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Sequence Number: 04-25-15
 Notice ID(s): 2321
 File Date: 4/27/15

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:	Department of Agriculture
Division:	Consumer & Industry Services
Contact Person:	Jay Miller
Address:	Post Office Box 40627, Nashville, Tennessee 37204
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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:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5116
Email:	liz.sneed@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Ed Jones Auditorium, Ellington Agricultural Center		
Address 2:	416 Hogan Road		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	June 26, 2015		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> _x_ CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

In addition to the opportunity for oral comment on the hearing date noted above, the Department will accept written objections and comment through June 19, 2015, in accordance with T.C.A. §53-3-104(d)(2).

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
0080-03-04	Regulation 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

Chapter 0080-03-04

Regulation Governing: Farm Bulk Milk Tank Trucks, Method of Determining Butterfat and Uniform Code System for Identification of Plants

Amendments

Rule 0080-03-04-.01 Farm Bulk Milk Tank and Bulk Milk Tank Trucks is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

(1) Definition of Terms and Clarification of Responsibility

- (a) Handler: For the purpose of this regulation a cooperative association of milk producers (chartered under state law) or a licensed milk dealer who receives milk from farm milk tanks shall be defined as a handler.
- (b) Hauler: For the purpose of this regulation the operator of a tank truck who receives milk from farm milk tanks for delivery to a handler shall be defined as a hauler.
- (c) Hauler Responsibility: The haulers shall be responsible as a carrier, and shall be responsible for determining the marketable quality of the milk, for accurately measuring and converting to weight the quantity of milk, for recording legibly the hauler's name, license number, milk weight and date of pickup on farm pickup records, for taking samples to determine the butterfat content, grade, and quality of milk received from farm milk tanks, for maintaining sanitary handling equipment, and for frequency of pickup.

(2) License and Qualifications

- (a) Hauler: Every person who operates a milk transport tank truck for delivery of milk from farm milk tanks to a handler shall be a licensed milk tester and/or sampler and weigher.
- (b) Handler: Every handler receiving milk from a transport tank truck shall be a licensed milk dealer.

(3) Sanitation and Standards

(a) Milk House and Installation of Tank

1. Construction shall meet the standards of the most recent edition of the Pasteurized Milk Ordinance, revised by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.
2. Installed milkroom equipment should be readily accessible to the operator. Aisles should be at least 30 inches wide, with added allowance at the outlets of bulk cooling/holding tanks, adjacent to wash and rinse vats and where operational conditions warrant. It is especially important that the space available to bulk cooling/holding tanks and CIP systems be adequate to permit their disassembly, inspection and servicing.
3. Farm tanks shall not be located over floor drains except by permission of the commissioner of agriculture or his agent.
4. The door of the milk house is not to be used for entrance of hose from the tank truck. There shall be provided a small, self-closing port not to exceed 8 inches in diameter for the hose entrance. This opening shall be at least 6 inches above the floor inside milk house or 6 inches above ground level whichever is the higher. This opening is to be conveniently located in the milk house.
5. The agitator switch is to be conveniently located in the milk house. Automatic agitators are to be provided with manual control.

6. The covers of the farm tank are to remain closed except during the sampling, measuring, emptying, washing and sanitizing operations.
7. An apron of concrete construction with a minimum area of 32 square feet so located as to help protect milk-conducting facilities from filth and soil shall be provided. It shall be adjacent to the outside wall of the milk house in which the hose port is located. It is recommended that a firm driveway be provided adjacent to apron.
8. All farm tanks shall be installed high enough above the milk house floor so as to permit easy cleaning of floor underneath, minimum of 6 inches, and to comply with approved standards.
9. A safe electric outlet shall be provided close to the hose port for the purpose of connecting the pump on the tank transport.
10. All farm bulk tanks shall be set on a foundation sufficiently firm to withstand extended freezing and thawing and so anchored that after leveling they will remain level.

(b) Construction of Farm Tanks

1. It is required that the construction of farm milk tanks meets the 3-A National Standard for holding and/or cooling tanks.
2. Tanks shall be equipped with adjustable legs and provided with adequate means so that movable parts can be sealed.
3. The minimum diameter of the outlet opening shall be 1 1/2 inches. Valves are to be sanitary in construction, readily cleanable and are to comply with the 3-A National Standard for fittings. A sanitary cap is to be provided to cover the outlet when not in actual use.
4. Tanks are to be equipped with a motor driven agitator so designed and powered as to provide adequate agitation of the milk without churning or excessive splash. Adequate agitation means that degree of agitation which within 5 minutes restores uniformity to the fat content throughout the capacity volume. The agitator shaft and blades are to be easily and readily demountable for cleaning.
5. Milk in farm tanks must be cooled to and maintained at 45 degrees F. or lower. The cooling process shall be such that the milk will be cooled to 50 degrees F. within one hour and to 45 degrees F. within the second hour. After the first milking and at no time thereafter shall the temperature of the milk exceed 50 degrees F.

(c) Sampling and Testing

1. Examination of the milk shall be made on each producer's milk at the time of pick up. Any milk which appears to be abnormal by sight and/or odor shall be rejected at this location.
2. Farm bulk milk shall be representatively sampled for quality in accordance with the standards of the most recent edition of the Pasteurized Milk Ordinance, revised by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.
3. Temperature of milk in the farm tank shall be recorded at time of pick up.
4. Sampling of milk for an individual sample or for a sample for the making of butterfat tests shall be by the taking of a representative sample of milk after adequate agitation (minimum 5 minutes or longer as may be required by tank manufacturer's specifications) from each farmer's milk tank.
5. All samples for quality and butterfat are to be properly refrigerated at all times. (Above

freezing but below 40 degrees F.)

