

QUARTERLY DAIRY LEGAL WEBINAR

3rd Quarter 2024
October 29, 2024

Focus Topic:
An Overview of State Raw Milk Laws



PennState Law

Center for Agricultural
and Shale Law



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.



Quarterly Dairy Legal Webinar Series

#17 in the series – covering the 3rd quarter of 2024

- July 2024: U.S. State Milk Pricing & Supports, part 2
- April 2024: U.S. State Milk Pricing & Supports, part 1
- February 2024: Pennsylvania Milk Marketing Law (Beyond the OOP)
- October 2023: Risk Management/Income & Revenue Protection
- July 2023: Federal Milk Marketing Order Administrative Process
- April 2023: International Dairy Trade
- January 2023: Interstate Regulation of Milk Production and Processing
- October 2022: 2023 Farm Bill and the Potential Implications for the Dairy Industry
- July 2022: Labeling Standards
- April 2022: Animal Welfare
- February 2022: Dairy Industry Carbon Reduction Programs
- December 2021: USDA's Pandemic Assistance Programs
- July 2021: Geographical Indications
- April 2021: Federal Milk Marketing Order Reform
- January 2021: International Trade with Becky Rasdall
- October 2020: Federal Milk Marketing Order 51



Find upcoming topics at <https://aglaw.psu.edu/quarterly-dairy-legal-webinar/>



Past Quarterly Dairy Legal Webinars and Materials

April 18, 2023 (1st Quarter of 2023) 12 noon ET. In addition to a round-up of quarterly legal developments, the focus topic will be the **International Dairy Trade: Canada-U.S. USMCA Arbitration Round 2**. Almost immediately upon entering the USMCA trade pact with Canada and Mexico in 2020, the U.S. trade relationship with Canada hit a rough patch over potential dairy exports to Canada, specifically the eligibility criteria for Canadian importers' potential use of a quota of favorable dairy tariff rates on U.S. dairy products. The U.S. took Canada to arbitration in 2021 and won. Nevertheless, Canada held steadfast to its dairy tariff rate quota system and made minimal changes. As a result, we are now headed to a second round of USMCA arbitration between the U.S. and Canada over the same, and some newly added, tariff rate eligibility issues. All will be explained as we examine the details of this dispute between international neighbors.

- [PowerPoint – April 2023 Quarterly Dairy Legal Webinar](#)
- [January-March 2023 Quarterly Dairy Legal Update](#)
- [Recording: April 2023 Quarterly Dairy Legal Webinar – Industry Round Up](#)
- [Recording: April 2023 Quarterly Dairy Legal Webinar – International Dairy Trade](#)

January 17, 2023 (4th Quarter of 2022) 12 noon ET. In addition to a round-up of quarterly legal developments, the focus topic will be the *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.

- [2022 Annual Dairy Legal Update](#)
- [October-December 2022 Quarterly Dairy Legal Update](#)
- [PowerPoint – January 2023 Quarterly Dairy Legal Webinar](#)
- [Recording: January 2023 Quarterly Dairy Legal Webinar](#)

Shale Law Weekly Review

A WEEKLY UPDATE ON IMPORTANT
SHALE LAW DEVELOPMENTS



AG LAW PODCAST



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<https://aglaw.psu.edu/quarterly-dairy-legal-webinar/>



More upcoming programs from the Ag Law Center.

Understanding Agricultural Law Educational Series:

Nov. 22, 2024—*Understanding the Basics of* **Animal Disease Control/Quarantines**

Dec. 13, 2024—*Understanding the Basics of* **Children, Minors & Farm Work**



HOUSEKEEPING

- **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: aet17@psu.edu

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Round Up 3rd Quarter 2024



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Industry Round-up – 3rd Quarter 2024

- **U.S. Department of Agriculture (USDA) Actions**

- USDA Announced Fund Availability to Support Dairy Initiatives
- USDA Allowed ELAP Payments for Milk Losses from Avian Influenza
- USDA Published a Proposed Rule to Amend FMMO Pricing
- USDA Accepting Submissions for Livestock HPAI Vaccine Field Studies
- USDA Announced \$58 Million for 2024 Organic Dairy Marketing Assistance Program

- **U.S. Food and Drug Administration (FDA) Actions**

- FDA Published a Proposed Rule to Exempt Grade "A" Cottage Cheese from Food Traceability Rule

- **Regional Dairy Actions & Issues**

- PDA Issued New Quarantine Order for Dairy Cattle Exhibition
- Colorado Announced Statewide Mandatory Milk Testing
- PDA Published a Proposed Rule Allowing Raw Milk Butter Permit

