

## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products
- 2) Code Citation: 77 Ill. Adm. Code 775
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
775.10	Amend
775.20	Amend
775.30	Amend
775.50	Amend
775.60	Amend
775.70	Amend
775.80	Amend
775.90	Amend
775.110	Amend
775.130	Amend
775.140	Repeal
- 4) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update references to several documents that are incorporated by reference in the Grade A Pasteurized Milk and Milk Products rules. Documents that are being updated include the Grade A Pasteurized Milk Ordinance (PMO), the Methods of Making Sanitation Ratings of Milk Shippers (MMSR), the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program of the National Conference on Interstate Milk Shipments and the incorporated sections of the Code of Federal Regulations and the Evaluation of Milk Laboratories, all published by the FDA.

Key changes to the 2011 revision of the PMO include updating tests required for nonfat dry milk and dry dairy products. The PMO also requires the reading of the airspace thermometer to be recorded on the batch pasteurizer only at the start of the holding time; clarifies requirements for use of magnetic flow meter based timing; eliminates the sampling and testing requirement for bulk shipped heat treated milk products; makes corrections to the chemical and bacteriological tests; and accepts flunixin for Appendix N screening.

## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED AMENDMENTS

Section 775.140 is being repealed because pesticide, herbicide and mycotoxin residue control is addressed in the PMO. The rulemaking also includes technical and grammatical changes.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: This rulemaking references several documents that are incorporated by reference in the Grade A Pasteurized Milk and Milk Products rules. Documents that are being used include the Grade A Pasteurized Milk Ordinance (PMO), the Methods of Making Sanitation Ratings of Milk Shippers (MMSR), the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program of the National Conference on Interstate Milk Shipments and the incorporated sections of the Code of Federal Regulations and the Evaluation of Milk Laboratories, all published by the FDA.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761  
217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Bulk milk hauler/samplers, milk tank truck owners, dairy producers and processors.
- B) Reporting, bookkeeping or other procedures required for compliance: There will be no change in the reporting, bookkeeping or other procedures required for compliance.
- B) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2012

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 775

GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

775.1	Minimum Regulations (Renumbered)
775.10	Definitions
775.20	Incorporated and Referenced Materials
775.30	Minimum Requirements
775.40	Local Government Implementation
775.50	Permits
775.60	Suspension of Permits
775.70	Inspections and Investigations
775.80	Approval of Construction Plans
775.90	Administrative Hearings
775.100	Milk Hauler-Samplers Examination
775.110	Milk Tank Trucks
775.120	Cleaning and Sanitizing Procedures
775.130	Action Levels for Added Water in Milk
775.140	Pesticide, Herbicide and Mycotoxin Residue Control Program ( <u>Repealed</u> )
775.150	Drug Residue Control Program

**AUTHORITY:** Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

**SOURCE:** Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271, effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998; amended at 25 Ill. Reg. 11904, effective September 1, 2001; amended at 25 Ill. Reg. 12629, effective September 25, 2001; amended at 27 Ill. Reg. 15979, effective October 1, 2003; amended at 32 Ill. Reg. 8432, effective May 21, 2008; amended at 35 Ill. Reg. 14193, effective August 2, 2011; amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 775.10 Definitions**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

In addition to the definitions contained in Section 1 of the Grade A Pasteurized Milk Ordinance (PMO), the following definitions shall apply:

"Act" means the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

*"Bulk milk pickup tank" means the tank, and those appurtenances necessary for its use, used by a milk hauler-sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station. (Section 3(b)(16) of the Act)*

"Clarification" means an operational procedure that removes sediment from milk.

*"Cleaning and sanitizing facility" means any place, premise or establishment where milk tank trucks are cleaned and sanitized. (Section 3(b)(15) of the Act)*

"Cultured dairy products" means milk and milk products that have been soured after pasteurization using harmless lactic-acid-producing bacteria, food grade phosphoric acid, lactic acid, citric acid or hydrochloric acid, with or without rennet ~~and~~ or other safe, suitable milk-clotting enzymes.

*"Dairy farm" means any place or premise where one or more cows, or goats ~~or sheep~~ are kept, and from which a part or all of the milk or milk products are provided, sold or offered for sale to a milk plant, transfer station, or receiving station. (Section 3(b)(1) of the Act)*

*"Department" means the Illinois Department of Public Health. (Section 3(b)(7) of the Act)*

*"Director" means the Director of the Illinois Department of Public Health. (Section 3(b)(8) of the Act)*

"Downstream " means located after the automatic milk flow safety device in a high temperature short time (HTST) flow-diversion device.

