SUBCHAPTER 09G - MILK AND MILK PRODUCTS

SECTION .0100 - PASTEURIZED MILK ORDINANCE

02 NCAC 09G .0101 ADOPTION BY REFERENCE

The following are adopted by reference, including subsequent amendments and editions:

(1) "Milk for Manufacturing Purposes and Its Production and Processing, Recommended Requirements," U.S. Department of Agriculture, Agricultural Marketing Service, Dairy Programs. A copy of this document is available at no cost from the USDA, Agricultural Marketing Service, at www.ams.usda.gov. A farmstead shall be exempt from all mandatory milk testing except the mastitic milk test and the appearance and odor test. For the purposes of this Section, "farmstead" means a milk or milk product production facility that uses only milk from its own animals in its product production and has no other source of milk.


History Note: Authority G.S. 106-139; 106-267; 106-267.2;
Eff. February 1, 1976;
Amended Eff. August 1, 2002; December 1, 1987; January 1, 1987; January 1, 1985; August 1, 1982;

02 NCAC 09G .0102 APPLICATION OF THE PMO

History Note: Authority G.S. 106-267; 106-267.2; 106-268;
Eff. February 1, 1976;
Amended Eff. March 12, 1981; December 23, 1976;

02 NCAC 09G .0103 VITAMIN ASSAY OF MILK PRODUCTS

Assays of vitamin content shall be made as required by the PMO. All assay costs shall be paid by the milk product processor.

History Note: Authority G.S. 106-267;
Eff. February 1, 1976;
Amended Eff. May 1, 1983; March 12, 1981;

SECTION .0200 - LABELING REGULATIONS FOR FLUID MILK AND FLUID MILK PRODUCTS

02 NCAC 09G .0201 DEFINITIONS

02 NCAC 09G .0202 APPROVED CONTAINERS FOR MILK AND MILK PRODUCTS

02 NCAC 09G .0203 LOCATION OF REQUIRED INFORMATION ON CONTAINER

02 NCAC 09G .0204 MILK DEEMED MISBRANDED

02 NCAC 09G .0205 SUPPLEMENTARY DECLARATIONS

02 NCAC 09G .0206 PROMINENCE OF REQUIRED INFORMATION

02 NCAC 09G .0207 IDENTIFICATION OF FLUID MILK PROCESSING PLANTS

History Note: Authority G.S. 106-267;
Eff. February 1, 1976;

SECTION .0300 - MILK IMPORTS

02 NCAC 09G .0301 IMPORTS AND PERMITS
SECTION .0400 - SANITATION REQUIREMENTS FOR GRADE A RAW MILK FOR PASTEURIZATION

02 NCAC 09G .0401 ABNORMAL MILK
02 NCAC 09G .0402 MILKING BARN: STABLE: OR PARLOR: CONSTRUCTION
02 NCAC 09G .0403 MILKING BARN: STABLE: OR PARLOR: CLEANLINESS
02 NCAC 09G .0404 COWYARD
02 NCAC 09G .0405 MILKHOUSE OR ROOM: CONSTRUCTION AND FACILITIES
02 NCAC 09G .0406 MILKHOUSE OR ROOM: CLEANLINESS
02 NCAC 09G .0407 TOILET
02 NCAC 09G .0408 WATER SUPPLY
02 NCAC 09G .0409 UTENSILS AND EQUIPMENT: CONSTRUCTION
02 NCAC 09G .0410 UTENSILS AND EQUIPMENT: CLEANING
02 NCAC 09G .0411 UTENSILS AND EQUIPMENT: SANITIZATION
02 NCAC 09G .0412 UTENSILS AND EQUIPMENT: STORAGE
02 NCAC 09G .0413 UTENSILS AND EQUIPMENT: HANDLING
02 NCAC 09G .0414 MILKING: FLANKS: UDDERS: AND TEATS
02 NCAC 09G .0415 MILKING: SURCINGLES: MILK STOOLS: AND ANTIKICKERS
02 NCAC 09G .0416 MILKING: TRANSFER AND PROTECTION OF MILK
02 NCAC 09G .0417 PERSONNEL: HAND-WASHING FACILITIES
02 NCAC 09G .0418 PERSONNEL: CLEANLINESS
02 NCAC 09G .0419 COOLING
02 NCAC 09G .0420 VEHICLES
02 NCAC 09G .0421 INSECT AND RODENT CONTROL

