



PennState Law

Center for Agricultural
and Shale Law





QUARTERLY DAIRY LEGAL WEBINAR



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QUARTERLY DAIRY LEGAL WEBINAR

4th Quarter of 2022, October – December

***Focused Topic: An Overview of the Pasteurized Milk Ordinance and
Interstate Milk Shippers Program***

Tuesday, January 17, 2023

12:00pm – 1:00pm (ET)



Quarterly Dairy Legal Webinar Series

#10 in the series – covering the 4th quarter of 2022

January 2023

Quarterly Dairy Legal Webinar

Interstate Regulation of Milk Production and Processing: An Overview of the Pasteurized Milk Ordinance and Interstate Milk Shippers Program

The federal government's current role in the creation and maintenance of a federal milk pricing system is recognized. The historical state-by-state regulation of milk production and processing as a food safety function of government is sometimes said to be historically "left to the states." However, the reality is much more complex. Learn the nuts and bolts of how this most perishable of agricultural commodities has been freely flowing across state lines through a combination of federal and state regulatory authority and a large amount of voluntary industry contribution and compliance. *One hour of substantive CLE credit available for Pennsylvania licensed attorneys at no cost to attendees.*

Tuesday, Jan. 17, 2022, 12 noon, via Zoom.



Quarterly Dairy Legal Webinar Series

LEARN MORE

Agricultural Law Weekly Review

[SEE ALL AGRICULTURAL LAW WEEKLY REVIEWS »](#)

Agricultural Law Weekly Review – Week Ending October 14, 2022

Agricultural Finance: Socially Disadvantaged Farmers Allege Breach of Contract for Repeal of American Rescue Plan Act Debt Relief Program 🌱 On October 7, 2022, forty-one individuals filed a complaint in the U.S. Court of Federal Claims alleging breach of contract against the U.S. government for Congress's repeal of the socially disadvantaged farmer debt relief program in the American Rescue Plan Act (ARPA). *Boyd v. United States*, No. 1:22-cv-01473. The repeal was part of the Inflation Reduction Act (IRA), Sec. 22008. The plaintiffs, who meet the definition of "socially disadvantaged farmers" (SDF) under ARPA's Section 1005–1006 debt relief provisions, claim that [...]

Tweets from @AgShaleLaw



PSU Ag & Shale ...
@AgShaleLaw · 10h



#ShaleLaw HotLink: "Large oil project asks to inject wastewater into Wyo. aquifer" buff.ly/3TulZxj
[#wastewater](#) [#oilandgas](#)
[#Wyoming](#) [#regulation](#) [@politico](#)
[@hroxaner](#)





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Quarterly Dairy Legal Update -

AGRICULTURAL LAW *Update*



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October 2022

CASL Publication No. LU22-014

Quarterly Dairy Legal Update: July – September of 2022

Dairy and Dairy Products Law – the Center's **Virtual Resource Room**

During the second quarter of 2022, the Penn State Center for Agricultural and Shale Law went live with a new Virtual Resource Room on its website at aglaw.psu.edu titled, "Dairy and Dairy Products Law."



Dairy Quarterly Legal Webinar Series Format

- Recent Legal Developments in the Dairy Industry
- Focus Topic of Importance to Dairy Industry
- Questions



Dairy Quarterly Legal Webinar

- **This webinar will be recorded.**
- Use the Q&A feature for questions.
- CLE credits:
 - Link will be posted in the chat
 - Please fill out form
 - Listen for code word
 - Questions?
 - Email: jks251@psu.edu



Thanks to Our Partners

The Center for Agricultural and Shale Law is a partner of the National Agricultural Law Center (NALC) at the University of Arkansas System Division of Agriculture, which serves as the nation's leading source of agricultural and food law research and information. This material is provided as part of that partnership and is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture.





Today's Agenda:

Round-up of the past quarter's legal and regulatory developments impacting the dairy industry