- **International Dairy Issues**

- Chile Approved Agreement on U.S. Meat and Cheese Imports, Terminology
- Colombia Imposed 4.86% Tariff on U.S. Milk Powder Imports



USDA Announced Fund Availability to Support Dairy Initiatives

- The USDA granted **\$12 million in funding for the Dairy Business Innovation (DBI) Initiatives.**
- The fund will be awarded “noncompetitively” to DBI programs at **California State University Fresno, the University of Tennessee, the Vermont Agency of Agriculture, Food & Markets, and the University of Wisconsin.**
- “Dairy Business Innovation Initiatives provide **valuable technical assistance** and subgrants to dairy farmers and businesses across their regions, supporting them with business plan development, marketing, and branding, as well as, increasing access to innovative production and processing techniques to support the development of value-added products. Since its inception in 2019, the initiatives have invested **over \$64 million and awarded over 600 subrecipients in 40 states** to provide valuable support to dairy businesses in the development, production, marketing, and distribution of dairy products.”

USDA Press Release; [USDA Announces \\$12 Million in Grant Funding Available to Support Dairy Initiatives](#) (June 25, 2024)



USDA Allowed ELAP Payments for Milk Losses from HPAI

- USDA Commodity Credit Corporation (CCC) [updated](#) the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP) to assist dairy producers impacted by HPAI.
 - Targeted support to cover milk production losses for affected herds.
- **Calculation Method for Milk Production Loss**
 - **Daily production average:** monthly national milk production per cow is divided by 28 days
 - **Assumed loss periods:**
 - For cows removed from the herd due to HPAI, the USDA assumes no milk production for 21 days
 - After those 21 days, they assume 7 additional days where production is only at 50% of the normal rate.
 - **Total loss calculation:** the estimated milk lost per cow over this combined period is then multiplied by the national all-milk price. This calculation results in the final per-cow payment rate for affected producers.
- Producers must submit their ELAP payment application by **January 30 of the following year.**



USDA Published Proposed Rule to Amend FMMO Pricing

- [Proposed Rule; Milk in the Northeast and Other Marketing Areas; Proposed Amendments to Marketing Agreements and Orders; 89 FR 57580 \(July 15, 2024\)](#)
 - Proposed changes:
 - **Milk composition percentages:** increase standard levels to 3.3% protein, 6% other solids, and 9.3% nonfat solids
 - **Cheese pricing:** switch from averaging cheddar cheese prices in 40-lb blocks and 500-lb barrels to using only 40-lb blocks
 - **Make allowances:** update allowances for processing costs and adjust butterfat recovery rate to 91%
 - **Class I pricing:** revert to using the "higher of" Class III or Class IV prices for setting the base price for Class I skim milk; introduce a new adjustment for Extended Shelf Life (ESL) milk products
 - **Location-based adjustments:** maintain base adjustment at \$1.60 but update regional values to better reflect current dairy industry conditions



USDA Accepting Submissions for Livestock HPAI Vaccine Field Studies

- [Updated guidance on HPAI Vaccine Field Studies \(Notice No. 24-13\)](#)
 - **Relaxed containment requirements**
 - **Nonviable, non-replicating HPAI vaccine field studies can now be conducted outside of containment facilities**
 - **No longer requires terminal disposal of milk or other commodities**
 - **Recordkeeping and movement restrictions**
 - Must maintain records of each vaccinated animal for 2 years
 - VS Form 1-27 required for cattle slaughter within two years of vaccination
 - Vaccine shipments, use, and disposal must be tracked
 - **Containment for live virus studies**
 - Studies using live virus require animal containment and terminal disposal



USDA Announced \$58 Million for 2024 ODMAP

- [Notice of Funds Availability \(NOFA\); Organic Dairy Marketing Assistance Program 2024 \(ODMAP 2024\), 89 FR 79505](#) (September 30, 2024)
 - **\$58 million** in funding available to help organic dairy farmers cover their marketing costs for organic milk sold in 2023 or estimated for 2024.
 - « ODMAP 2024 provides **one-time payment for a cost share of projected marketing costs** for eligible organic dairies for 2024, **not to exceed 9 million pounds of organic milk marketed per operation**. FSA has increased the production level eligible for cost share assistance to 9 million pounds from the 5 million used in the 2023 version of ODMAP ... »
 - « To be eligible for ODMAP, the organic dairy operation must produce and market organic milk from cows, goats, or sheep at the time of application, provide their USDA Certification of organic status for 2024, and have documentation to support any certified projection of 2024 pounds of organic milk marketed. »
 - « The ODMAP 2024 initial payment will be calculated by using the producer-certified pounds of organic milk projected to be marketed in 2024, **multiplied by the \$1.68 per cwt ODMAP 2024 payment rate**, multiplied by a factor of 75 percent. »



