

902 KAR 50:040. Hauler requirements.

RELATES TO: KRS Chapter 13B, Chapter 217, 217C.010-217C.990

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health of citizens of the Commonwealth, and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 217C.040 authorizes the cabinet to promulgate administrative regulations for the production, transportation, processing, handling, sampling, examination, grading, and sale of milk and milk products; and the issuing and revocation of permits to milk producers, haulers, transfer stations, and processing plants. This administrative regulation provides uniform standards for the transportation, handling, sampling, examination, and grading of raw milk and the issuance and revocation of milk hauler permits.

Section 1. Milk Hauler Permit Requirements.

- (1) A person shall not haul raw milk in this state without a permit from the cabinet.
- (2) Individual producer delivery or transport delivery between plants or receiving and transfer stations shall not be required to have a permit.
- (3) An owner of a bulk tank route truck shall immediately notify the cabinet of each new hauler.
 - (a) Each new hauler shall submit an Application for Permit to Haul Milk and Collect Samples of Raw Milk to the department to obtain a permit before hauling milk.
 - (b) A new hauler that has been inspected and certified by the cabinet shall be issued a temporary permit that is valid until the next hauler training session.
 - (c) Upon successful completion of the training course, the hauler shall be issued a permit.
- (4) A permit shall not be transferable with respect to the person or location.
- (5) A permit shall continue in force unless suspended or revoked for cause.
- (6) Each hauler collecting raw milk samples for regulatory purposes shall be permitted by the cabinet as an "Official Sample Collector," according to this administrative regulation.
- (7) Each hauler shall be inspected and recertified each twelve (12) months.

Section 2. Bulk Milk Hauler Standards.

- (1) Each bulk milk hauler shall only use an accurate thermometer approved by the cabinet when collecting milk from dairy farms.
- (2) Hands and outer clothing shall be clean during all pickup operations.
- (3) A milk hauler shall smell milk for off-odors.
- (4) A visual examination shall be made of the raw milk in the bulk tank.
- (5) Milk visibly unfit for human consumption pursuant to KRS Chapter 217 shall be rejected and not collected.
- (6) The bulk tank lid shall be closed immediately after making the visual examination if possible.
- (7) The milk transfer hose used to withdraw raw milk from the farm bulk tank shall enter the milkhouse only through the hoseport provided for that purpose.
- (8) If milk has leaked past the core of the outlet valve of the farm bulk tank, the outlet port of the valve shall be washed and sanitized prior to withdrawing the milk.
- (9) The cap from the end of the transfer hose shall be handled in a sanitary manner and stored to prevent contamination while milk is being pumped from the farm bulk tank into the bulk milk tank truck.
- (10) After the milk has been removed from the farm bulk tank, the bottom of the tank shall be observed for sediment and other foreign material.

(11) Sediment and other foreign material conditions observed shall be noted on the plant and producer's copy of the ticket.

(12) The following information concerning the collection of milk shall be recorded on the weight ticket and the producer's chart at the milkhouse:

- (a) Date;
- (b) Time;
- (c) Temperature;
- (d) Hauler identification; and
- (e) Weight of the milk.

(13) After the milk has been removed from the farm bulk tank, the transfer hose shall be removed and recapped before the farm bulk tank is rinsed with water. After recapping, the transfer hose shall be rinsed free of exterior soil.

(14) A bulk milk hauler shall not collect milk from a dairy farm for delivery to a milk plant, receiving station, or transfer station unless the farm holds a valid permit or authorization for sale from the cabinet.

(15) At the time of collection of milk from each dairy farm, the bulk milk hauler shall collect the entire volume of acceptable milk being stored in the bulk tanks. Only milk in properly constructed and operated equipment shall be collected.

(16) All precautions shall be taken to prevent the entrance of flies into the milkhouse.

(17)

(a) At least one (1) time each three (3) months, the bulk milk hauler shall check the accuracy of the thermometer of each milk producer's bulk milk tanks against the hauler's thermometer.

(b) The hauler's thermometer shall be compared to a certified thermometer and corrections shall be made each six (6) months.

(c) The temperatures obtained from both thermometers shall be entered on the weigh ticket.

(d) If there is a difference between the readings on the two (2) thermometers, the reading of the bulk milk hauler's thermometer shall be reported as the official temperature on that day and each succeeding day until the thermometer on the bulk milk tank is adjusted or repaired to be accurate.

(18) If milk in a bulk tank is rejected, the reason for rejection shall be noted by the hauler and the tank shall be tagged with appropriate tags approved by the cabinet.

