

902 KAR 50:120. Unpasteurized goat milk.

RELATES TO: KRS Chapter 217C

STATUTORY AUTHORITY: KRS 217C.090

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217C.090 authorizes the secretary of the Cabinet for Health and Family Services to issue administrative regulations allowing, upon written recommendation of a physician, the sale of goat milk which has not been pasteurized. This administrative regulation establishes uniform standards for the production, handling, sampling, examination, and sale, at the farm, of goat's milk which has not been pasteurized; the inspection of the goat farm facilities; and the issuance, revocation, and reinstatement of farm permits.

Section 1. Applicability.

- (1) This administrative regulation is applicable only to dairy goat farms offering unpasteurized goat milk direct to the consumer.
- (2) All other dairy goat farms shall follow the applicable administrative regulation under 902 KAR Chapter 50.
- (3) Milk produced in compliance with the requirements of this administrative regulation shall not guarantee the absence of pathogenic organisms.

Section 2. Sale Restrictions.

- (1) The sale of unpasteurized goat milk pursuant to this administrative regulation shall be from on the farm sales only.
- (2) Unpasteurized goat milk for direct consumer consumption shall only be sold from a permitted goat producer to persons with a written recommendation from a physician.
- (3) A written recommendation statement from a physician shall be:
 - (a) For a specific individual;
 - (b) Kept on file at the producer location for one (1) year; and
 - (c) Subject to inspection by the cabinet.
- (4) The producer shall keep on file records stating the volume of unpasteurized goat milk sold and the date of sales to each person having submitted a written recommendation statement.

Section 3. Permits.

- (1) A person shall not sell or offer for sale unpasteurized goat milk, without first obtaining a permit from the cabinet.
- (2) Prior to the issuance of a permit to dairy goat producer offering unpasteurized goat milk for sale, the cabinet shall conduct an inspection of the producer's facilities.
- (3) If the producer is not in compliance with this administrative regulation:
 - (a) The permit shall not be issued;
 - (b) The violations shall be given to the producer in writing; and
 - (c) The findings posted in a conspicuous place at the farm.
- (4) A permit shall be issued if the inspection reveals compliance with this administrative regulation.
- (5) Permits shall not be transferable with respect to persons or locations and shall remain valid unless suspended or revoked by the cabinet.

Section 4. Inspection of Goat Farm.

- (1) Each dairy goat farm offering unpasteurized milk for sale shall be inspected at least one (1) time each two (2) months after the issuance of a permit.
- (2) If the violation of any requirement of this administrative regulation is found to exist on an inspection, a second inspection shall be required after the time necessary to remedy the violation, but not before three (3) days.

- (3) This second inspection shall be used to determine compliance with the requirements of this administrative regulation.
- (4) If a violation of the same requirement of this administrative regulation is found on the second inspection, the permit shall be suspended in accordance with Section 12 of this administrative regulation.
- (5) A copy of the inspection report shall be:
 - (a) Provided to the producer or other responsible person;
 - (b) Posted in a conspicuous place on an inside wall of the milk house; and
 - (c) Filed with the department.
- (6) Every producer offering unpasteurized goat milk for sell shall, upon request of the cabinet, permit access of officially designated persons to all parts of the milk house or facilities to determine compliance with the provisions of this administrative regulation.

Section 5. Animal Health.

- (1) All milk shall be from herds that are free from tuberculosis and brucellosis.
 - (a) Tuberculin test. The herd shall be located in an area within the state which meets the requirements of a modified accredited area in which not more than one-half (1/2) of one (1) percent of the goat herd have been found to be infected with tuberculosis. This requirement is in accordance with the "Bovine Tuberculosis Eradication, Uniform Methods and Rules", incorporated by reference in 902 KAR 50:032.
 - (b) Brucellosis test. The herd shall be located in an area within the state in which the percentage of the goat herd 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, in accordance with the "Brucellosis Eradication, Uniform Methods and Rules", incorporated by reference in 902 KAR 50:032.
- (2) A certificate identifying test results of each animal, signed by a veterinarian, shall be submitted to the cabinet for each test required by this section.
- (3) Failure to comply with the requirements of this section shall result in immediate permit suspension.