- **Presenter: Chloe Marie, Research Specialist**

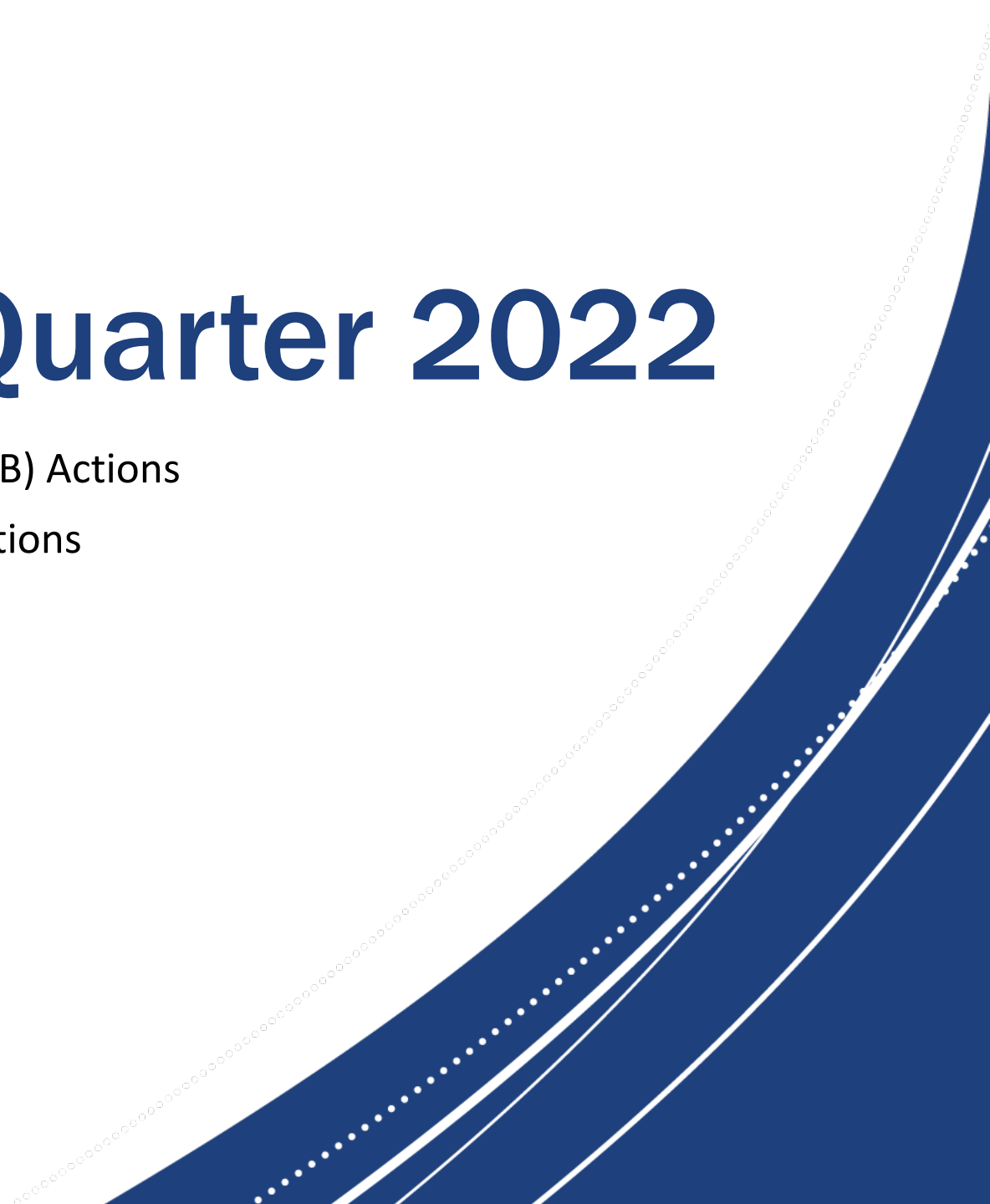
Focused topic of interest to dairy producers and professionals:

- **Topic: An Overview of the Pasteurized Milk Ordinance and Interstate Milk Shippers Program**
- **Presenter: Brook Duer, Staff Attorney**



Round Up – 4th Quarter 2022

- Pennsylvania Milk Marketing Board (PMMB) Actions
- U.S. Department of Agriculture (USDA) Actions
- U.S. Regional Dairy Issues
- International Dairy Issues





PA Senators Opposed Expanding Milk Marketing Board Authority; PMMB Reauthorized \$1 Over-Order Premium

On October 26, 2022, Pennsylvania Senators Elder Vogel Jr. and Judith L. Schwank sent the Pennsylvania Milk Marketing Board a [letter](#) urging it to extend the current over-order premium beyond December 31, 2022.

“It is our understanding that the Milk Marketing Board now wishes to replace this nearly thirty-five-year-old order with a new, undisclosed order, and believes that requires the passage of House Bill 224.”