FDA Published Proposed Rule to Exempt Grade “A” Cottage Cheese from Food Traceability Rule

- [Proposed Rule; Requirements for Additional Traceability Records for Certain Foods; Proposed Exemption for Cottage Cheese Regulated by the National Conference on Interstate Milk Shipments Grade “A” Pasteurized Milk Ordinance, 89 FR 51281](#) (June 17, 2024)
 - [Requirements for Additional Traceability Records for Certain Foods, 87 FR 70910](#) (November 21, 2022)
 - Grade A cottage cheese is currently included in the rule due to potential post-pasteurization contamination risks.
 - Grade A cottage cheese production follows strict sanitary standards outlined in the Grade A Pasteurized Milk Ordinance (PMO).
 - “FDA considers these standards, requirements, and procedures to be adequate for the protection of health and safety of the consumer.”
 - FDA proposed to **exempt IMS listed Grade A cottage cheese regulated under the PMO** from these additional traceability record requirements.



PDA Issued New Quarantine Order for Dairy Cattle Exhibition

- [Notice; General Quarantine Order; Influenza A Viruses in Ruminants; Exhibition of Dairy Cattle, 54 Pa.B. 3413](#)
(June 15, 2024)
 - **Exhibition restrictions for dairy cattle**
 - Dairy cattle with HPAI symptoms cannot enter exhibitions
 - Farms with confirmed HPAI cases (dairy cattle or poultry) are banned from sending cattle to exhibitions until cleared by State Animal Health Official
 - Farms within a 3-kilometer radius of confirmed HPAI case are similarly restricted.
 - **Testing requirements**
 - Cattle must be kept in a closed group for at least 30 days before testing—no new cattle additions allowed.
 - Testing is required for dairy cattle over 18 months; cattle under 18 months are exempt.
 - Tests must be conducted within 7 days before exhibition.
 - Only USDA-approved veterinarians can conduct tests.



Colorado Announced Statewide Mandatory Milk Testing

- [Order of the Commissioner of Agriculture – Statewide Mandatory Bulk-Tank HPAI Testing](#) (July 22, 2024)
 - “Purpose of Order: Survey for, identify, and isolate instances of Highly Pathogenic Avian Influenza (HPAI) in dairy herds to prevent further spread of the virus amongst dairy and poultry farms.”
 - **Mandatory weekly testing:**
 - All licensed dairy farms must submit weekly bulk tank samples.
 - Farms testing positive will be immediately quarantined



PDA Published Proposed Rule Allowing for Raw Milk Butter Permit

- [Proposed Rulemaking; Milk Sanitation, 54 Pa.B. 3318](#) (June 15, 2024)
 - Expanded raw milk products
 - **Would allow raw milk producers to make raw milk butter with permit.**
 - Preapproval removal for most dairy product labels to speed up marketing
 - Raw milk labels still require preapproval for safety.



Chile Approved Agreement on U.S. Meat and Cheese Imports

- The United States and Chile [reached](#) an agreement enabling U.S. cheese producers to sell in Chile using common names such as: **american, blue, blue vein, brie, burrata, camembert, cheddar, chevre, colby, cottage cheese, coulommiers, cream cheese, danbo, edam, emmental, emmentaler, gouda, limburg, mascarpone, monterey/monterey jack, mozzarella, pecorino, pepper jack, provolone, ricotta, saint-paulin, samso, tilsiter, and tomme.**
- “The agreement ensures that current and future U.S. exporters of certain cheeses and meats will continue to be able to use those terms in Chile going forward. This is part of the Biden-Harris Administration’s efforts to prevent market access for U.S. producers from being undermined through measures that disallow for the use of terms that describe types of cheese and meat products.” [USTR Press Release](#) (September 4, 2024)



Colombia Imposed 4.86% Tariff on U.S. Milk Powder Imports

- The Colombian Ministry of Trade, Industry and Tourism (MINCIT) initiated investigation into U.S. milk powder imports, expressing concerns over U.S. government subsidies impacting local dairy prices
 - [Resolution 192 of 2024](#) (July 4, 2024)
- “... the opening of the investigation was supported by evidence that provided sufficient indications to establish (i) the existence of subsidies for the production of liquid milk in the United States, (ii) the existence of damage to the domestic raw milk production sector resulting from a significant increase in subsidized imports and a relevant undervaluation of domestic raw milk prices, and (iii) a causal link between these two elements.”
- Programs being investigated: (1) Dairy Margin Coverage Program (DMC), (2) Organic Dairy Marketing Assistance Program (ODMAP), (3) Dairy Business Innovation Alliance, (4) Existing Dairy Processor Expansion Grant, and (5) Farm Loan Program.
- On September 16, 2024, the MINCIT imposed a temporary 4.86% duty on U.S. milk powder imports while the full investigation continues, effective immediately for four months; however, shipments in transit or at customs before the announcement are not affected.
 - [Resolution 271 of 2024](#) (September 17, 2024)