SECTION .0500 - SANITATION REQUIREMENTS FOR GRADE A PASTEURIZED MILK AND MILK PRODUCTS

02 NCAC 09G .0501 RECEIVING STATIONS
02 NCAC 09G .0502 TRANSFER STATIONS
02 NCAC 09G .0503 FLOORS: CONSTRUCTION
02 NCAC 09G .0504 WALLS AND CEILINGS: CONSTRUCTION
02 NCAC 09G .0505 DOOR AND WINDOWS
02 NCAC 09G .0506 LIGHTING AND VENTILATION
02 NCAC 09G .0507 SEPARATE ROOMS
02 NCAC 09G .0508 TOILET-SEWAGE DISPOSAL FACILITIES
02 NCAC 09G .0509 WATER SUPPLY
02 NCAC 09G .0510 HAND-WASHING FACILITIES
02 NCAC 09G .0511 MILK PLANT CLEANLINESS
02 NCAC 09G .0512 SANITARY PIPING
02 NCAC 09G .0513 CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT
02 NCAC 09G .0514 CLEANING AND SANITIZING OF CONTAINERS AND EQUIPMENT
02 NCAC 09G .0515 STORAGE OF CLEANED CONTAINERS AND EQUIPMENT
02 NCAC 09G .0516 STORAGE OF SINGLE-SERVICE CONTAINERS: UTENSILS: MATERIALS
02 NCAC 09G .0517 PROTECTION FROM CONTAMINATION
02 NCAC 09G .0518 PASTEURIZATION
02 NCAC 09G .0519 COOLING OF MILK
02 NCAC 09G .0520 BOTTLING AND PACKAGING
02 NCAC 09G .0521 CAPPING
02 NCAC 09G .0522 PERSONNEL: CLEANLINESS
02 NCAC 09G .0523 VEHICLES
02 NCAC 09G .0524 SURROUNDINGS
02 NCAC 09G .0525 PERSONNEL HEALTH
02 NCAC 09G .0526 PROCEDURE WHEN INFECTION IS SUSPECTED

History Note: Authority G.S. 106-267; 106-268;
Eff. February 1, 1976;

SECTION .0600 - HEALTH REQUIREMENTS FOR GRADE A DAIRY HERDS

02 NCAC 09G .0601 OFFICIAL BRUCELLOSIS TEST
02 NCAC 09G .0602 BANG’S DISEASE: REMOVAL OF INFECTED ANIMALS
02 NCAC 09G .0603 OFFICIAL FORMS FOR REQUESTING RING TEST
02 NCAC 09G .0604 COWS: TUBERCULOSIS AND OTHER DISEASES

History Note: Authority G.S. 106-267; 106-396; 106-348;
Eff. February 1, 1976;

SECTION .0700 - IMITATION MILK AND IMITATION MILK PRODUCTS

02 NCAC 09G .0701 INTENT: SCOPE: AND INTERPRETATION
02 NCAC 09G .0702 DEFINITIONS AND STANDARDS OF IDENTITY
02 NCAC 09G .0703 LABELING: IMITATION MILK AND IMITATION MILK PRODUCTS
02 NCAC 09G .0704 PLANT SANITATION
02 NCAC 09G .0705 PRODUCT QUALITY

History Note: Authority G.S. 106-267; 106-268;
Eff. February 1, 1976;
Amended Eff. February 1, 1983;

SECTION .0800 - GRADE B MILK

02 NCAC 09G .0801 GRADE B RAW MILK
02 NCAC 09G .0802 GRADE B PASTEURIZED MILK

History Note: Authority G.S. 106-267;
Eff. February 1, 1976;

SECTION .0900 - GRADE C MILK

02 NCAC 09G .0901 GRADE C RAW MILK DEFINED
02 NCAC 09G .0902 GRADE C RAW MILK FOR MANUFACTURING PURPOSES
02 NCAC 09G .0903 GRADE C PASTEURIZED MILK

History Note: Authority G.S. 106-267;
Eff. February 1, 1976;
SECTION .1000 - FARM BULK MILK TANKS