“It is alarming to us that the Board believes the best manner forward is to quickly pass legislation that will provide the Board with the authority to act unilaterally, without any legislative oversight. Moving forward, it is vital that we work together in a transparent manner on this matter and any proposed changes are vetted appropriately in a public forum. Further, we are very concerned that the current over-order premium was only authorized for three months, rather than the generally standard length of six months, in an attempt to force this legislation to be considered.”

On December 14, 2022, the Pennsylvania Milk Marketing Board (PMMB) issued [Official General Order No. A-1015](#), renewing the current **\$1.00 per hundredweight over-order premium (OOP)** for all Class I milk produced, processed, and sold in the Pennsylvania.

- Effective January 1, 2023, to June 30, 2023.



USDA Announced 2023 Dairy Margin Coverage Enrollment

“Dairy Margin Coverage provides critical assistance to our nation’s small- and mid-sized dairies, helping make sure they can manage the numerous and often unpredictable uncertainties that adversely impact market prices for milk. This year showed why enrolling in DMC makes good business sense. Early in the year, some economists predicted that DMC would not trigger any payments for the calendar year, but then fast forward to now, when we’re starting to see payments trigger and a return on investment.” – FSA Administrator Zach Ducheneaux; [Dairy Producers Can Now Enroll for 2023 Signup for Dairy Margin Coverage, Press Release](#) (Oct. 17, 2022).

- **DMC Feed Cost Calculation Adjustment**
 - FSA updated the feed cost calculation with 100% premium alfalfa hay price instead of 50% premium hay price
- **Supplemental DMC Payments** (introduced in 2021)
 - Dairy operations with less than five (5) million pounds of past production may enroll in Supplemental DMC
 - Supplemental DMC coverage is applicable to calendar years 2021, 2022, and 2023
 - Supplemental DMC payment calculation is based upon a formula using 2019 actual milk marketing area
- **Sign up Period**
 - Initially opened from October 17, 2022, to December 9, 2022.
 - Now [extended](#) until **January 31, 2023**.



USDA Received Petition to Amend FMMOs Nos. 5, 6, and 7

On October 27, 2022, the Dairy Cooperative Marketing Association (DCMA) submitted a [request for an emergency hearing](#) to **amend Federal Milk Marketing Orders (FMMOs) 5, 6, and 7** and consider the following proposals:

- “Proposed updating of the current Orders 5 and 7 Transportation Credit Balancing Funds”
- “Proposals for distributing plant delivery credits in Orders 5, 6, and 7 which extend transportation cost reimbursement to local and year-round milk supplies”

“Particularly because of the current inflationary economic environment and since the transportation costs have not been updated for more than 15 years, it is important that these requested order amendments be effective on an expedited basis and that the hearing be limited ... to the issue of transportation costs for delivery to distributing plants in Orders 5, 6, and 7.”



California Dairies, Inc. Acquired DairyAmerica, Inc.

On November 29, 2022, California Dairies, Inc. [announced](#) it had fully acquired – effective January 1, 2023 – DairyAmerica, Inc., a leading supplier of skim milk powder co-owned by dairy farmer cooperative Agri-Mark, Inc. and dairy manufacturer O-AT-KA Milk Products.

- *“Under the new structure, DairyAmerica will continue to market milk powders produced by Agri-Mark, Inc. and O-AT-KA Milk Products. These marketing agreements will allow for the continued multi-origin and sustainable supply benefits currently enjoyed by DairyAmerica.”*
- [California Dairies, Inc.](#)
- [DairyAmerica, Inc.](#)





Additional Farms Joined Organic Valley Cooperative

In August 2021, Danone North America's wholly-owned subsidiary Horizon Organic **ended milk contracts** with 89 Northeast organic dairy farms, effective August 2022.

- Organic Valley Cooperative [announced](#) on August 3, 2022, the addition of fifty (50) new cooperative members and fifteen (15) additional new members, all stemming from the August 2021 announcement by Horizon Organic of its termination of the organic dairy producers.
- On September 20, 2022, Organic Valley Cooperative [announced](#) the additional of a dozen more farms who lost their organic milk markets in August 2022.





Pennsylvania Enacted \$120 million in Tax Credits for New Dairy Processing Facilities

On November 3, 2022, Pennsylvania Governor Tom Wolf adopted [Act No. 108](#) – amending the Tax Reform Code of 1971 and providing for tax credits for new dairy processing facilities (Sub article C – Pennsylvania Milk Processing).