Section 6. Sampling Frequency and Required Test.

- (1) A representative sample of the unpasteurized goat milk shall be collected at the farm by the cabinet each month.
- (2) All samples shall be analyzed for bacteria count, somatic cell count, antibiotics, adulteration with water, and temperature in an official laboratory or an officially designated laboratory.
- (3) Additional samples shall be collected at the farm by the cabinet at least every two (2) months and analyzed for pathogenic organisms in an official laboratory.
- (4) Samples of unpasteurized goat milk may be collected for pesticide analysis as directed by the cabinet.
- (5)
 - (a) If two (2) of the last four (4) consecutive bacterial counts, somatic cell counts, or cooling temperatures, taken on separate days, exceed the limit established in Section 7 of this administrative regulation, the cabinet shall send a written notice to the producer;
 - (b) The notice shall be in effect so long as two (2) of the last four (4) consecutive samples exceed the limit of the standard; and
 - (c) An additional sample shall be taken within twenty-one (21) days of the sending of the notice, but not before the lapse of three (3) days.
- (6) Immediate suspension of permit in accordance with Section 12 of this administrative regulation shall be instituted if the limit established in Section 7 of this administrative regulation is violated by three (3) of the last five (5) bacterial counts, cooling temperatures, or somatic cell counts.
- (7)

- (a) If an antibiotic or pesticide residue test is positive, an investigation shall be made to determine the cause, and the cause shall be corrected.
- (b) An additional sample shall be taken and tested for antibiotic or pesticide residues.
- (c) Milk shall not be offered for sale until it is shown, by a subsequent sample, to be free of antibiotic or pesticide residues or below the actionable levels established for residues.
- (8) If pathogenic organisms are found in the milk, immediate permit suspension shall occur and milk shall not be sold from the farm until at least four (4) consecutive tests taken on separate days contain no pathogenic organisms upon laboratory analysis.

Section 7. Bacterial, Chemical, and Temperature Standards.

- (1) Unpasteurized goat milk shall be produced, handled, stored, and packaged to conform to the following standards:
 - (a) Temperature - cooled to between thirty-six (36) and forty (40) degrees Fahrenheit or less within two (2) hours after milking. Subsequent milkings shall not exceed forty-five (45) degrees Fahrenheit if blended with previous milkings.
 - (b) Bacterial limits - not to exceed 20,000 per milliliter.
 - (c) Somatic cells - not to exceed 1,000,000 per milliliter.
 - (d) Antibiotics - negative.
 - (e) Coliform - not to exceed ten (10) per milliliter.
 - (f) Pathogens - negative.
 - (g) Pesticides and chemical adulterants - negative.
- (2) No process, manipulation, or additives shall be applied to the milk, other than appropriate refrigeration, for the purpose of removing or deactivating microorganisms.

Section 8. Sanitation Requirements.

- (1) The milking area, milk house operations, and equipment shall be located and conducted to prevent contamination of milk, equipment, containers, and utensils.
- (2) Abnormal milk.
 - (a) Goats that show evidence of secreting abnormal milk based upon bacteriological, chemical, or physical examination, shall be milked last or with separate equipment and the milk shall be discarded.
 - (b) Goats treated with, or who have consumed chemical, medicinal, or radioactive agents capable of being secreted in the milk and damaging to human health, shall be milked last or with separate equipment and the milk discarded.
- (3) Milking barn or parlor construction.
 - (a) A milking barn or parlor shall be provided on all farms and located to be readily accessible to both the milk room and animal housing area.
 - (b) The milking barn or parlor shall:
 - 1. Have floors constructed of concrete or equally impervious material;
 - 2. Have walls and ceilings that are water resistant, cleanable, smooth, in good repair, and the ceiling dust tight;
 - 3. Be provided with natural or artificial light, well distributed for day or night milking;
 - 4. Have ventilation and fresh air inlets for air circulation to prevent condensation and excessive odors;
 - 5. Not be overcrowded; and
 - 6. Have dust tight covered boxes or bins, or separate storage facilities for feed.
 - (c) The interior of the milking barn or parlor shall be kept clean.
 - (d) Swine and fowl shall be kept out of the milking area.
- (4) Goat yard.
 - (a) The goat yard shall be graded and drained, and shall have no standing pools of water or accumulations of organic wastes.