Section 3. Sampling Appurtenances for Bulk Milk Trucks. Every bulk milk tank truck used to collect raw milk on a bulk milk route shall be equipped with:

(1) A sample dipper or other sampling device of sanitary construction approved by the cabinet;

(2) A container suitable for the storage of the sample dipper in a sanitizing solution en route between the farms. If other sampling devices are used, they shall be protected from contamination;

(3) A sample carrying case constructed of approved material and capable of maintaining producer raw milk samples at temperatures of thirty-two (32) to forty (40) degrees Fahrenheit from the time the samples are collected until they are delivered to the milk plant, receiving station, or transfer station; and

(4) Sample racks, approved by the cabinet, of sufficient size to hold all samples of raw milk in an upright position.

Section 4. Sample Collection from Bulk Tanks.

(1) A sample shall be taken from the:

(a) Bulk milk tank of each milk producer represented on the load of raw milk being transported to a milk plant, receiving station, or transfer station; and

(b) Bulk tank truck after the last producer pickup.

- (2) A sample of milk from each farm bulk tank shall be collected after the milk has been thoroughly agitated a minimum of five (5) minutes for bulk tanks less than 1,000 gallons, or ten (10) minutes for bulk tanks 1,000 gallons or more, before opening the outlet valve.
- (3) A sample shall be collected in the manner established in this subsection.
 - (a) If a sample dipper is used, it shall be cleaned and transported between farms on the bulk milk route in an approved sanitizing solution equivalent to 100 parts per million (ppm) chlorine. Other sampling devices shall be kept free of contamination.
 - (b) After removal from the sanitizing solution, all of the sanitizing solution shall be drained from the sample dipper.
 - (c) The sample dipper shall be rinsed two (2) times in the milk in the farm bulk tank and completely drained before collecting the sample.
 - (d) A sample shall be collected from the bulk tank and placed in a sterile container.
 - (e) The sample container shall be closed and immediately placed in melting ice water in the sample carrying case.
 - (f) The top of the sample container shall not be submerged in the refrigerant.
 - (g) Producer raw milk samples shall be maintained at temperatures of thirty-two (32) to forty (40) degrees Fahrenheit until delivered to the milk plant, receiving station, or transfer station.
 - (h) Samples shall not be frozen.
- (4) Each sample shall be identified with date and time collected, the temperature of the milk in the farm bulk tank, the route and name or identity number of the milk producer, and the name of the person collecting the sample.
- (5) Prior to or at the time of collecting raw milk from the first milk producer on the bulk milk route, the bulk milk hauler shall collect a sample of milk for temperature determination. The temperature sample shall have date, time, and temperature recorded on the sample container. The sample shall be refrigerated until it arrives at the laboratory.
- (6) Sampling equipment shall be rinsed in clean water immediately after each usage.

Section 5. Frequency of Raw Milk Pickup.

- (1) All raw milk for manufacturing purposes shall be collected as required by 902 KAR 50:031.
- (2) Raw milk collection frequencies may be waived by the cabinet in the case of an emergency.
- (3) All Grade A bulk tank raw milk shall be collected at least every seventy-two (72) hours.
- (4) Collection of raw milk, from the first producer on the bulk milk pickup route to the final producer, shall be without undue delay.
- (5) Collection of a partial load of milk, holding the milk overnight, and finishing the collection the following day shall not be permitted unless pump and pickup hose have been washed and sanitized at a location approved by the cabinet.

Section 6. Bulk Milk Tank Truck Owner Standards.

- (1) Every bulk tank truck used to collect raw milk on a bulk milk route shall be of sanitary design and construction.
- (2) The owner of the bulk tank connected to the truck chassis shall:
 - (a) Be responsible for maintaining the bulk tank and milk contact appurtenances in good repair and in a clean, sanitary condition; and
 - (b) Obtain an identification number from the cabinet that shall be placed on the rear of the tank in letters at least three (3) inches high.
- (3) Each bulk milk tank truck and milk contact appurtenances shall be cleaned after the completion of each day's usage and sanitized prior to beginning the next day's operation in a manner and at a location approved by the cabinet.