- The new law provides **\$15 million in tax credits per year “for a period of eight years** from the date the first project facility is placed into service” provided that dairy producers “has made a **capital investment of at least \$500,000,000** in order to construct the project facility and place the project facility into service in this Commonwealth,” and “has created a minimum aggregate total of **1,200 new jobs and permanent jobs,**” among other requirements.
- “The tax credit shall be equal to **\$0.05 per gallon of milk purchased and produced from sources exclusively within this Commonwealth** and processed at the project facility by a qualified taxpayer.”
- “The total aggregate amount of tax credits awarded by the department [of Revenue] ... **may not exceed \$120,000,000.**”



Office of the U.S. Trade Representative Expanded USMCA Dispute Settlement Consultations Request Challenging Canada's Dairy TRQs

On December 20, 2022, the Office of the U.S. Trade Representative (USTR) [requested new dispute settlement consultations](#) with Canada under the USMCA challenging Canada's dairy tariff-rate quotas (TRQs) allocation measures.

- Prior dispute settlement consultations request [submitted](#) in May 2022 regarding [Canada's updated dairy TRQ allocation measures](#).

“With this new request, the United States expands its challenge of Canada’s dairy TRQ allocation measures to include Canada’s use of a market-share approach for determining TRQ allocations. Canada applies different criteria for calculating the market share of different segments of applicants, and Canada is failing to allow importers the opportunity to fully utilize TRQ quantities. The United States continues to challenge Canada’s dairy TRQ allocation measures that impose new conditions on the allocation and use of the TRQs, and that prohibit eligible applicants, including retailers, food service operators, and other types of importers from accessing TRQ allocations.”



New Zealand Submitted Formal Request for Panel Hearing on Canada's TRQs Dispute

On May 12, 2022, New Zealand [requested formal consultations](#) with Canada under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) challenging Canada's allocation measures of dairy tariff-rate quotas (TRQs) and requested the establishment of a panel.

- On November 7, 2022, New Zealand [requested](#) the creation of a panel to examine this dispute.

According to New Zealand, "Canada's dairy TRQ allocation measures encourage chronic underfill of its dairy TRQs, reduce their commercial value for exporting CPTPP Parties, and undermine the market access negotiated under CPTPP."



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Interstate Regulation of Milk Production and Processing: An Overview of the Pasteurized Milk Ordinance and Interstate Milk Shippers Program

**Quarterly Dairy Legal Webinar
4th Quarter – 2022
January 17, 2023**



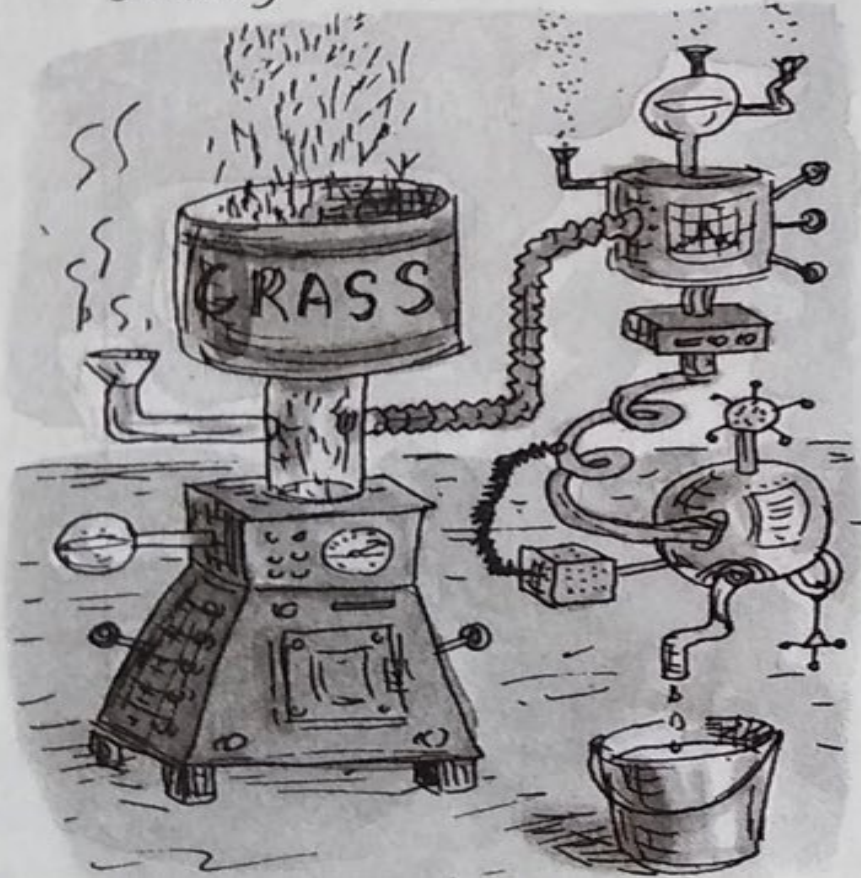


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Powerpoints Available: aglaw.psu.edu/quarterly-dairy-legal-webinar/