02 NCAC 09G .1001 FARM BULK MILK HOLDING TANK: DEFINITION
02 NCAC 09G .1002 MILK HOUSE INSTALLATION: FACILITY FOR FARM BULK MILK TANK
02 NCAC 09G .1003 CONSTRUCTION OF FARM BULK TANKS
02 NCAC 09G .1004 CLEANING AND SANITIZING FARM MILK HANDLING EQUIPMENT
02 NCAC 09G .1005 TRANSPORT TANKS AND RELATED EQUIPMENT
02 NCAC 09G .1006 UNLOADING MILK FROM TRANSPORT TANKS
02 NCAC 09G .1007 CLEANING AND BACTERICIDAL TREATMENT OF TRANSPORT TANKS
02 NCAC 09G .1008 INTERPRETATION

History Note: Authority G.S. 106-267;
Eff. February 1, 1976;

SECTION .1100 - TRANSFERRING: DIPPING OR DISPENSING MILK

02 NCAC 09G .1101 TRANSFERRING DELIVERY: CONTAINERS: QUARANTINED RESIDENCES
02 NCAC 09G .1102 BULK MILK DISPENSERS

History Note: Authority G.S. 106-267;
Eff. February 1, 1976;

SECTION .1200 - SAMPLING AND TESTING MILK AND CREAM BY THE BABCOCK METHOD

02 NCAC 09G .1201 DEFINITIONS
02 NCAC 09G .1202 MILK AND CREAM TESTS
02 NCAC 09G .1203 LICENSED TESTER
02 NCAC 09G .1204 LICENSED SAMPLER
02 NCAC 09G .1205 FALSE READING TESTS
02 NCAC 09G .1206 WEIGH TANK
02 NCAC 09G .1207 SAMPLING MILK FROM THE WEIGH TANK
02 NCAC 09G .1208 SAMPLING PROCEDURES FOR FARM BULK TANKS
02 NCAC 09G .1209 COMPOSITE SAMPLING FROM FARM BULK TANKS
02 NCAC 09G .1210 CARE OF COMPOSITE SAMPLES: PRESERVATIVE
02 NCAC 09G .1211 PERIOD OF COMPOSITE SAMPLING
02 NCAC 09G .1212 QUANTITY OF MILK TO BE TAKEN
02 NCAC 09G .1213 SIZE AND CONDITION OF COMPOSITE SAMPLE BOTTLES
02 NCAC 09G .1214 METHOD OF COMPOSITE SAMPLING
02 NCAC 09G .1215 STORAGE OF COMPOSITE SAMPLES
02 NCAC 09G .1216 PERIOD SAMPLES HELD AFTER TESTING
02 NCAC 09G .1217 PLACE OF TESTING
02 NCAC 09G .1218 PREPARING BOTH FRESH AND COMPOSITE SAMPLES: TEMPERING
02 NCAC 09G .1219 MIXING BEFORE PIETTING
02 NCAC 09G .1220 TEMPERATURE OF MILK FOR PIETTING
02 NCAC 09G .1221 PIETTING
02 NCAC 09G .1222 TESTING MILK FOR BUTTERFAT: SULPHURIC ACID
02 NCAC 09G .1223 ADDING ACID TO THE MILK
02 NCAC 09G .1224 CENTRIFUGE
02 NCAC 09G .1225 CENTRIFUGING PROCEDURE
02 NCAC 09G .1226 TEMPERING BATHS
02 NCAC 09G .1227 READING TESTS
02 NCAC 09G .1228 STANDARD METHODS
SECTION .1300 - ICE CREAM PLANTS

02 NCAC 09G .1301 BUILDINGS: APPROVAL BY COMMISSIONER OF AGRICULTURE
02 NCAC 09G .1302 WALLS AND CEILINGS
02 NCAC 09G .1303 WINDOWS AND GLASS PARTITIONS
02 NCAC 09G .1304 FLOORS
02 NCAC 09G .1305 LIGHT AND VENTILATION
02 NCAC 09G .1306 FLY AND VERMIN CONTROL
02 NCAC 09G .1307 PROTECTION OF PRODUCTS AND INGREDIENTS
02 NCAC 09G .1308 GENERAL PLANT ORDERLINESS
02 NCAC 09G .1309 HARDENING ROOMS: STORAGE SPACE: MERCHANDISING EQUIPMENT
02 NCAC 09G .1310 TOILETS AND LAVATORIES
02 NCAC 09G .1311 DRESSING ROOMS
02 NCAC 09G .1312 EQUIPMENT: CONSTRUCTION
02 NCAC 09G .1313 CLEANING AND STERILIZING EQUIPMENT
02 NCAC 09G .1314 STEAM AND HOT WATER
02 NCAC 09G .1315 FREQUENCY OF CLEANING AND STERILIZING
02 NCAC 09G .1316 FILLING CONTAINERS AND PACKAGES
02 NCAC 09G .1317 REMOVAL FROM MOLDS
02 NCAC 09G .1318 VEHICLES
02 NCAC 09G .1319 INGREDIENTS
02 NCAC 09G .1320 PASTEURIZATION
02 NCAC 09G .1321 RECORDING THERMOMETERS
02 NCAC 09G .1322 PERSONNEL
02 NCAC 09G .1323 BACTERIAL PLATE COUNT AND COLIFORM COUNTS