- (b) In loafing or goat housing areas, goat droppings and soiled bedding shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the soiling of the goat's udder and flanks.
 - (c) Waste feed shall not be allowed to accumulate.
 - (d) Manure packs shall be properly drained and shall provide a firm footing.
 - (e) Swine shall be kept out of the goat yard.
- (5) Milk house or room construction and facilities.
- (a) A milk house or room shall:
 - 1. Be a sufficient size for the:
 - a. Cooling, handling, storing, and packaging of milk; and
 - b. Washing, sanitizing, and storing of milk containers and utensils, except as provided in subsections (8)(c) and (d) of this section;
 - 2. Have a smooth floor constructed of concrete or equally impervious material graded to drain, and maintained in good repair;
 - 3. Have walls and ceilings constructed of smooth material, in good repair, and well painted or finished in an equally suitable manner;
 - 4. Have adequate natural or artificial light and be well ventilated;
 - 5. Be used for only milk house operations; and
 - 6. Be free of trash, animals, and fowl.
 - (b) There shall not be a direct opening from the milk house or room into a barn, stable, or room used for domestic purposes.
 - (c) A direct opening between the milk house and milking barn, or parlor, is permitted if a tight-fitting, self-closing solid door hinged to be single or double acting is provided.
 - (d) Potable water under pressure shall be piped into the milk house.
 - (e) The milk house shall be equipped with a two (2) compartment wash vat and adequate hot water heating facilities.
 - (f) Separate handwashing facilities shall be provided in the milk house with running potable water, soap or detergent, and individual sanitary towels.
 - (g) Bottling or packaging may be carried out in the milk house or room if it is done in a sanitary manner and by a method that prevents contamination.
- (6) Toilet. Every farm shall be provided with one (1) or more toilets, conveniently located and properly constructed, operated, and maintained in a sanitary manner. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate the water supply.
- (7) Water supply. Water for milk house or room, and milking operations shall be:
- (a) From a supply properly located, protected, and operated; and
 - (b) Easily accessible, adequate, and of a safe, sanitary quality.
 - (c) No cross-connection shall exist between a safe water supply and an unsafe or questionable water supply, or any other source of pollution.
 - (d) A well or other source of water shall be located and constructed to prevent underground or surface contamination from a sewerage system, privy, or other source of pollution from reaching the water supply.
 - (e) Individual water supplies and water supply systems that have been repaired or become contaminated shall be thoroughly disinfected before being placed in use. The supply shall be made free of the disinfectant by pumping to waste before a sample for bacteriological testing shall be collected.
 - (f) All containers and tanks used in the transportation of water shall be sealed and protected from possible contamination. These containers and tanks shall be subjected to a thorough cleaning and a bacteriological treatment prior to filling with potable water to be used at the farm.
 - (g) Samples for bacteriological examination shall be taken upon the initial approval of the physical structure, if a repair or alteration of the water supply system has been

made, and at least every year.

(8) Utensils and equipment.

(a) All multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be:

1. Made of smooth, nonabsorbent, corrosion-resistant, nontoxic materials;
2. Constructed for easy cleaning; and
3. In good repair.

(b) Multiple-use woven material shall not be used for straining milk.

(c) All single-service articles shall be manufactured, packaged, transported, and handled in a sanitary manner. Articles intended for single-service use shall not be reused.

(d) Containers for purchasing milk may be provided by the person purchasing the milk, and these containers shall not be washed, sanitized, or stored at the farm.

(e) The product-contact surfaces of all multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be:

1. Cleaned after each usage; and
2. Sanitized before each use.

(f) After sanitization, all containers, utensils, and equipment shall be handled in a manner to prevent contamination of a product-contact surface.