Past Quarterly Dairy Legal Webinars and Materials

October 25, 2022 (3rd Quarter of 2022) 12 noon ET. In addition to a round-up of quarterly legal developments, the focus topic will be the upcoming *2023 Farm Bill and the potential implications for the dairy industry*. What new or revised provisions, programs or policies impacting dairy are the subject of advocacy and by whom? Dairy remains a core commodity and the revenue protection programs, for example, have been tweaked in each of the last few farm bills. Federal Milk Marketing Order reform remains hotly debated and looks to be front and center in the 2023 Farm Bill negotiations.

- [July-September 2022 Quarterly Dairy Legal Update](#) 
- [PowerPoint – October 2022 Quarterly Dairy Legal Webinar](#) 
- [Recording – October 2022 Quarterly Dairy Legal Webinar](#)

July 26, 2022 (2nd Quarter of 2022) 12 noon ET. In addition to a round-up of quarterly legal developments, the focus topic will be the history and progress, or lack thereof, of efforts to institute *labeling standards for plant-based foods and beverages* being manufactured and sold as *substitutes for milk and dairy*.

- [April-June 2022 Quarterly Dairy Legal Update](#) 
- [PowerPoint – July 2022 Quarterly Dairy Legal Webinar](#) 
- [Recording: July 2022 Quarterly Dairy Legal Webinar](#)

April 26, 2022 (1st Quarter of 2022) Animal welfare in dairy, including voluntary initiatives like the F.A.R.M. program, the legal and regulatory mechanisms to enforce animal welfare standards and growing concerns about animal activism, trespassing and the protection of a dairy farmers' private property rights.

- [January-March 2022 Quarterly Dairy Legal Update](#) 
- [PowerPoint – April 2022 Quarterly Dairy Legal Webinar Part 1: Industry Round-Up](#) 
- [PowerPoint – April 2022 Quarterly Dairy Legal Webinar Part 2: Animal Welfare](#) 
- [Recording: April 2022 Quarterly Dairy Legal Webinar Part 1: Industry Round-Up](#)
- [Recording: April 2022 Quarterly Dairy Legal Webinar Part 2: Animal Welfare](#)

Videos Available: aglaw.psu.edu/watch-or-listen/center-webinars/

[October 2022 Quarterly Dairy Legal Webinar](#)

[July 2022 Quarterly Dairy Legal Webinar](#)

[April 2022 Quarterly Dairy Legal Webinar Part 1: Industry Round-Up](#)

[April 2022 Quarterly Dairy Legal Webinar Part 2: Animal Welfare](#)

[February 2022 Quarterly Dairy Legal Webinar Part 1: Industry Round-Up](#)

[February 2022 Quarterly Dairy Legal Webinar Part 2: Dairy Industry Carbon Reduction Programs](#)

[December 2021 Quarterly Dairy Legal Webinar Part 2: USDA's Pandemic Assistance Programs](#)

[December 2021 Quarterly Dairy Legal Webinar Part 1: Industry Round-Up](#)

[July 2021 Quarterly Dairy Legal Webinar: Geographical Indications](#)

[April 2021 Quarterly Dairy Legal Webinar: Federal Milk Marketing Order Reform](#)

[January 2021 Quarterly Dairy Legal Webinar Part 2: International Trade with Becky Rasdall](#)

[January 2021 Quarterly Dairy Legal Webinar Part 1: Industry Round-Up](#)

[November 2020 Quarterly Dairy Legal Webinar Part 2: Federal Milk Marketing Order 51](#)

[November 2020 Quarterly Dairy Legal Webinar Part 1: Industry Round-Up](#)



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Agricultural Law Virtual Resource Rooms

Agricultural Law Virtual Resource Rooms provide a comprehensive resource with select topics for stakeholders who are interested in learning more about a specific area of agricultural law. Each of the Virtual Resource Rooms listed below contain a compilation of statutes, regulations, case law, and related publications relevant to the chosen topic. To suggest a new topic for our Agricultural Law Virtual Resource Rooms, feel free to [Contact Us](#).



