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Sequence Number: 03-35-21
 Notice ID(s): 3274-3277
 File Date: 3/31/2021

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Agriculture
Division:	Consumer and Industry Services
Contact Person:	David Waddell
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Liz Sneed
Address:	P.O. Box 40627, Nashville, TN 37204
Phone:	615-837-5116
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture, Porter Building Conference Room 1		
Address 2:	436 Hogan Road		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	Thursday, June 3, 2021		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> _x_ CST/CDT	<input type="checkbox"/> _EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-03-01	Regulations Governing Frozen Desserts
Rule Number	Rule Title
0080-03-01-.01	Grade "A" Pasteurized Milk Ordinance
0080-03-01-.02	Adulterated Milk
0080-03-01-.03	Farm Bulk Milk Tank and Bulk Milk Tank Trucks

0080-03-01-.04	Uniform Code System for the Identification of Dairy and Trade Products
Chapter Number	Chapter Title
0080-03-02	Regulations Governing Fluid Milk and Fluid Milk Products
Rule Number	Rule Title
0080-03-02-.01	Definitions
0080-03-02-.02	Adulterated or Misbranded Milk or Milk Products
0080-03-02-.03	Permits
0080-03-02-.04	Labeling
0080-03-02-.05	Inspection of Dairy Farms and Dairy Products Plants
0080-03-02-.06	The Examination of Milk and Milk Products
0080-03-02-.07	Standards for Milk and Milk Products
0080-03-02-.08	Sanitation Requirements for Grade A Raw Milk for Pasteurization
0080-03-02-.09	Sanitation Requirements for Grade A Pasteurized Milk and Milk Products
0080-03-02-.10	Animal Health
0080-03-02-.11	Milk and Milk Products which may be Sold
0080-03-02-.12	Transferring; Delivery Containers; Cooling
0080-03-02-.13	Milk and Milk Products From Points Beyond the Limits of Routine Inspection
0080-03-02-.14	Future Dairy Farms and Milk Products Plants
0080-03-02-.15	Personnel Health
0080-03-02-.16	Procedure when Infection is Suspected
0080-03-02-.17	Bulk Milk Dispensers
0080-03-02-.18	Enforcement
Chapter Number	Chapter Title
0080-03-03	Regulations Governing Raw Milk for Manufacturing Purposes and Manufacturing Milk Products Plants
Rule Number	Rule Title
0080-03-03-.01	Definitions
0080-03-03-.02	Quality Requirements for Milk for Manufacturing Purposes
0080-03-03-.03	Farm Requirements for Milk Manufacturing
0080-03-03-.04	Requirements for Licensed Dairy Plants
0080-03-03-.05	Administrative Procedures
Chapter Number	Chapter Title
0080-03-04	Regulations Governing Farm Bulk Milk Tank Trucks, Method of Determining Butterfat, and Uniform Code System for Identification of Plants
Rule Number	Rule Title
0080-03-04-.01	Farm Bulk Milk Tank and Bulk Milk Tank Trucks
0080-03-04-.02	Method of Determining the Butter-fat of Milk or Cream When Being Sold on Butterfat Basis
0080-03-04-.03	Uniform Code System for the Identification of Dairy and/or Trade Products Plants

Amendments

Chapter 0080-03-01 Regulations Governing Frozen Desserts is amended by deleting the chapter in its entirety and substituting instead the following language so that, as amended, the chapter shall read:

Chapter 0080-03-01 Dairy

0080-03-01-.01 Grade "A" Pasteurized Milk Ordinance.

The substantive provisions of the Grade "A" Pasteurized Milk Ordinance (PMO), as amended from time to time, published by U.S. Department of Health and Human Services, Public Health Service, Food and Administration are adopted by reference as if fully stated herein and is applicable to all pasteurizing equipment and processes.

Authority: T.C.A. §§ 4-3-203 and 53-3-104.

0080-03-01-.02 Adulterated Milk.

- (1) Any milk to which has been added or into which has been introduced any foreign substance, including but not limited to water, is adulterated milk.
- (2) A laboratory examination of each producer's milk shall be made at least ten (10) times per year to determine the presence of added water. A cryoscope reading of greater than -0.528 C shall indicate the presence of added water.
- (3) Any person or firm offering adulterated milk for sale shall have the adulterated milk rejected, shall be excluded from the market, and shall not be reinstated until subsequent tests show the producers milk meets the requirements.

Authority: T.C.A. §§ 4-3-203 and 53-3-104.

0080-03-01-.03 Farm Bulk Milk Tank and Bulk Milk Tank Trucks.

All farm bulk milk tank and bulk milk tank trucks shall be registered with the department each year prior to June 30 on forms provided by the department.

Authority: T.C.A. §§ 4-3-203 and 53-3-104.

0080-03-01-.04 Uniform Code System for the Identification of Dairy and Trade Products.

Plant numbers, assigned by the department, shall appear on all consumer packages of dairy and trade products in the following form:

- (a) The plant numbers employ five (5) digits of which the first two and the last three are separated by a dash (-). (Example 00-000) The first two digits is the number 47. This is followed by a dash (-). (Example 47-000)
- (b) The third digit preceded by the dash (-) indicates the type of operation for which the number is issued.
 1. Number one (1) indicates a fluid milk or Grade "A" plant operation. (Example 47-100)
 2. Number two (2) indicates a frozen dessert manufacturing plant. (Example 47-200)
 3. Number three (3) indicates a manufacturing plant operation. (Example 47-300)

- (c) The fourth and fifth digits are used to identify the individual plants.
- (d) In the event a product is processed by one company and distributed by another company, the name and address of the distributor or processor shall be on the information panel. The processing company is not required to put their name and address on the carton, if the number assigned them by the department and the name and address of the distributor is on the carton. In the event a processing plant operates more than one plant they may use the address of the general office provided that the plant number of the plant where processed is legible on the carton.

Authority: T.C.A. §§ 4-3-203 and 53-3-104.

Repeal

Chapter 0080-03-02 Regulations Governing Fluid Milk and Fluid Milk Products is repealed.

Authority: T.C.A. §§ 4-3-203 and 53-3-104.

Chapter 0080-03-03 Regulations Governing Raw Milk for Manufacturing Purposes and Manufacturing Milk Products Plants is repealed.

Authority: T.C.A. §§ 4-3-203 and 53-3-104.

Chapter 0080-03-04 Regulations Governing Farm Bulk Milk Tank Trucks, Method of Determining Butterfat, and Uniform Code System for Identification of Plants is repealed.

Authority: T.C.A. §§ 4-3-203 and 53-3-104.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 3/31/2021

Signature: 

Name of Officer: Charlie Hatcher, DVM

Title of Officer: Commissioner

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Filed with the Department of State on: 3/31/2021

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MAR 31 2021

Secretary of State
Division of Publications


Tre Hargett
Secretary of State