*"Embargo or hold for investigation" means a detention or seizure designed to deny the use of milk or milk products which may be unwholesome or to prohibit*

# ILLINOIS REGISTER

---

## DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF PROPOSED AMENDMENTS

*the use of equipment which may result in contaminated or unwholesome milk or dairy products.* (Section 3(b)(9) of the Act)

*"Enforcing agency" means the Illinois Department of Public Health or a unit of local government electing to administer and enforce the Act as provided for in the Act.* (Section 3(b)(12) of the Act)

"Field representative" means a person qualified and trained in the sanitary methods of production and handling of milk as set forth in this Part, and generally employed by a processing or manufacturing plant for the purpose of doing quality control work.

*"Grade A" means that milk and milk products are produced and processed in accordance with the current Grade A Pasteurized Milk Ordinance as adopted by the National Conference on Interstate Milk Shipments and the latest United States Public Health Service – Food and Drug Administration Grade A Pasteurized Milk Ordinance as may be amended. The term Grade A is applicable to "dairy farm", "milk hauler-sampler", "milk plant", "milk product", "receiving station", "transfer station", "bulk milk pickup tank", and "certified pasteurizer sealer" whenever used in the Act.* (Section 3(a) of the Act)

"High temperature short time or 'HTST' flow-diversion device" ~~or H.T.S.T.~~ means an automatic milk-flow safety device that controls the flow of milk in relation to the temperature of the milk or heating medium and/or pressure, vacuum, or other auxiliary equipment.

*"Imminent hazard to the public health" means any hazard to the public health when the evidence is sufficient to show that a product or practice, posing or contributing to a significant threat of danger to health, creates or may create a public health situation that should be corrected immediately to prevent injury and that should not be permitted to continue while a hearing or other formal proceeding is being held.* (Section 3(b)(10) of the Act)

*"Milk" means the milk of cows, or goats ~~or sheep~~ and includes skim milk and cream.* (Section 3(b)(2) of the Act)

"Milkfat and Nonfat Solid Content Standards" means the standards set forth in 21 CFR 131.110 ~~(2009)~~. (See Section 775.20.)

# ILLINOIS REGISTER

---

## DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF PROPOSED AMENDMENTS

*"Milk hauler-sampler" means a person who is qualified and trained for the grading and sampling of raw milk in accordance with federal and State quality standards and procedures (Section 3(b)(14) of the Act) and transports bulk raw milk for pasteurization from a dairy farm to a receiving station, transfer station, or milk plant. (Section 3(b)(16)(A) of the Act)*

*"Milk product" means any product including cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat (skim) milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk or nonfat (skim) milk, cottage cheese (including dry curd, reduced fat, lowfat, and nonfat), yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, or nonfat (skim) milk, low-sodium milk, low-sodium reduced fat lowfat milk, low-sodium nonfat (skim) milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat (skim) milk, aseptically processed and packaged milk and milk products, and milk, reduced fat, lowfat milk or nonfat (skim) milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined in this Section. (Section 3(b)(4) of the Act)*

*"Milk tank truck" is the term used to describe both a bulk or milk pickup tanker and a milk transport tank.*

*"Milk transport tank" means a vehicle, including the truck and tank used to transport bulk shipments of milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant.*

~~*"PMO" means the Grade A Pasteurized Milk Ordinance incorporated by reference. (See Section 775.20.)*~~

*"Permit" means a document awarded to a person for compliance with the provisions of and under conditions set forth in the Act and this Part. (Section 3(b)(13) of the Act)*

# ILLINOIS REGISTER

---

## DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF PROPOSED AMENDMENTS

*"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or any political subdivision or Department thereof, or any other entity. (Section 3(b)(11) of the Act)*

"Quality assurance program" means the Milk and Dairy Beef Quality Assurance Program, Boeckman, Steve and Carlson, Keith R., Agri-Education Inc., Stratford, Iowa 50249 or equivalent program as determined by the Department.

*"Receiving station" means any place, premise, or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transporting. (Section 3(b)(5) of the Act)*

"Separation" means an operational procedure that removes butterfat from milk.