[Bioengineered Disclosure](#)



[Dairy and Dairy Products Law](#)



[Food Safety Modernization Act](#)



DAIRY AND DAIRY PRODUCTS LAW



VIRTUAL RESOURCE ROOM NAVIGATION

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RISK MANAGEMENT AND INCOME PROTECTION

DAIRY PROMOTION PROGRAMS

DAIRY ANIMAL HEALTH AND WELFARE

DAIRY PRODUCTION AND PRODUCTS REGULATION

DOMESTIC DAIRY POLICY AND OTHER LEGAL ISSUES

INTERNATIONAL MARKETS AND DAIRY TRADE

DAIRY JURISPRUDENCE

LAW REVIEWS ARTICLES AND ACADEMIC PUBLICATIONS

INDUSTRY RESOURCES AND DATA

Under the heading “*Dairy Production and Products Regulation:*” **Interstate Milk Shippers (IMS) and Pasteurized Milk Ordinance (PMO)** resources.



Interstate Milk Shippers and Pasteurized Milk Ordinance

The United States Public Health Service (USPHS) and the FDA regulate milk processing for shipment across state lines. The FDA publishes an Interstate Milk Shippers List quarterly that includes milk shippers who have complied with State Milk sanitation authorities.

State milk sanitation agencies, through the National Conference of Interstate Milk Shipments, promulgated the list rules.

Accordingly, in order to ship milk across state lines milk shippers must, amongst other things:

- Receive certification from Milk Sanitation Rating Officers (SROs)
- Comply with USPHS/FDA ***Grade A Pasteurized Milk Ordinance*** and ***Grade A Condensed and Dry Milk Products and Condensed and Dry Whey***
- Use procedures set forth in *Methods of Making Sanitation Rating of Milk Supplies*



Resources

The following sources offer more information on interstate milk shipping and compliance with the Pasteurized Milk Ordinance.

- [Grade “A” Pasteurized Milk Ordinance \(PMO\) \(Rev. 2019\)](#)
- [FDA Interstate Milk Shippers List](#)
- [National Conference on Interstate Milk Shipments](#)
- [National Conference on Interstate Milk Shipments \(NCIMS\) Model Documents](#)



Interstate Milk Shippers List



- **Quarterly list of those whose milk/dairy products are permitted to be sold interstate.**
- It means they are in compliance with the PMO and (and the other regulatory documents) based upon State Ratings Officer (SRO) inspections.
- Being “de-listing” is the functional equivalent of a “death sentence” for business.
- The ratings inspections cover plants, all activities of milk handling and hauling, and each individual farm.
- Pennsylvania is organized by state Milk Seller’s Permits under the PA’s Milk Sanitation Law.
- Other states may have different equivalents of a Milk Seller’s Permit by a different name.
- If a state is not substantially compliant with the PMO in its state regulatory scheme for farms, haulers, handlers and plants/manufacturing, then its producers/processors could be threatened with de-listing.

PENNSYLVANIA (STATECODE 42)