(d) Cleaning and Sanitizing Farm Milk Tanks

1. The farmer's milk tank shall be thoroughly rinsed with luke-warm or cold water by the tank transport operator as soon as all the milk has been drawn out.
2. As soon as is practical after the farm tank is emptied it is to be brush washed or cleaned by an approved mechanical method (metal sponges and metal buckets not recommended) with warm water and detergent, followed by a thorough acidity rinse and allowed to drain.
3. Agitator shafts, down pipes, measuring rods and similar equipment shall be protected from contamination until used again.
4. All milk contact surfaces shall be sanitized with an approved solution of proper concentration just prior to use.
5. A water hose of sufficient length is to be provided in the milk house for the rinsing of farm tanks. The hose is to be equipped with necessary fittings, and a hanger to be provided in the milk house for storage of said hose.

(e) Transport Tanks

1. All tanks used to transport milk from farm to plant shall be constructed and maintained in accordance with the latest 3-A National Standards.
2. The transport tank shall be covered by the permit required by the appropriate health authority.

(f) Milk Conducting Facilities

Milk may be conducted from the farm bulk tank to the transport tank by approved hose or sanitary pipe. The fittings that attach the hose or pipe to the farm milk tank shall be protected with a sanitary cap to afford protection from contamination when not in use.

(g) Unloading of Milk at Plant

The unloading of milk from the transport tank shall be done in a place and a manner so as to prevent contamination during such operation.

(h) Cleaning and Sanitizing Transport Tanks

1. Transport tanks shall be cleaned and sanitized after each delivery unless the deliveries are to plants within the same market, in which case three loads in a twelve-hour period may be hauled between complete cleanups, provided that no more than a two-hour interval is permitted between loads or pickups without cleaning and sanitizing the pump and hose. The hauler must clean and sanitize the pump and hose. The handler must clean and sanitize the transport tank.
2. A tag designating date, time, place and name of tank clean-up personnel shall be attached to each transport unit at the completion of each tank cleaning and sanitizing operation.
3. Each handler shall provide facilities for adequate washing and bacteriacidal treatment of tanks, piping and accessories.

(i) Frequency of Pickup

1. Bulk tank raw milk for Grade A or manufacturing purposes must be picked up from the farm at least every three (3) days.

2. At the time of collection, the bulk milk hauler shall collect only that raw milk which has been stored continuously in the farm tank from the time of milking until the time of milk collection. The hauler shall collect the entire volume of acceptable milk being stored in the tank at the time of collection. A hauler may collect only part of the entire volume of acceptable milk being stored at the time of collection if:
 - (i) The remainder of milk is picked up and the tank is washed prior to storing any milk not contained in the tank at the time of initial partial collection; or
 - (ii) The tank is:
 - (I) Equipped with a 7-day recording device that complies with the most recent version of Appendix H of the Grade "A" Pasteurized Milk Ordinance, revised by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, and
 - (II) Washed within 72 hours of its last wash that occurred prior to the initial partial collection.

(4) Standards for Measurements in Farm Milk Tanks

The Department adopts by reference, as if fully stated herein, the standards and requirements of the most current version of the National Institute of Standards and Technology Handbook 44, and supplements thereto, as it pertains to farm bulk milk tank specifications.

Authority: T.C.A. § 53-3-104.

Rule 0080-03-04-.03 Uniform Code System for the Identification of Dairy and/or for Trade Products Plants is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

In accordance with the recommendations of the National Labeling Committee, code numbers which shall appear on all consumer packages will be assigned to dairy and/or trade products plants as follows:

- (a) The plant numbers will 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 will be the number 47 which is the number assigned to the State of Tennessee. This will be followed by a dash (-). (Example 47-000).
- (b) The third digit preceded by the dash (-) will indicate the type of operation for which the number is issued.
 1. Number one (1) will indicate a fluid plant operation. (Example 47-100).
 2. Number two (2) will indicate a frozen dessert manufacturing plant (no number will be issued a retail soft service establishment). (Example 47-200).
 3. Number three (3) will indicate a manufacturing plant operation. (Example 47-300).
- (c) The fourth and fifth digits will be used to identify the individual plants.

In the event a product is processed by one company and distributed by another company, the name and address of the distributor and/or processor shall be on the display panel. The processing company is not required to put their name and address on the carton if the number

assigned them by the commissioner and the name and address of the distributor is on the carton; provided, however, that the product must be registered in a name that appears 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 code number of the plant where processed is legible on the carton.

Authority: T.C.A. § 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: April 27, 2015

Signature: *Julius T. Johnson*

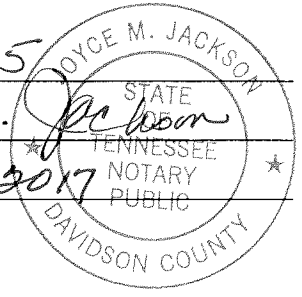
Name of Officer: Julius T. Johnson

Title of Officer: Commissioner

Subscribed and sworn to before me on: April 27, 2015

Notary Public Signature: *Joyce M. Jackson*

My commission expires on: 09/11/2017



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Tre Hargett
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Secretary of State

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