*"Transfer station" means any place, premise, or establishment where milk or milk products are transferred directly from one milk tank truck to another. (Section 3(b)(6) of the Act)*

"Violative drug residue" means a drug residue at or above the tolerance ~~and/or~~ safe levels as set forth in 21 CFR 556 (2009) and Appendix N of the PMO.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 775.20 Incorporated and Referenced Materials**

- a) The following regulations, guidelines, and standards, ~~rules, and statutes~~ are incorporated ~~or referenced~~ in this Part:
  - 1) Federal government guidelines:
    - A) The Grade A Pasteurized Milk Ordinance (PMO), and Appendices A through R (except Sections 16 and 17) Recommendations of the United States Public Health Service/Food and Drug Administration, 2011 ~~2009~~ Revision (Publication 229). U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835. In



## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED AMENDMENTS

addition, the jurisdiction name, left blank in Sections 1, 2, 3, 5, and 11 of the PMO, for the purposes of this Part, shall mean the State of Illinois; and the regulatory agency referred to in Section 1 shall mean the Illinois Department of Public Health. (See Section 775.30(a).)

- B) Evaluation of Milk Laboratories (~~2011~~ ~~2005~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
  - C) Methods of Making Sanitation Ratings of Milk Supplies (~~2011~~ ~~2009~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
  - D) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments (~~2011~~ ~~2009~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
- 2) Private and professional standards:
- A) ~~The~~ Standard Methods for the Examination of Dairy Products (17<sup>th</sup> Edition, 2004, American Public Health Association, 1015 – 18<sup>th</sup> Street, N.W., Washington, D.C. 20036). (See Section 775.70(b).)
  - B) Official Methods of Analysis of the Association of Official Analytical Chemists (18<sup>th</sup> Edition, 2010, Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, D.C. 20044). (See Section 775.70(b).)
- 3) Federal regulations:
- A) 21 CFR 131.110, Milk (2011 ~~2009~~). (See Section 775.10, the

## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED AMENDMENTS

definition of "milkfat and nonfat solid content standards".)

- B) 21 CFR 556, Tolerances for Residues or New Animal Drugs in Food (2011 ~~2009~~). (See Section 775.10, the definition of "violative drug residue".)
- C) 40 CFR 180, Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food (2011 ~~2009~~). (See Section 775.140(a)(1).)

b) The following rules and statutes are referenced in this Part:

4) ~~State of Illinois rules and statutes:~~

- 1)A) Illinois Plumbing Code — (77 Ill. Adm. Code 890), Illinois Department of Public Health. (See Section 775.30(c)(4).)
- 2)B) ~~Rules of Practice and Procedure in Administrative Hearings~~ — (77 Ill. Adm. Code 100), Illinois Department of Public Health. (See Section 775.90.)
- 3)C) The Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].
- 4) Illinois Administrative Procedure Act [5 ILCS 100]

- c) ~~b)~~ All incorporations by reference of federal guidelines and regulations and the standards of professional organizations refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.
- d) ~~e)~~ All citations to federal regulations in this Part concern the specified regulation in the 2011 ~~2009~~ Code of Federal Regulations, unless another date is specified.
- e) ~~f)~~ Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

**Section 775.30 Minimum Requirements**

- a) The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products; the inspection of dairy herds, dairy farms and milk plants, receiving and transferring stations, and cleaning and sanitizing facilities; the suspension of permits to milk producers and haulers, shall be regulated in accordance with the provisions of the ~~Grade A Pasteurized Milk Ordinance (PMO)~~ and Appendices A through R (with the exception of Sections 16 and 17) of the PMO. (See Section 775.20.)
- b) The production, manufacture, packaging, labeling and sale of all Grade A condensed milk, Grade A dry milk products, Grade A condensed whey and Grade A dry whey, for use in the commercial preparation of Grade A pasteurized milk products; the inspection of condensing plants and/or drying plants; and the suspension of permits to condensing plants and/or drying plants, shall be regulated in accordance with the provisions of the ~~Grade A Pasteurized Milk Ordinance (PMO)~~ and Appendices A through R (with the exception of Sections 16 and 17 of the PMO). (See Section 775.20.)
- c) In addition to subsections ~~Section 775.30(a)~~ and (b), the following provisions shall apply:
  - 1) In addition to Section 7, item 15p of the PMO:
    - A) All raw milk piping and equipment shall ~~must~~ be completely separated from pasteurized milk and milk product piping and equipment during processing. No raw milk piping or fittings shall be interchanged with pasteurized milk piping and fittings unless they have been cleaned ~~washed~~ and sanitized before use.
    - B) Heat-treated and pasteurized milk or milk products that are not produced at the packaging plant, but that are to be used within a plant for processing pasteurized milk or milk products, shall be re-pasteurized ~~repasteurized~~.
    - C) ~~No separation or clarification may occur downstream from any high temperature short time (H.T.S.T.) flow diversion device.~~

