

1 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2
3 Division of Environmental Health and Sustainability

4
5 6 CCR 1010-4

6
7 COLORADO ~~GRADE A PASTEURIZED MILK AND FLUID MILK~~ DAIRY PRODUCTS REGULATIONS

8
9 4.1 Authority

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11 This regulation is adopted pursuant to ~~the authority in~~ Section 25-1.5-104(1)(b)(I), 25-5.5-103,
12 25-5.5-107(5), and (6), 25-5.5-205, 25-5.5-309, and 25-5.5-310, Colorado Revised Statute
13 (C.R.S.) and is consistent with the requirements of the State Administrative Procedures Act,
14 Section 24-4-101, *et seq.*, C.R.S.

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16 4.2 Scope and Purpose

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18 A. This regulation ~~establishes provisions governing~~ shall govern:

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20 1. ~~Dairy sanitation, the processing, packaging, transportation and sale of Grade~~
21 ~~"A" milk and milk products, and represents the state and federal standard for~~
22 ~~Grade "A" milk sanitation;~~
23
24 2. Sanitary production of milk for manufacturing purposes including its
25 transportation, grading, use, processing, and the packaging, labeling and
26 storage of dairy products made there from;
27
28 3. Licensure and inspection of dairy farms and dairy plants for the production and
29 sale of milk or dairy products for manufacturing purposes;
30
31 4. Retention of appropriate documentation and records by plants licensed
32 hereunder; and
33
34 5. Licensure of qualified milk or dairy product samplers and testers.

35
36 ~~B. This regulation does not apply to milk and dairy products as defined under the~~
37 ~~Colorado Manufactured Milk & Dairy Products Regulations, 6 CCR 1010-3.~~

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39 B. Section 4.7 of this regulation incorporates by reference the *Grade "A" Pasteurized*
40 *Milk Ordinance 2013~~5~~Revision*, including supplements, provisions, administrative
41 procedures and appendices (PMO), *Procedures Governing the Cooperative State-Public*
42 *Health Service/Food and Drug Administration Program of the National Conference on*
43 *Interstate Milk Shipments 2013~~5~~ Revision* (Procedures), and *Methods of Making*
44 *Sanitation Ratings of Milk Shippers 2013~~5~~ Revision* (Methods), in effect as of this date.
45

46 4.3 Applicability

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48 A. Pursuant to the provisions of Section 25-1.5-104(1)(b)(I), C.R.S., this regulation shall
49 apply to dairy plants, dairy farms, processing plants, receiving stations and other
50 facilities or establishments handling, transporting or selling any Grade "A" milk and

51 dairy milk products for human consumption.

52
53 B. The PMO shall apply to ~~regulate~~ dairy sanitation and the labeling and grading of milk
54 pursuant to the provisions of Section 25-1.5-104(1)(b)(I), C.R.S., in so far as it is
55 consistent with Colorado statutes and regulations, except that: In the PMO as
56 indicated, "State of Colorado" shall be inserted in all footnotes numbered (2).

57
58 C. The PMO shall apply to the production of raw milk and cream for manufacturing
59 purposes, butter, raw aged cheeses, pasteurized cheese and cheese products, frozen
60 desserts, ice cream, pasteurized ice cream, dry whole milk, nonfat dry milk, dry
61 buttermilk, dry whey, evaporated milk (whole or skim), condensed whole milk
62 (excluding sweetened condensed milk), condensed skim milk, cottage cheese, dry curd
63 cottage cheese, low fat cottage cheese, and other such products for human
64 consumption, as may be otherwise designated. These products may be produced from
65 cow, goat, sheep, camel or other milk producing animals.

66
67 D. The PMO shall apply to the production, transportation, processing, handling,
68 sampling, examination, labeling, and sale of milk and dairy products; the
69 inspection of dairy farms, milk tank trucks, milk plants, receiving stations, transfer
70 stations, milk tank truck cleaning facilities, and bulk milk hauler/samplers.