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*An Overview of State Raw Milk
Regulations*



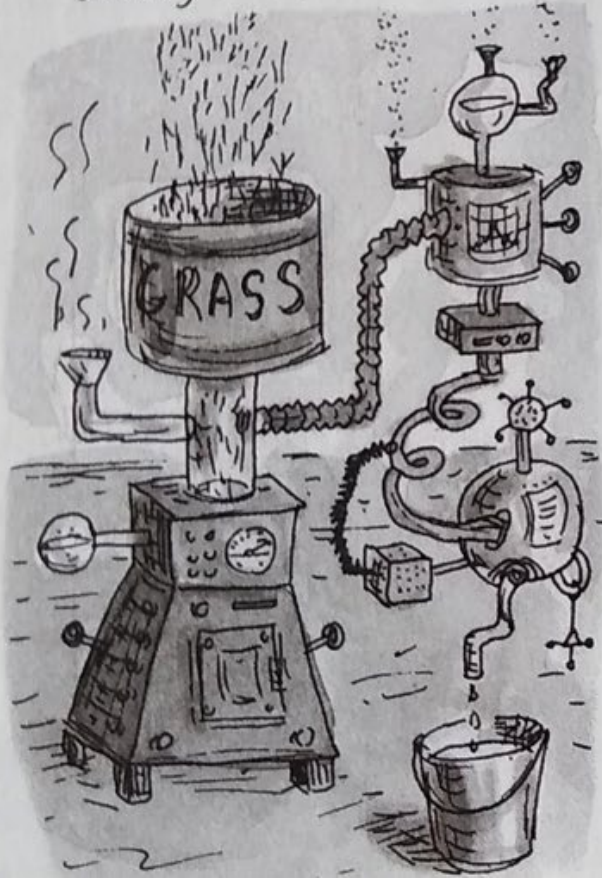
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New Milks

GRASS MILK

We take fresh-mown grass and process it, just like Daisy's stomachs.



ORANGE MILK

Don't call it "juice."
Because it's NOT.



WAY BEYOND MILK

It's white and it's liquid. Stop asking questions.





Raw Milk = not pasteurized (of course)

The term “raw milk” really has two common uses:

- “Milk for pasteurization” that has not yet been pasteurized in the supply chain.
- Milk intended for human consumption without being pasteurized.





Why pasteurize? - <https://www.cdc.gov/food-safety/foods/raw-milk.html>

The “big 4” common pathogens:

- [*Campylobacter*](#)
- [*E. coli*](#)
- [*Listeria*](#)
- [*Salmonella*](#)

CDC-identified high-risk groups for serious illness from the big 4: children under 5, adults over 65, pregnant people, and people with weakened immune systems

“Symptoms of foodborne illness from raw milk can include diarrhea, stomach cramping, and vomiting. In some cases, more severe outcomes like [Guillain-Barré syndrome](#) or [hemolytic uremic syndrome](#) can occur, potentially leading to paralysis, kidney failure, stroke, or even death.”

Choosing pasteurized milk is the best way to keep you and your family safe.



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

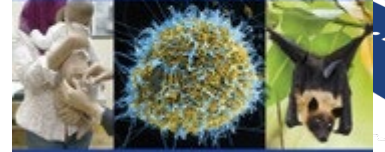
For more information,
please visit [cdc.gov/rawmilk](https://www.cdc.gov/rawmilk)



FDA on raw milk - <https://www.fda.gov/food/resources-you-food/raw-milk>

• Raw Milk Misconceptions and the Danger of Raw Milk Consumption

- Raw milk does not cure lactose intolerance.
- Raw milk does not cure or treat asthma and allergy.
- Raw milk is not more effective in preventing osteoporosis than pasteurized milk.
- There are no beneficial bacteria in raw milk for gastrointestinal health.
- Raw milk is not an immune system building food and is particularly unsafe for children.
- There are no immunoglobulins in raw milk that enhance the human immune system.
- There are no additional protease and lipases in raw milk that facilitate milk digestion.
- Raw milk is not nutritionally superior to pasteurized milk.
- Raw milk does not contain natural antimicrobial components that make milk safe.
- Raw milk does not contain nisin for pathogen inhibition.
- Folate binding protein (FBP) is not denatured during pasteurization and folate utilization is not reduced in pasteurized milk.
- Pasteurized milk is safer than raw milk.
- Raw milk causes a greater rate of foodborne outbreaks than pasteurized milk.
- Raw milk produced under HACCP does not make it safe to drink.