# ILLINOIS REGISTER

---

## DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF PROPOSED AMENDMENTS

- C) D) Blending of pasteurized milk or milk products may occur downstream from the HTST ~~high temperature short time (H.T.S.T.)~~ flow-diversion device only when approved by the Department in accordance with the following specific requirements:
- i) All pasteurized milk product lines, raw product lines and cleaning lines within the milk plant shall be labeled so that the lines can be differentiated by visual inspection. The specific configuration of the lines shall ~~must~~ be verified by a Department on-site inspection prior to the issuance or renewal of a permit. In addition, any segments of lines that are or can be removed for cleaning shall ~~must~~ be individually labeled.
  - ii) ~~All products subject to blending downstream of the high temperature short time flow diversion device shall be required to undergo daily testing for standard plate count, coliform, phosphatase and salmonella. These analyses shall be conducted by a state certified laboratory, and the results shall be maintained for one year.~~
  - iiiii) Cultured dairy products are exempt from this requirement.
- 2) In addition to complying with Section 6 of the PMO, each approved milk plant shall retain from each processing day at least one time and date stamped sample from each continuous processing of a specific pasteurized fluid milk product as defined in the PMO Grade A Pasteurized Milk Ordinance (see Section 1 of the PMO). These samples shall be of the pasteurized milk product itself and not of each type of container in which the milk product is packaged. In addition, the samples shall be retained until two days after the guaranteed sale date in accordance with the cooling refrigeration requirements of the PMO (see Section 7 Table 1 of the PMO).
- 3) In addition to ~~the provisions of~~ Section 7, items 8r and 7p, of the PMO, the Illinois Plumbing Code (~~77 Ill. Adm. Code 890~~) shall apply.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.50 Permits**

*It shall be unlawful for any ~~No person to may~~ establish, maintain, conduct, or ~~operate~~ operated a dairy farm, milk plant, receiving station or ; transfer station processing milk or milk products, to establish and operate a; ~~or~~ cleaning and sanitizing facility or milk tank truck, to haul or sample milk, or to act as a certified pasteurizer sealer with this State ~~, to process or haul milk or milk products or to bring in and distribute from out of state~~ pasteurized milk and ~~or~~ milk products ~~from another state~~ without a permit therfor from the Department. (Section 5 of the Act)*

- a) The Department will grant and renew a ~~A permit shall be granted to and renewed~~ for persons, who maintain, conduct, or operate ~~operated~~ a milk plant, receiving station, transfer station, or and ~~and~~ cleaning and sanitizing facilities, within the State of Illinois ~~by the Department~~ upon completion of an inspection that ~~which~~ establishes compliance with the Act and this Part and upon payment of the fee required by Section 5.1 of the Act. Milk plants that ~~which~~ maintain cleaning and sanitizing facilities on the same site as the plant do not have to obtain a separate permit for those ~~such~~ facilities.
- b) The Department will grant and renew a ~~A permit shall be granted to and renewed~~ for persons who bring into and distribute pasteurized milk or milk products from another state that ~~which~~ has administrative ~~regulations~~ rules, ~~regulations~~ or requirements that provide for clean, sanitary and safe handling and processing of pasteurized milk and milk products to ensure protection equivalent to that provided by this Part upon receipt of an inspection report that ~~which~~ establishes compliance with that ~~state's~~ administrative ~~the State's Rules, Regulations or Requirements~~ rules or requirements and upon payment of the fee required by Section 5.1 of the Act.
- c) ~~An original permit will shall~~ be granted to a milk hauler-sampler when the following conditions are met:
  - 1) An inspection establishes that the milk hauler-sampler's equipment is in compliance with the provisions of the Act and this Part;
  - 2) The milk hauler-sampler has successfully completed and examination administered by the Department; and