(g) All containers, utensils, and equipment used in the handling, storage, or transportation of milk, unless stored in sanitizing solutions, shall be stored to assure complete drainage, and protected from contamination prior to use.

(h) Pipeline milking equipment such as milker claws, inflations, weigh jars, meters, milk hoses, milk receivers, tubular coolers, and milk pumps that are designed for mechanical cleaning may be stored in the milking barn or parlor if this equipment is designed, installed, and operated to protect the product and solution-contact surfaces from contamination at all times.

(9) Insect and rodent control.

(a) Effective measures shall be taken to prevent the contamination of milk, containers, equipment, and utensils by insects, rodents, and chemicals used to control vermin;

(b) Milk houses or rooms shall be free of insects and rodents; and

(c) Surroundings shall be kept neat, clean, and free of conditions that harbor or are conducive to the breeding of insects and rodents.

Section 9. Milking Procedures.

(1) All milking shall be done in the milking barn or parlor.

(2) Milking by hand shall be prohibited.

(3) The flanks, udders, and bellies of all milking goats shall be free from visible dirt.

(4) All brushing shall be completed prior to milking.

(5) The udders and teats of all milking goats shall be cleaned and treated with a sanitizing solution prior to milking, and shall be dry before milking.

(6) Hands shall be washed clean and dried with an individual sanitary towel immediately before milking or performing any milk house function, and immediately after the interruption of any of these activities.

(7) All personnel shall wear clean outer garments while milking or handling milk, milk containers, utensils, or equipment.

Section 10. Personnel Health.

(1) A person shall not work at the farm in any capacity while having a disease in a communicable form, or being a carrier of a communicable disease.

(2) The owner of a dairy goat farm on which a communicable disease occurs, or who suspects that an employee has contracted a disease in a communicable form, or has become a carrier of a disease, shall notify the cabinet immediately.

(3) If reasonable cause exists to suspect the possibility of transmission of infection from a person involved with the handling of milk, the cabinet shall require the following measures:

- (a) The immediate exclusion of that person from milk handling;
- (b) The immediate exclusion of the milk supply concerned from distribution and sale; and
- (c) Adequate medical and bacteriological examination of the person involved in milk production or handling activities.

Section 11. Trade Secrets. No person shall, in an official capacity, obtain information under the provisions of this administrative regulation including information as to the quantity, quality, source, or disposition of milk or milk products, or results of inspections or tests to use the information to his or her own advantage or to reveal it to an unauthorized person.

Section 12. Permit Suspension, Revocation and Hearing Procedure. In addition to the penalties established in KRS 217C.990, the cabinet may suspend or revoke an individual producer's permit, in accordance with KRS 217C.040.

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

- (a) There is reason to believe that an imminent public health hazard exists;
- (b) The producer or an employee has interfered with the cabinet in the performance of the cabinet's duties; or
- (c) The producer or an employee has falsified records.

(2)

(a) A producer whose permit has been suspended three (3) times within a twelve (12) month period for a violation of any type in accordance with this administrative regulation, shall be issued a notice that upon the fourth suspension within a twelve (12) month period the producer shall appear at the cabinet for a conference to show cause why the permit should be reinstated.

(b) Upon the fourth suspension within a twelve (12) month period, the producer shall appear before the cabinet to show cause why the permit should be reinstated.

(c) At this conference the cabinet may set conditions under which the permit may be reinstated.

(d) This permit suspension shall remain in effect until the conditions of the conference have been met.

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

- (a) Serve on the producer a written notice stating the violation; and
- (b) Afford the producer a reasonable opportunity to correct the violation.

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

(5) Suspension of a permit shall remain in effect until the violation has been corrected.

(6) For serious or repeated violations of any of the requirements of this administrative regulation the producer's permit may be permanently revoked.

(7) Prior to revocation, the cabinet shall notify the producer 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 in accordance with KRS 217C.100.

(15 Ky.R. 763; 987; eff. 9-21-1988; 20 Ky.R. 2222; eff. 3-14-1994; 47 Ky.R. 584; eff. 12-15-2020.)