NAME/CITY	PLANT/BTU #	PRODUCT CODES	RAW MILK	RS/TR STATN	PLANT	ENFORCE RATING	RATING AGENCY	EXP RATING DATE	HACCP LIST
ROTHENBUHLER CHEESEMAKERS RCPA(BTU) MIDDLEFIELD, OH	916	1	98	-	-	99	SDA	07/13/2024	
RUTTER BROS DAIRY INC YORK	040	1, 2, 4, 18	90	-	-	98	SDA	05/17/2023	
RUTTER BROS DY INC(BTU) YORK	684	1	95	-	-	96	SDA	05/23/2023	
SAPUTO(BTU)-WESTFIELD LITTLE VALLEY, NY	869	1	91	-	-	97	SDA	07/25/2024	
SCHNEIDER'S DY INC - PITTSBURGH PITTSBURGH	205	1, 2, 3, 4, 8, 10, 18	90	-	-	90	SDA	08/29/2024	
SCHNEIDER'S DY INC(BTU#01) PITTSBURGH	619	1	92	-	-	91	SDA	03/06/2024	
SCHNEIDER'S DY INC(BTU#02) PITTSBURGH	620	1	95	-	-	93	SDA	09/20/2024	
SCHREIBER FOODS INC SHIPPENSBURG	600	1, 3, 9	90	-	-	91	SDA	08/15/2024	
SEPTEMBER FMS LLC FM #2 HONEY BROOK	884	1, 9	90	-	-	100	SDA	12/02/2023	
SEVEN STARS FM INC PHOENIXVILLE	605	1, 2, 4, 9	90	-	-	93	SDA	08/08/2024	
SEVEN STARS FM INC(BTU) PHOENIXVILLE	746	1	92	-	-	95	SDA	06/22/2023	
SORRENTO LACTALIS(BTU) BUFFALO, NY	874	1	90	-	-	97	SDA	07/26/2024	
SOUTH MOUNTAIN CREAMERY CHAMBERSBURG	794	1, 2, 4, 8, 18	90	-	-	94	SDA	08/09/2024	
SUNSHINE DY(BTU) BETHEL	898	1	94	-	-	94	SDA	10/11/2024	
TC DAUBERT LLC YAEGERTOWN	880	1	90	-	-	91	SDA	08/02/2024	
THE HERSHEY COMPANY HERSHEY	710	1	90	-	-	98	SDA	04/04/2023	
TITUSVILLE DY PRODUCTS CO TITUSVILLE	151	1, 7, 9, 10	90	-	-	100	SDA	10/11/2024	
TOM BOWMAN TRUCKING INC (TS) ORANGEVILLE	881	1	90	-	-	96	SDA	09/13/2024	
TURKEY HILL DY LLC CONESTOGA	92	1, 2, 3, 4, 18	90	-	-	97	SDA	05/03/2023	
TURNER DY FMS INC PENN HILLS	248	1, 2, 4, 8, 18, 19, 21	90	-	-	91	SDA	10/23/2024	
TURNER DY FMS INC(BTU) PENN HILLS	689	1	96	-	-	99	SDA	05/18/2023	
UNITED AG SERVICES(BTU) SENECA FALLS, NY	892	1	92	-	-	94	SDA	03/14/2024	

Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers
Product Codes

- | | |
|---|---|
| 1. Raw Milk for Pasteurization (May include Low Fat, Skim or Cream) | 25. Cholesterol Modified Fluid Milk Products |
| 2. Pasteurized Milk, Reduced Fat, Low Fat and Skim | 26. Cream (Condensed or Dry) |
| 3. Heat-Treated (May Include Reduced Fat, Skim, Low fat or Cream) | 27. Blended Dry Products |
| 4. Pasteurized Half and Half, Coffee Cream, Creams | 28. Whey Cream |
| 5. Ultra-Pasteurized Milk and Milk Products | 29. Whey Cream and Cream Blends |
| 6. Aseptic Milk and Milk Products (Including Flavored) | 30. Grade 'A' Lactose |
| 7. Cottage Cheese (Including Low Fat, Nonfat or Dry Curd) | 31. Raw Goat Milk for Pasteurization |
| 8. Cultured or Acidified Milk and Milk Products | 32. Pasteurized Goat Milk and Milk Products |
| 9. Yogurt (Including Low Fat or Skim) | 33. Cultured Goat Milk and Milk Products |
| 10. Sour Cream Products (Acidified or Cultured) | 34. Condensed or Dry Goat Milk and Milk Products |
| 11. Whey (Liquid) | 35. Ultra-Pasteurized Goat Milk and Milk Products |
| 12. Whey (Condensed) | 36. Aseptic Goat Milk and Goat Milk Products |
| 13. Whey (Dry) | 37. Raw Sheep Milk for Pasteurization |
| 14. Modified Whey Products (Condensed or Dry) | 38. Pasteurized Sheep Milk and Milk Products |
| 15. Condensed Milk and Milk Products | 39. Cultured Sheep Milk and Milk Products |
| 16. Nonfat Dry Milk | 40. Concentrated Raw Milk Products for Pasteurization |
| 17. Buttermilk (Condensed or Dry) | 41. Concentrated Pasteurized Milk Products |
| 18. Eggnog | 42. Ultrafiltered Permeate from Milk |
| 19. Lactose Reduced Milk and Milk Products | 43. Ultrafiltered Permeate from Whey |
| 20. Low-Sodium Milk and Milk Products | 44. Raw Water Buffalo Milk for Pasteurization |
| 21. Milk and Milk Products with Added Safe and Suitable Microbial Organisms (Such as Lactobacillus acidophilus) | 45. Pasteurized Water Buffalo Milk and Milk Products |
| 22. Dry Milk and Milk Products | 46. Cultured Water Buffalo Milk and Milk Products |
| 23. Anhydrous Milk Fat | 47. Raw Camel Milk for Pasteurization |
| 24. Cholesterol Modified Anhydrous Milk Fat | 48. Pasteurized Camel Milk and Milk Products |
| | 49. Cultured Camel Milk and Milk Products |