SECTION .1400 - COUNTER ICE CREAM FREEZERS

02 NCAC 09G .1401 DEFINITIONS
02 NCAC 09G .1402 INSPECTION CERTIFICATE REQUIRED
02 NCAC 09G .1403 COUNTER FREEZER UNIT: INSTALLATION
02 NCAC 09G .1404 CLEANING AND STERILIZING EQUIPMENT
02 NCAC 09G .1405 PERSONS ENGAGED IN MANUFACTURE
02 NCAC 09G .1406 ICE CREAM MIXES: ETC.

SECTION .1500 - MOBILE FROZEN DESSERT MANUFACTURING UNITS

02 NCAC 09G .1501 DEFINITION
02 NCAC 09G .1502 MIX
SECTION .1600 - DEFINITIONS AND STANDARDS FOR ICE CREAM: OTHER FROZEN MILK PRODUCTS AND WATER ICES

02 NCAC 09G .1601 FROZEN DESSERTS
02 NCAC 09G .1602 MILK PRODUCTS
02 NCAC 09G .1603 ICE CREAM
02 NCAC 09G .1604 FRUIT ICE CREAM
02 NCAC 09G .1605 NUT ICE CREAM
02 NCAC 09G .1606 CHOCOLATE OR COCOA ICE CREAM
02 NCAC 09G .1607 ICE MILK
02 NCAC 09G .1608 ICE MILK IN OPEN CONTAINERS
02 NCAC 09G .1609 DIETETIC ICE MILK
02 NCAC 09G .1610 DIETARY FROZEN DESSERT
02 NCAC 09G .1611 MILK SHERBET
02 NCAC 09G .1612 WATER ICE
02 NCAC 09G .1613 QUIESCENTLY FROZEN CONFECTIONS
02 NCAC 09G .1614 QUIESCENTLY FROZEN DAIRY CONFECTIONS
02 NCAC 09G .1615 LABELING QUIESCENTLY FROZEN PRODUCTS
02 NCAC 09G .1616 FROZEN DESSERT MIX
02 NCAC 09G .1617 FAT
02 NCAC 09G .1618 EXCEPTIONS

SECTION .1700 - MILK SHAKES AND MILK SHAKE BASE

02 NCAC 09G .1701 MILK SHAKE: DEFINITION
02 NCAC 09G .1702 MILK SHAKE BASE: DEFINITION
02 NCAC 09G .1703 DISPENSER MILK SHAKE MACHINE

SECTION .1800 - DISPENSER MILK SHAKE MACHINES

02 NCAC 09G .1801 DEFINITIONS
02 NCAC 09G .1802 INSTALLATION
02 NCAC 09G .1803 MILK SHAKE MIX
02 NCAC 09G .1804 MIX STORAGE
02 NCAC 09G .1805 FACILITIES FOR CLEANING AND STERILIZATION
02 NCAC 09G .1806 WATER SUPPLY
02 NCAC 09G .1807 TOILET FACILITIES
02 NCAC 09G .1808 PERSONNEL

History Note: Authority G.S. 106-267;
Eff. February 1, 1976;
Repealed Eff. February 1, 1982.

SECTION .1900 - TESTING OF PRODUCER MILK BY THE MILKO-TESTER METHOD

02 NCAC 09G .1901 DEFINITIONS
02 NCAC 09G .1902 LICENSING REQUIREMENTS
02 NCAC 09G .1903 REFERENCE METHOD
02 NCAC 09G .1904 CALIBRATION OF MILKO-TESTER
02 NCAC 09G .1905 PREPARATION OF SAMPLES
02 NCAC 09G .1906 OPERATING PROCEDURES

History Note: Authority G.S. 106-267;
Eff. February 1, 1976;
Repealed Eff. February 1, 1982.