Scholarly Journal Article – pub. 10.25.22

- [Foodborne illness outbreaks linked to unpasteurised milk and relationship to changes in state laws – United States, 1998–2018 | Epidemiology & Infection](#)
- “We analysed Foodborne Disease Outbreak Surveillance System data to characterise unpasteurised milk outbreaks . . . we compared the number of outbreaks and outbreak-associated illnesses between jurisdictions grouped by legal status of unpasteurised milk sale based on a May 2019 survey of state laws.”



“New” heightened risk factor

- The detection of a mutated strain of HPAI in lactating cows.
- This strain’s method of transmission appears to be via milk.
- Pasteurization is the “kill step”/preventative measure being relied upon to assure the public that the milk supply is safe.
- Very limited detection in dairy workers to date, but . . .
- Latest FDA warning:

Raw milk and A(H5N1) virus

CDC recommends against consuming raw milk contaminated with live [A\(H5N1\) virus](#) as a way to develop antibodies against [A\(H5N1\) virus](#) to protect against future disease.


Consuming raw milk could make you sick.



The FDA's Interstate Commerce Prohibition

- Raw milk intended for human consumption is **adulterated** under federal law (and state laws) if it contains pathogens (requires lab testing to establish presence of pathogens).
- Raw milk transported in interstate commerce is always **misbranded** under federal law because it does not conform to the FDA's "standard of identity" for milk.
- **21 USC §331**: "The following acts and the causing thereof are prohibited: . . .
 - (a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, tobacco product, or cosmetic that is adulterated or misbranded.
- **21 CFR §131.110**: [*Milk Standard of Identity*]

§ 131.110 Milk.

-  (a) **Description.** Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultrapasteurized, and shall contain not less than 8¹/₄ percent milk solids not fat and not less than 3¹/₄ percent milkfat. Milk may have been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Milk may be homogenized.

NIH article/resource:
[Raw Milk in Court: Implications for Public Health Policy and Practice](#) (2012)

§ 1240.61 Mandatory pasteurization for all milk and milk products in final package form intended for direct human consumption.

21 CFR § 1240.61

(added in 1987)

- (a) No person shall cause to be delivered into interstate commerce or shall sell, otherwise distribute, or hold for sale or other distribution after shipment in interstate commerce any milk or milk product in final package form for direct human consumption unless the product has been pasteurized or is made from dairy ingredients (milk or milk products) that have all been pasteurized, except where alternative procedures to pasteurization are provided for by regulation, such as in [part 133 of this chapter](#) for curing of certain cheese varieties.
- (b) Except as provided in [paragraphs \(c\) and \(d\)](#) of this section, the terms “pasteurization,” “pasteurized,” and similar terms shall mean the process of heating every particle of milk and milk product in properly designed and operated equipment to one of the temperatures given in the following table and held continuously at or above that temperature for at least the corresponding specified time:

Temperature	Time
145 °F (63 °C) ¹	30 minutes.
161 °F (72 °C) ¹	15 seconds.
191 °F (89 °C)	1 second.

¹ If the fat content of the milk product is 10 percent or more, or if it contains added sweeteners, the specified temperature shall be increased by 5 °F (3 °C).

Temperature	Time
194 °F (90 °C)	0.5 second.
201 °F (94 °C)	0.1 second.
204 °F (96 °C)	0.05 second.
212 °F (100 °C)	0.01 second.



Enforcement - “*The Raw Milk Wars*”