FIPS Numerical Code for States

<u>State</u>	<u>FIPS Code Number</u>	<u>State</u>	<u>FIPS Code Number</u>	<u>State</u>	<u>FIPS Code Number</u>
Alabama	01	Kentucky	21	North Dakota	38
Alaska	02	Louisiana	22	Ohio	39
Arizona	04	Maine	23	Oklahoma	40
Arkansas	05	Maryland	24	Oregon	41
California	06	Massachusetts	25	Pennsylvania	42
Colorado	08	Michigan	26	Puerto Rico	43
Connecticut	09	Minnesota	27	Rhode Island	44
Delaware	10	Mississippi	28	South Carolina	45
District of Columbia	11	Missouri	29	South Dakota	46
Florida	12	Montana	30	Tennessee	47
Georgia	13	Nebraska	31	Texas	48
Hawaii	15	Nevada	32	Utah	49
Idaho	16	New Hampshire	33	Vermont	50
Illinois	17	New Jersey	34	Virginia	51
Indiana	18	New Mexico	35	Washington	53
Iowa	19	New York	36	West Virginia	54
Kansas	20	North Carolina	37	Wisconsin	55
				Wyoming	56



Rules For Inclusion In The IMS List

Interstate milk shippers who have been certified by State Milk sanitation authorities as having attained the milk sanitation compliance ratings are indicated in the following list. These ratings are based on compliance with the requirements of the USPHS/FDA **Grade A Pasteurized Milk Ordinance and Grade A Condensed and Dry Milk Products and Condensed and Dry Whey** and were made in accordance with the procedures set forth in **Methods of Making Sanitation Rating of Milk Supplies**.

THIS LIST SUPERSEDES ALL LISTS WHICH HAVE BEEN ISSUED HERETOFORE ALL PRECEDING LISTS AND SUPPLEMENTS THERETO ARE VOID. The rules for inclusion in the list were formulated by the official representatives of those State milk sanitation agencies who have participated in the meetings of the National Conference of Interstate Milk Shipments.

These rules are as follows:

1. The interstate milk shipper's milk supply must be under the routine supervision of an official agency-State or local. Supervision shall be based on the procedures and standards of the USPHS/FDA **Grade A Pasteurized Milk Ordinance, Grade A Condensed and Dry Milk Products and Condensed and Dry Whey** and **Methods of Making Sanitation Ratings of Milk Supplies**.
2. Ratings of interstate milk shipper's supplies must be made by State Milk Sanitation Rating Officers who have been certified by a USPHS/FDA representative. Ratings to be listed shall include the sanitation compliance ratings of the producing farms, receiving stations, transfer stations, and pasteurization plants and the enforcement rating of the supervising agency.
3. Ratings must be made on individual shipper's supplies, unless the supply is part of an area milkshed which has been awarded a rating of 90% or more on the basis of an official rating. Individual ratings and area milkshed ratings shall be made at a frequency of not less than once every 24 months, but not more often than 15 days. All ratings shall be reported and listed to the nearest whole number.
4. The interstate milk shipper's supply must be under a program of routine laboratory control which has been checked by the State laboratory approval agency as complying substantially with **Standard Methods for the Examination of Dairy Products**, published by the American Public Health Association, and with provisions of the **Grade A Pasteurized Milk Ordinance**, officially designated laboratories periodically checked by the State may perform this routine laboratory control.
5. USPHS/FDA shall periodically make check ratings of the sanitation compliance status of listed shippers, and shall certify the rating, and laboratory procedures of the reporting State.

THANK YOU!



VENERATE THE PLOUGH



Brook Duer

Staff Attorney

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- 18 years in private practice in Lancaster County
- 12 years at the Pennsylvania Department of Agriculture (8 years as Chief Counsel)
- Penn State Ag Law Center since 2019.



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The Center for Agricultural and Shale Law conducts research and educational programs to serve a wide variety of stakeholders including agricultural producers, landowners, mineral interest and royalty owners, business professionals, judges, attorneys, legislators, government officials, community groups, and the general public. Center programs are funded in part by the Commonwealth of Pennsylvania through the Pennsylvania Department of Agriculture. The Center for Agricultural and Shale Law is a partner of the National Agricultural Law Center (NALC) at the University of Arkansas System Division of Agriculture, which serves as the nation’s leading source of agricultural and food law research and information.

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