SECTION .2000 - GRADE A MILK SANITATION

02 NCAC 09G .2001 GENERAL - ADOPTION BY REFERENCE
The North Carolina Board of Agriculture incorporates by reference, including subsequent amendments and editions, the Pasteurized Milk Ordinance, including all appendices, supplements, memoranda, procedures, FDA's Milk Guidance methods, and administrative procedures recommended by the U.S. Public Health Service/Food and Drug Administration, published by the U.S. Department of Health and Human Services, Public Health Service and the Food and Drug Administration. A certified copy may be obtained from the Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.

History Note: Authority G.S. 106-266.31;
Eff. January 1, 1985;
Amended Eff. December 1, 1990; June 1, 1988; July 1, 1986;
Transferred from 15A NCAC 18A .1201 Eff. May 1, 2012;

02 NCAC 09G .2002 MODIFICATIONS OF THE ADOPTION BY REFERENCE

History Note: Authority G.S. 106-266.31;
Eff. January 1, 1985;
Amended Eff. January 1, 1999; September 1, 1991; December 1, 1990; July 1, 1985;
Transferred from 15A NCAC 18A .1202 Eff. May 1, 2012;

02 NCAC 09G .2003 DEFINITIONS
The following definitions shall apply to this Section:

(1) All definitions contained in the Pasteurized Milk Ordinance shall apply.
(2) Whenever "the ..... of ....." appears in the Pasteurized Milk Ordinance, the word "State" shall be inserted in the first blank, and the words "North Carolina" shall be inserted in the second blank.
(3) In all instances in the Pasteurized Milk Ordinance where the term "Regulatory Agency" appears, the "Regulatory Agency" shall be deemed to be the North Carolina Department of Agriculture & Consumer Services, Food and Drug Protection Division.
(4) In all instances in the Pasteurized Milk Ordinance where the term "Government Water Control Authority" appears, the "Government Water Control Authority" shall be deemed to be the North Carolina Department of Environmental Quality, Division of Water Resources.
(5) "Independent Milk Distributor" shall be defined as any person who is not under the control or ownership of a milk plant and who sells or offers for sale any Grade "A" pasteurized milk or milk products.

(6) Any violation of the Pasteurized Milk Ordinance shall be a violation of Article 12 of G.S. 106, as provided by G.S. 106-124.1.


02 NCAC 09G .2004 PERMITS REQUIRED
(a) It shall be unlawful for any person who does not possess a permit from the North Carolina Department of Agriculture and Consumer Services, Food and Drug Protection Division, to manufacture, bring into, send into, or receive into this State or its jurisdiction, for sale, to sell, or to offer for sale therein or to have in storage any milk or milk products, as defined in the Pasteurized Milk Ordinance.
(b) Any person holding a permit shall not assign, sell, or otherwise transfer a permit to a third party. A permit issued pursuant to this Section governing operations at a particular location shall not apply to any other location.
(c) No exemptions shall be allowed except those defined in the Pasteurized Milk Ordinance.


02 NCAC 09G .2005 ISSUANCE OF PERMIT
(a) Permits shall be issued pursuant to the administrative procedures set forth in the Pasteurized Milk Ordinance.
(b) Prior to operating in this State, independent milk distributors, out-of-state milk plants and milk distributors, and milk haulers shall have been issued a permit by the North Carolina Department of Agriculture and Consumer Services.


02 NCAC 09G .2006 PERMIT SUSPENSION AND REVOCATION
02 NCAC 09G .2007 ENFORCEMENT AND PENALTIES


02 NCAC 09G .2008 SEVERABILITY
If a provision of this Section or the application of a provision to any person or circumstance is held invalid, the remainder of the provisions of this Section or the application of the provisions to other persons or circumstances shall not be affected.

History Note: Authority G.S. 106-266.31; Eff. January 1, 1985;
Contested cases concerning the interpretation and enforcement of the rules in this Section shall be governed by Article 3 of G.S. 150B.

**RESTRICTIONS ON DISPENSING RAW MILK**

(a) Dairy farms shall dispense raw milk or raw milk products only to a permitted milk hauler or to a processing facility at which the processing of milk is permitted, graded, or regulated by a local, State, or federal agency.

(b) The farmer or the owner of the raw milk or raw milk products may destroy the milk or dispense it for animal feed in accordance with any applicable state and federal regulations.