71
72 E. The PMO shall apply to the issuing and revocation of licenses to milk a n d d a i r y
73 producers, d a i r y f a r m s , b u l k m i l k h a u l e r / s a m p l e r s , m i l k t a n k t r u c k s , m i l k
74 transportation companies, milk plants, receiving stations, transfer stations, milk tank
75 truck cleaning facilities, haulers, and distributors; and the fixing of penalties.

76
77 F. The department shall utilize the PMO or other department approved methods as
78 appropriate to assure that non-Grade "A" manufactured milk and dairy products are in
79 compliance with Section 25-5.5-101, et seq., C.R.S.

80 81 4.4 Definitions

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83 A. For the purpose of these rules and regulations:

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85 1. ~~2. Jurisdiction,~~ (as used in the PMO), ~~shall mean~~ the State of Colorado.

86
87 2. ~~3. Ordinance,~~ (as used in the PMO), ~~shall mean~~ the ~~rules and~~ regulations of the
88 State of Colorado.

89
90 4. ~~Cottage cheese, dry curd cottage cheese, and low fat cottage cheese, as~~
91 ~~defined in the Code of Federal Regulations, Title 21, Sections 133.128 and~~
92 ~~133.129, manufactured or sold in the State of Colorado, shall meet the~~
93 ~~applicable requirements of the PMO.~~

94
95 4. ~~1. Regulatory Agency,~~ as defined in the PMO, ~~shall mean~~ the Colorado
96 Department of Public Health and Environment and its authorized
97 representative.

98
99 5. Sale means the transfer of manufactured milk and dairy products from one
100 individual, partnership, or corporation to another individual, partnership, or

101 corporation in exchange for cash or any other contractual obligation to pay for
102 the product.

104 4.5 License Requirements

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106 Any person desiring to operate a dairy farm, milk or dairy plant or receiving station or to
107 sample or test milk or cream for the purpose of payment in this state, before undertaking
108 such operation, shall make application to and, if approved, be licensed by the Department in
109 accordance with Section 25-5.5-107, C.R.S.

111 4.6 Denial and Suspension of Licenses

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113 All denials, suspensions or revocations of licenses shall be conducted in accordance with the
114 provisions of Sections 24-4-104 and 24-4-105, C.R.S.

116 4.7 Incorporation by Reference

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118 A. Throughout these regulations, standards and requirements of outside organizations
119 have been adopted and incorporated by reference. The material incorporated by
120 reference cited herein includes only those versions that were in effect as of 2013~~5~~,
121 and not later amendments to the incorporated materials. These rules incorporate by
122 reference:

- 124 1. U.S. Department of Health and Human Services, Public Health Service/Food
125 and Drug Administration, *Grade "A" Pasteurized Milk Ordinance (Includes*
126 *provisions from the Grade "A" Condensed and Dry Milk Products and*
127 *Condensed and Dry Whey - Supplement I to the Grade "A" PMO 2013~~5~~*
128 *Revision)*, including supplements, administrative procedures, appendices, and
129 coded Food and Drug Administration Interpretative Memoranda (PMO);
130
- 131 2. U.S. Department of Health and Human Services, Public Health Service/Food
132 and Drug Administration and the National Conference On Interstate Milk
133 Shipments, *Procedures Governing the Cooperative State-Public Health*
134 *Service/Food and Drug Administration Program of the National Conference on*
135 *Interstate Milk Shipments 2013~~5~~ Revision* (Procedures); and,
136
- 137 3. U.S. Department of Health and Human Services, Public Health Service/Food
138 and Drug Administration, *Methods of Making Sanitation Ratings of Milk*
139 *Shippers 2013~~5~~ Revision* (Methods).

141 B. The Division of Environmental Health and Sustainability shall maintain certified copies
142 of the complete text of the incorporated materials, which shall be available for public
143 inspection during regular business hours, and shall provide certified copies of the
144 materials at cost upon request. For information regarding how the incorporated
145 materials may be obtained or examined, contact:

146 Division Director
147 Division of Environmental Health and Sustainability
148 Colorado Department of Public Health and Environment
149 4300 Cherry Creek Drive South
150 Denver, Colorado 80246-1530

151 C. Materials incorporated by reference have been submitted to the State Publications
152 Depository and Distribution Center and may be examined at any state publications
153 depository library.