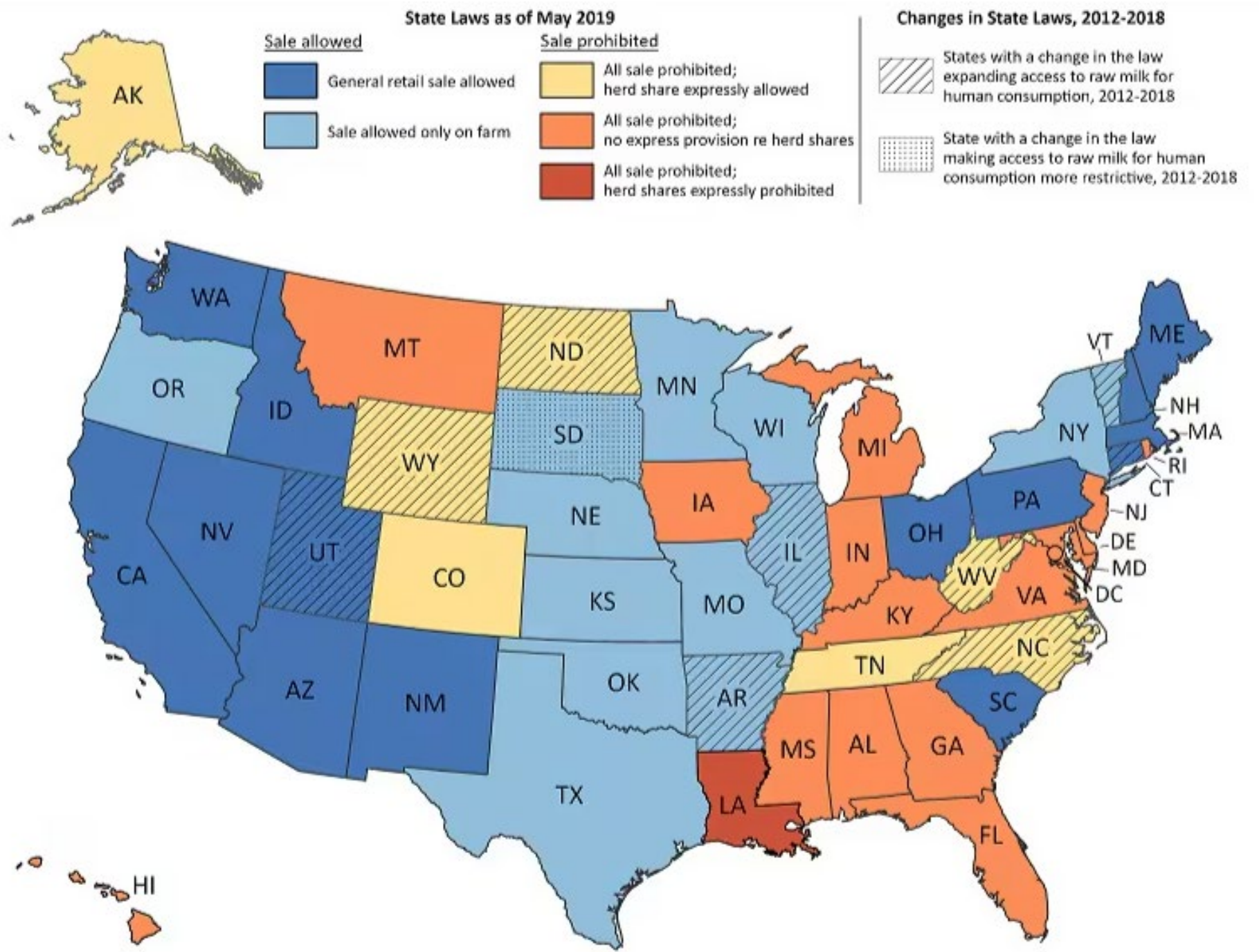
- [Regulatory Actions by FDA Relating to Raw Milk and Raw Milk Products](#) - One perspective is that FDA has not vigorously attempted to enforce the prohibition of interstate raw milk transport, distribution & sales.
- (*Sidebar: Amos Miller* case was initiated by USDA re: meat processing/sales. Now, PA through OAG is pursuing Miller’s unpermitted milk sales under PA state law due to a connected food-borne illness investigation. See [NALC write-up on Amos Miller](#))
- The great forgotten federal enforcement action – **U.S. v. Daniel Allgyer** – Permanent injunction entered.
- **Farm to Consumer Legal Defense Fund, et al. v. Sebelius**, No. C 10-4018-MWB (N.D. Iowa, March 30, 2012)– constitutional challenge by variously situated plaintiffs was never decided on the merits due to plaintiffs’ lack of standing because none were the subject of any FDA enforcement.



