989, incorporated by reference. Form DFS-8, "Request for Hearing", may be viewed or obtained, 8 a.m. until 4:30 p.m., Monday through Friday, at the Office of the Commissioner of Health Services, 275 East Main Street, Frankfort, Kentucky 40621.~~

~~(2) The cabinet shall notify the requesting party in writing of the:~~

~~(a) Name of the hearing officer; and~~

~~(b) Time and place of the hearing.~~

~~(3) All parties shall be allowed a reasonable time to prepare for the hearing, including the right to:~~

~~(a) Be represented by counsel;~~

~~(b) Present evidence on his behalf; and~~

~~(c) Cross-examine witnesses.~~

~~(4) A transcript of the hearing shall not be made unless requested. The expense of transcribing the hearing shall be the responsibility of the requesting party.~~

~~(5) The hearing officer shall make written findings of fact and conclusions of law, and render a decision based upon the evidence presented. The decision of the hearing officer shall be the final decision of the cabinet.]~~

STEVEN J. STACK, MD, MBA, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: July 9, 2020

FILED WITH LRC: July 15, 2020 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 28, 2020, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by September 21, 2020, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2020. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Donna Little, Deputy Executive Director, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Julie Brooks or Donna Little

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets uniform standards for dairy herd health, milking procedures, safe handling of milk, sanitization of all milking equipment and utensils, farm construction, and inspection of dairy farms.

(b) The necessity of this administrative regulation: KRS 217C.040 requires the secretary to adopt rules and regulations regulating the production, transportation, processing, and handling of milk and milk products, and the inspection of dairy herds, and dairy farms. This administrative regulation is necessary to ensure health of the dairy herd and the safe and sanitary milking of dairy cows.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation sets the minimum standards for dairy farms, including the standards for the health of the dairy herd, farm construction, and milking procedures.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures all dairy farms are properly permitted by the cabinet and operate in a safe and sanitary manner.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation updates the material incorporated by reference, removes outdated effect dates, and makes necessary amendments to comply with KRS Chapter 13A drafting rules.

(b) The necessity of the amendment to this administrative: The amendment to this administrative regulation is necessary to update the material incorporated by reference to the most current versions of these materials as recommended by the United States Department of Agriculture.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 217C.040 requires the secretary to adopt rules and regulations regulating the production, transportation, processing, and handling of milk and milk products, and the inspection of dairy herds, and dairy farms. The amendment to this administrative regulation is necessary to ensure the most up to date standards for the health of the dairy herd and the safe and sanitary milking of dairy cows are implemented.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure dairy farms are operating in a safe and sanitary manner.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The amendment to this administrative regulation will impact 470 registered dairy farms, 202 haulers of raw milk, and ninety-two (92) collectors of raw milk.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Permitted dairy farm owners will need to be aware of the updated requirements for the health of the herd, and sanitation standards. Farms that are not meeting the updated standards will need to make modifications necessary to be in full compliance.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): The costs of compliance for dairy farm owners is unknown.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Dairy farms owners will be able to ensure the health of their herd and ensure the milk they provide for manufacturing meets the highest standard available.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This is an ongoing program, there are no additional costs.

(b) On a continuing basis: There is no cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Milk Safety Branch operates with approximately \$1 million from the state general fund. There are no additional costs associated with this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: An increase in fees or funding is not necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This administrative regulation does not establish or increase any fees.



(9) TIERING: Is tiering applied? No. This administrative regulation is applicable to all affected entities in a like manner.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the Milk Safety Branch in the Department for Public Health.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194.050(1), 211.090(3), and 217C.040.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation does not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year? There is no additional cost in administering this program for the first year.

(d) How much will it cost to administer this program for subsequent years? The entire Milk Safety program operates with approximately \$1 Million from the General Fund.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

## FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 7 C.F.R. 58.131(2) Equipment and Facilities, Farm Bulk Tanks

2. State compliance standards. KRS 217C.010 provides for uniform state standards and requirements for milk and milk products. Pursuant to KRS 217C.050 the cabinet is designated as the single state agency for the purpose of carrying out a statewide milk control program and pursuant to KRS 217C.060 the cabinet is authorized to enter into reciprocal agreements with milk control officials of federal or state agencies having standards substantially equivalent to the requirements of the regulations of the secretary.

3. Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 58.131(2) sets the standard for farm bulk tanks, and provides that tanks are installed in accordance with the state regulatory agency.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. A stricter standard, additional or different responsibilities or requirements is not imposed.