- (4) Each plant, receiving or transfer station, or other location that washes bulk tank trucks shall provide truck wash tags.
- (5) The company or person responsible for washing the bulk tank truck shall affix a wash tag in the interior pump compartment of the truck signifying the date and location where the truck and appurtenances were cleaned and sanitized, and the signature of the person responsible. Over the road tankers without rear pump compartments shall have the wash tag affixed to the top manhole cover or the outlet valve.
- (6) A receiving location shall not receive milk from a truck not properly tagged signifying date and location cleaned, unless approved by the cabinet.
- (7) Cleaning tags shall be removed when a truck is unloaded and the tags shall be maintained at the receiving location for a minimum of ninety (90) days.
- (8) A truck that picks up and delivers two (2) loads of milk in the same day shall have a new cleaning tag affixed after the first load is delivered explaining why the truck is running unwashed on the second trip.
- (9) Wash tag requirements shall apply to all farm bulk milk pickup trucks and milk transport tankers.
- (10) If a transport truck is not washed by the plant that loads the truck, the truck shall have a wash tag prior to loading.
- (11) A bulk milk truck shall have a properly identified wash tag before the milk is received and unloaded unless approved by the cabinet.
- (12) The bulk milk tank and its milk contact appurtenances shall be protected from contamination after being cleaned and sanitized.
- (13) Milk in bulk milk tank trucks shall be maintained at a temperature of forty-five (45) degrees Fahrenheit or less for Grade A milk and fifty (50) degrees Fahrenheit or less for manufacturing milk from the time of collection until delivered to a milk plant, receiving station, or transfer station. Grade A milk may be collected within two (2) hours after milking if the blend temperature in the farm bulk cooler does not exceed fifty (50) degrees Fahrenheit.
- (14) Milk in farm bulk tanks in excess of forty-five (45) degrees Fahrenheit for Grade A milk and fifty (50) degrees Fahrenheit for manufacturing milk shall not be commingled with other producers' milk on a bulk tank truck, except as provided for in subsection (13) of this section.
- (15) The name of the milk plant or company or the name and address of the owner of the bulk milk pickup tank shall be legibly marked on both sides or on the rear of the vehicle in letters not less than one and one-half (1 1/2) inches in height.
- (16) Each bulk milk route owner shall provide a bulk milk hauler who holds a valid permit for all bulk milk collection. The permit shall be carried on the person or in the vehicle. A milk processing plant shall not receive raw milk from a Kentucky producer if the milk has not been collected by a permitted hauler.

Section 7. Milk Plant, Receiving Station, and Transfer Station Standards.

- (1) The milk plant, receiving station, or transfer station shall have competent personnel to receive producer raw milk samples from each bulk milk tank truck.
- (2) The temperature of the temperature sample shall be recorded and the samples shall be properly identified and stored prior to delivery to the laboratory.
- (3) The milk plant, receiving station, or transfer station shall be responsible for providing facilities for the storage of producer raw milk samples at a temperature of thirty-two (32) to forty (40) degrees Fahrenheit.
- (4) Raw milk samples shall be maintained at the temperature specified in subsection (3) of this section until they are received by the laboratory for analysis.
- (5) A producer raw milk sample shall not be transferred to another sample container after the sample has been collected by the bulk milk hauler.

(6) Required laboratory analysis shall begin no later than thirty-six (36) hours after the first sample on the route was collected.

(7) A milk producer or bulk milk hauler shall not receive notice of which samples are to be used for bacteriological analysis.

Section 8. Milk Hauler Permit Suspension, Revocation, and Reinstatement. In addition to the penalties established in KRS 217C.990, the cabinet may suspend or revoke a milk hauler's permit, in accordance with KRS 217C.040.

(1) The cabinet shall, upon notice to the hauler and owner, immediately suspend the permit if:

(a) There is reason to believe that an imminent public health hazard exists;

(b) The hauler or owner has interfered with the cabinet in the performance of the cabinet's duties; or

(c) The hauler or owner has falsified any records or documents.

(2) In all other instances of violation of this administrative regulation, the cabinet shall:

(a) Serve on the hauler a written notice stating the violation; and

(b) Afford the hauler the opportunity to correct the violation.

(3) A hauler whose permit has been suspended may, at any time, submit an Application for Reinstatement of Permit, incorporated by reference in 902 KAR 50:033.

(4) Suspension of a permit shall remain in effect until the violation has been corrected to the satisfaction of the cabinet.

(5) For serious or repeated violations of this administrative regulation, the hauler's permit may be permanently revoked.

(6) Prior to revocation, the cabinet shall notify the hauler in writing, stating the reasons for which the permit is subject to revocation and advising the permit shall be permanently revoked at the end of ten (10) days following the service of the notice, unless the Request for a Hearing, incorporated by reference in 902 KAR 50:033, is filed with the Milk Safety Branch.

(7) The hearing shall be conducted in accordance with KRS 217C.100.

Section 9. Incorporation by Reference.

(1) "Application for Permit to Haul Milk and Collect Samples of Raw Milk", 1/2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Milk Safety Branch, Division of Public Health Protection and Safety, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

(MMP-1; 1 Ky.R. 287; eff. 1-8-1975; 8 Ky.R. 172; 343; eff. 11-5-1981; 20 Ky.R. 2219; eff. 3-14-1994; 47 Ky.R. 449, 1401; eff. 2-4-2021.)