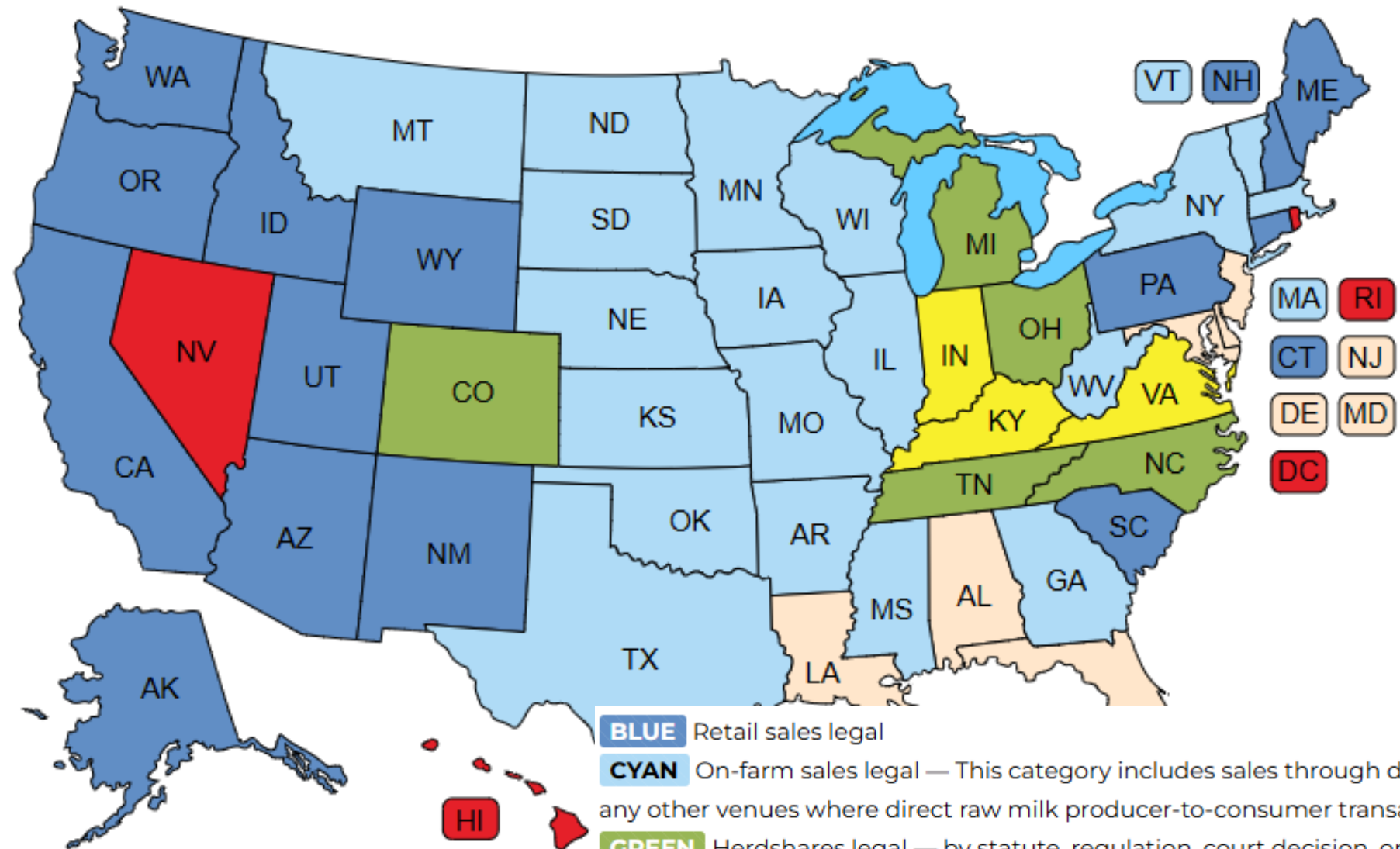
Getting around the FDA Prohibition

- Legal: State law allowance for intrastate raw milk sales.
 - Permits, periodic lab testing, bottling requirements, labeling
 - Single producer bulk tank; no co-mingled milk
 - Direct to consumer, on-farm sales only (no “retail”)
 - # of cow limit or a volume limit
 - “Denatured” if not intended for human consumption – i.e. dye
- Attempts to avoid state and/or federal law.
 - Labeled as “pet food”
 - Private Sale/Private Club
 - Herdshare / Cowshare Agreements
 - Include releases, waivers, etc.

[CDC: Map of State Laws on the Sale of Unpasteurized Cow's Milk, 2012–2019](#)



As of ~2019



BLUE Retail sales legal

CYAN On-farm sales legal — This category includes sales through delivery, at farmers markets, and at any other venues where direct raw milk producer-to-consumer transactions are allowed.

GREEN Herdshares legal — by statute, regulation, court decision, or written policy.

YELLOW No law on herdshares — The state is aware herdshare operations exist but has taken no action to stop them.

PEACH/MELON Sales of raw pet milk legal—farmers in the state are selling raw pet dairy products.

RED Sale or distribution of raw milk for human consumption is illegal. If sales of raw pet milk are legal, but there are no farmers in the state selling raw pet milk.