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 3) The milk hauler-sampler has paid the fee required by Section 5.1 of the Act.
- d) A renewal permit ~~will~~ shall be granted to a milk hauler-sampler when an inspection establishes that the milk hauler-sampler's equipment and sampling procedures are in compliance with the provisions of the Act and this Part and upon payment of the fee required by Section 5.1 of the Act.
- e) Dairy Farm Permits
  - 1) ~~AAn original~~ dairy farm permit is necessary when a farm does not presently hold a permit, when a change of ownership occurs and only the farm owner's name was on the permit, ~~or and~~ when a change of tenant occurs and only the former tenant's name was on the permit.
  - 2) ~~AAn original~~ dairy farm permit ~~will~~ shall be granted to a dairy farm upon the completion of an inspection ~~that establishes which established~~ compliance with the Act and this Part. The inspection includes procedures for the establishment of a quality record. The quality record is established by the results of four samples taken at a rate of not more than two per week and on separate days within a three-week period.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.60 Suspension of Permits**

The Department ~~will~~ shall suspend permits in accordance with the provisions of Sections 3, 5 and 6 of the PMO and the following:

- a) All suspensions, except summary suspensions, ~~will~~ shall be proceeded by the notice and opportunity for a hearing in accordance with Section 775.90 of this Part.
- b) All summary suspensions ~~will~~ shall be based upon violations of the Act, the PMO or this Part ~~that which~~ constitute a finding that the public interest, safety or welfare imperatively requires ~~the such~~ action in accordance with Section 10-65(d) of the Illinois Administrative Procedure Act ~~[5 ILCS 100/10-65]. In addition, all~~ All summary suspensions ~~will~~ shall be followed by notice and an opportunity for

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a hearing in accordance with 775.90 of this Part.

- cb) If a dairy farm, milk hauler-sampler, receiving and transferring station, cleaning and sanitizing facility or milk plant receives two suspensions in 12 ~~six~~ months, an informal conference will be held to discuss corrective measures. If the violations resulting in the most recent suspension are not corrected after this conference, administrative hearing proceedings ~~proceeding~~ will be initiated pursuant to Section 775.90 of this Part.
- de) When successive inspections pursuant to Section 5 of the PMO disclose violations of the same requirement that directly reflect on the health of the public, such as unclean equipment and improper temperature requirements, the suspension policy in Section 5 shall be enforced.
- ed) The suspension policies in the PMO may be waived as determined by the inspector's professional judgment, ~~judgement~~ dependent upon the amount of time required for the permit holder to make the necessary corrections, the reasonableness of requiring corrections prior to the next inspection, and the potential for a health hazard created by the violation.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.70 Inspections and Investigations**

- a) The Department will ~~shall~~ inspect and investigate complaints concerning *dairy farms, milk plants, cleaning and sanitizing facilities, receiving stations, transfer stations, milk hauler-samplers, or milk tank trucks used to transport milk and milk products under its jurisdiction, for the purpose of* determining compliance with the Act and this Part. (Section 10 of the Act)
- b) When conducting inspections pursuant to Section 5 of the PMO, the Department will use ~~utilize~~ the Standard Methods for the Examination of Dairy Products and Official Methods of Analysis of the Association of Official Analytical Chemists. (See Section 775.20.)
- c) *Written notice of all violations shall be given to the dairy farm, milk plant, cleaning and sanitizing facility, receiving or transfer station, milk hauler-sampler or milk tank truck owner/operator after any inspection or investigation.* (Section

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

10 of the Act)

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.80 Approval of Construction Plans**

All plans for the construction, reconstruction, or alterations, other than those to repair or perform maintenance on existing facilities of a dairy farm's milking facilities, transfer stations, receiving stations, cleaning and sanitizing facilities, and milk plants, ~~shall~~ must be submitted to the Department for approval before work is begun. The Department ~~will~~ shall approve plans that ~~which~~ meet the requirements of the Act and this Part within 30 days after ~~of~~ submission.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.90 Administrative Hearings**

All administrative hearings held pursuant to the Act or ~~rules of~~ this Part shall be conducted in accordance with the Department's ~~Rules of Practice and Procedure in Administrative Hearings.~~ (77 Ill. Adm. Code 100). (See 775.20).

