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United States
Department of
Agriculture

Agricultural
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Dairy
Grading
Branch

Room 2746-S
1400 Independence Ave., S.W.
Washington, D.C. 20250-0230

August 26, 1999

Mr. Paul Hoge
PA Department of Agriculture
Bureau of Food Safety
Division of Milk Sanitation
2301 N. Cameron St.
Harrisburg, PA 17110-9408

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2009 SEP -8 AM 10:24
INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Mr. Hoge:

I would like to submit the following comments on the PA Department of Agriculture proposed rulemaking on milk sanitation.

In Section 59a.2. Definitions.

1. Milk products are defined as "Ice cream, ice cream mix, custard ice cream, french ice cream, frozen custard, and other similar frozen products, and all dairy products used in the manufacture thereof."

However, in later sections it seems to be used to apply to other dairy products such as butter, cheese, etc. For example:

Section 59a.12. Permits (b) Exceptions. "(3) A person selling milk or milk products from a store, when the milk or milk products have been purchased from a person already in possession of a permit to sell milk or milk products."

Would the store need a permit to sell manufactured dairy products such as butter and cheese or should "and manufactured dairy products" be added to the end of the sentence in Sections (3) and (4)?

The same issue is also in Section 59a.14. Labeling: Bottles, containers and packages of milk, milk products or manufactured dairy products. (b) Approval process. (d) Label requirements. "Bottles, containers and packages enclosing milk or milk products offered for sale shall be labeled. The label shall be approved by the Department in accordance with this section, and contain the following information:" And in Section (3) "The common name of the hooved mammal producing the milk preceding the name of the milk or milk product, if the milk or milk product is or is made from milk other than cow's milk."



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These requirements should also apply to manufactured dairy products such as butter, cheese, etc.

2. "USDA Recommended requirements--The most current revision of the Milk for Manufacturing Purposes and its Production and Processing--Recommended Requirements, as published by the United States Department of Agriculture, Agricultural Marketing Service, Dairy Program."

Add a "s" to the reference so it reads ". . . Dairy Programs."

This same change should be made in the first sentence of Section 59a.101. Adoption of USDA recommended requirements.

In Section 59a.110. Somatic cell count.

"(c) Excessive somatic cell count. Whenever the official test indicates the presence of more than 750,000 somatic cells per milliliter, the Pennsylvania-approved dairy laboratory shall do the following:"

USDA recognizes a different limit for goat milk. The current limit in the USDA recommended requirements is 1 million. I believe the last NCIMS Conference adopted a level of 1.5 million. USDA is in the process of increasing this to 1.5 million also. This comment also applies to 59a.113.(4).

In Section 59a.305. Personnel cleanliness.

". . . Clean white or light-colored washable outer garments and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing, processing milk, manufacturing, packaging, or handling dairy products."

Both the PMO (Item 20p) and Good Manufacturing Practices (21 CFR 110.10) require the use of hair nets. I believe the USDA recommended requirements will be updated soon to better reflect current GMP's. I suggest the sentence read: "Clean white or light-colored washable outer garments and hair nets shall be worn by all persons engaged in receiving, testing, processing milk, manufacturing, packaging, or handling dairy products."

In Section 59a.343. Operations and operating procedures: Pasteurization.

"(b) Buttermilk and cream derived from buttermilk. Buttermilk or cream from which it is derived shall be pasteurized prior to condensing at a temperature of 185° F for 15 seconds or its equivalent in bacterial destruction."

“(c) Cheese whey. Cheese whey or milk from which it is derived shall be pasteurized prior to condensing at a temperature of 161° F for 15 seconds or its equivalent in bacterial destruction.”

When reading these sections initially I had a little trouble understanding the intent. Why would buttermilk need to be pasteurized at 185 degrees while 161 degrees is acceptable for whey? I do not see any justification for that. USDA considers both whey and buttermilk to be raw products and they must be pasteurized prior to condensing. I suggest the following wording so it clearly does not allow buttermilk and whey to be condensed without pasteurization when made from pasteurized cream or milk.

(b) Buttermilk. Buttermilk shall be pasteurized at a temperature of 161° F for 15 seconds or its equivalent in bacterial destruction prior to condensing.

(c) Cheese whey. Cheese whey shall be pasteurized at a temperature of 161° F for 15 seconds or its equivalent in bacterial destruction prior to condensing.

(d) Cream derived from buttermilk. Cream derived from buttermilk shall be pasteurized at a temperature of 166° F for 15 seconds or its equivalent in bacterial destruction prior to condensing.

Section (d) may not be needed, I added it because the pasteurization temperature for buttermilk is different than for cream. However, I'm not aware of any plant that is condensing cream derived from buttermilk.

Thank you for allowing me to comment on this proposal. If you have any questions concerning these comments, please contact me at (202) 720-9386 or Email me at philip.wolff@usda.gov.

Sincerely,

/s/

Philip S. Wolff
National Program Coordinator, Plant Surveys,
Facilities, and Equipment Reviews.