[RealMilk.com website](http://RealMilk.com)

RealMilk.com's "[Summary of Raw Milk Statutes and Administrative Codes](#)"

An Overview of U.S. State Milk Laws

Compiled by Pete Kennedy, Esq.

As of March 1, 2018

Quick Links to States & District of Columbia:

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Last updated on: 2/20/2024 | Author: ProCon.org

State-by-State Raw Milk Laws



A pregnant brown and white dairy cow.
Source: AdstockRF

States may adopt their own laws on **raw milk** sales. Most states have state-wide laws, but a few leave decisions to local governments.

At the federal level, the **U.S. Food and Drug Administration (FDA)** bans the interstate sale or distribution of raw milk. All milk sold across state lines must be **pasteurized** and meet the standards of the US Pasteurized Milk Ordinance.

According to **U.S. Federal Regulation 21 CFR § 1240.61**, "No person shall cause to be

delivered into **interstate commerce** or shall sell, otherwise after shipment in interstate commerce any **milk** or milk consumption unless the product has been pasteurized

Pennsylvania	Pennsylvania Code, Title 7 Agriculture, Chapter 59a. Milk Sanitation, Subchapter F. Raw Milk for Human Consumption	Sales of raw milk are legal with a permit.
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-  [Milk – Home](#)
-  [Take Action](#)
-  [History of Milk Consumption](#)
-  [Historical Timeline](#)
-  [Discussion Questions](#)

- [1 Did You Know?](#)
- [2 How Milk Gets from the Cow to the Store](#)
- [3 State-by-State Raw Milk Laws](#)
- [4 Calcium Content in Select Foods](#)



PA's regulations - 7 Pa. Code §59a.401

- 59a.401. Raw milk; general.
- 59a.402. Raw milk; prohibitions.
- 59a.403. Raw milk permit.
- 59a.404. Requirements for the issuance of a raw milk permit.
- 59a.405. Sanitation.
- 59a.406. Animal health.
- 59a.407. Regular testing of water supply.
- 59a.408. Regular testing of raw milk for human consumption.
- 59a.409. Violations of raw milk testing standards.
- 59a.410. Raw milk packaging.
- 59a.411. Label content review by the Department.
- 59a.412. Inspection, sampling and testing by the Department.
- 59a.413. Enforcement: Suspension or revocation of a raw milk permit.
- 59a.414. Enforcement: Summary criminal prosecution.
- 59a.415. Enforcement: Injunctions.
- 59a.416. Enforcement: Seizure, condemnation, denaturing or destruction of raw milk; exclusion from sale.

Raw Milk Testing Schedule and Standards

Required Action Interval	Type of Action or Test Required	Standard
At all times	Maintain raw milk temperature in accordance with raw milk temperature standards.	Raw milk shall be cooled to 40° F (4° C) or less within 2 hours after milking, provided that the blend temperature after the first and subsequent milking does not exceed 50° F (10° C).
At least twice each month, in conjunction with the tests for coliform count and for the presence of drugs (including growth inhibitors), described in this subsection	Bacterial count	Bacteria may not be present in excess of 20,000 per milliliter. <i>Note:</i> Tested in conjunction with a drug residue/ inhibitory substance test.
At least twice each month, in conjunction with the tests for bacterial count and for the presence of drugs (including growth inhibitors), described in this subsection	Coliform count	Coliform may not exceed 10 per milliliter. <i>Note:</i> Tested in conjunction with a drug residue/ inhibitory substance test.
At least twice each month	Somatic cell count	The somatic cell count may not exceed 750,000/milliliter (1,500,000/ml for goat milk).
At least twice each month, in conjunction with the tests for bacterial count and for coliform count, described in this subsection	Test for presence of drugs (including growth inhibitors)	There may be no positive results for drug residue, using drug residue detection laboratory techniques referenced in the current Grade “A” Pasteurized Milk Ordinance developed by the United States Department of Health and Human Services, Food and Drug Administration.
Once every 6 months	From a sample drawn from the bulk tank, test for presence of the following pathogenic bacteria: <i>Salmonellae</i> , <i>Listeria monocytogenes</i> , <i>Camphylobacter</i> and <i>E. Coli</i> 0157:H7	There may be no pathogenic bacteria present.



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THANK YOU FOR ATTENDING.

QUESTIONS?





Thank you for joining us!

Understanding Agricultural Law Series Upcoming Topics:

Nov. 22, 2024—*Understanding the Basics of* **Animal Disease Control/Quarantines**

Dec. 13, 2024—*Understanding the Basics of* **Children, Minors & Farm Work**

CENTER MISSION AND BACKGROUND

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