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 775.110 Milk Tank Trucks**

a) A milk tank truck may ~~only~~ be used only to transport the following products that ~~which~~ are intended for and suitable for human consumption:

- 1) Milk
- 2) Raw Milk
- 3) Milk Products
- 4) Whey and Whey Products
- 5) Potable Water
- 6) Liquid Sweeteners



ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 7) Fruit Juices and Drinks
  - 8) Liquified Chocolate and Cocoa ~~Cocoa~~ Products
  - 9) Liquid Pasteurized Eggs and Egg Products
  - 10) Vinegar
  - 11) Food Colorings
  - 12) Vegetable Oils
- b) A milk tank truck ~~shall~~ must be *cleaned and sanitized prior to the introduction of the milk* or milk products, according to Section 7, items 1p, 2p (climatic and operating conditions), 3p (climatic and operating conditions) 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, 22p and Appendix F of the PMO. (Section 14.1(b) of the Act.)
- c) ~~The owner of each~~ Each milk tank truck used to haul milk and other substances shall maintain a log for ~~must have a log maintained by the owner of the truck.~~  
This log ~~shall~~ must consist of the following:
- 1) *The date or dates of each trip taken by the milk tank truck;*
  - 2) *The name of the substance hauled by the milk tank truck;*
  - 3) *The date the milk tank truck was cleaned and sanitized;*
  - 4) *The location where the milk tank truck was cleaned and sanitized;*
  - 5) *Such other information deemed necessary by the Department to enforce the this Act.*
- ~~d)6)~~ The log for a milk tank ~~milk~~ truck shall be available upon request. (Section 14.1(e) of the this Act.)

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

# ILLINOIS REGISTER

---

## DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF PROPOSED AMENDMENTS

#### **Section 775.130 Action Levels for Added Water in Milk**

The presence of added water in raw or pasteurized milk constitutes adulteration. The violative level for added water in either raw or pasteurized milk is equal to or higher than 3% when converted from a milk cryoscope reading on the Hortvet or Centigrade scale when tested in accordance with the 17<sup>th</sup> edition of the Standard Methods for the Examination of Dairy Products. After two occurrences of adulterated milk within a six-month period, the plant or producer shall show cause and reason for the addition of water. After a third occurrence, the Department will institute administrative proceedings to revoke the plant or producer's permit.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 775.140 Pesticide, Herbicide and Mycotoxin Residue Control Program (Repealed)**

- a) ~~The following describes the Department's Pesticide, Herbicide and Mycotoxin residue control program for Grade A raw milk under Section 6, of the PMO.~~
  - 1) ~~If the analysis of a sample from a milk tank truck shows a level of any of the pesticides, herbicide or mycotoxin above the action levels contained in subsection (b) of this Section or of action levels published in federal regulations at 40 CFR 180 for other pesticides, herbicides, or mycotoxins, then an individual sample is collected from each producer's milk that was in the milk tank truck to determine which producer or producers have created or contributed to the problem.~~
  - 2) ~~When the individual resampling is complete and the test indicates high pesticide, herbicide or mycotoxin residue levels equal to or above action level another sample will be taken within 15 days to determine whether this adulteration is continual or has been a one time situation.~~
  - 3) ~~If the second sample under subsection (a)(2) of this Section shows an action level equal to or greater than those contained in subsection (b) of this Section, then all of the producer's milk will be removed from the market and not offered for sale for human consumption until an official sample test shows the residue falls below the action level.~~
  - 4) ~~The milk supply will then be provisionally reinstated for human use and samples will be taken on a monthly basis. Should the next sample be above action level, the milk will again be removed from the market and~~

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~not offered for sale for human consumption.~~

5) ~~When two consecutive monthly samples are below the action level, the producer's supply shall be fully reinstated.~~

b) ~~The following Action levels have been established for the Pesticide, Herbicide or Mycotoxin Residue Control Program (PPM=parts per million; PPB=parts per billion):~~

1) ~~Aldrin—0.3 PPM~~

2) ~~Dieldrin—0.3 PPM~~

3) ~~Endrin—0.3 PPM~~

4) ~~Lindane—0.3 PPM~~

5) ~~Heptachlor or Heptachlor Epoxide—the action level for either Heptachlor Epoxide or both combined is 0.1 PPM~~

6) ~~PCB—1.5 PPM~~

7) ~~Aflatoxin—0.5 PPB~~

8) ~~D.D.T.—1.25 PPM~~

(Source: Repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)