

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Division of Environmental Health and Sustainability

COLORADO MILK AND DAIRY PRODUCTS REGULATIONS

6 CCR 1010-4

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health on March 20, 2019; effective, May 15, 2019

4.1 Authority

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

4.2 Scope and Purpose

A. This regulation shall govern:

1. Dairy sanitation, the processing, packaging, transportation and sale of Grade "A" milk and milk products, and represents the state and federal standard for Grade "A" milk sanitation;
2. Sanitary production of milk for manufacturing purposes including its transportation, grading, use, processing, and the packaging, labeling and storage of dairy products made there from;
3. Licensure and inspection of dairy farms and dairy plants for the production and sale of milk or dairy products for manufacturing purposes;
4. Retention of appropriate documentation and records by plants licensed hereunder;
5. Licensure of qualified milk or dairy product samplers and testers.

B. Section 4.7 of this regulation incorporates by reference the *Grade "A" Pasteurized Milk Ordinance 2017 Revision*, including supplements, provisions, administrative procedures and appendices (PMO), *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments 2017 Revision* (Procedures), and *Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers 2017 Revision* (Methods) in effect as of this date.

4.3 Applicability

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

- B. The PMO shall apply to dairy sanitation and the labeling and grading of milk pursuant to the provisions of Section 25-1.5-104(1)(b)(I), C.R.S., in so far as it is consistent with Colorado statutes and regulations, except that: In the PMO as indicated, "State of Colorado" shall be inserted in all footnotes numbered (2).
- C. The PMO shall apply to the production of raw milk and cream for manufacturing purposes, butter, raw aged cheeses, pasteurized cheese and cheese products, frozen desserts, ice cream, pasteurized ice cream, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole milk (excluding sweetened condensed milk), condensed skim milk, cottage cheese, dry curd cottage cheese, low fat cottage cheese, and other such products for human consumption, as may be otherwise designated. These products may be produced from cow, goat, sheep, camel or other milk producing animals.
- D. The PMO shall apply to the production, transportation, processing, handling, sampling, examination, labeling, and sale of milk and dairy products; the inspection of dairy farms, milk tank trucks, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, and bulk milk hauler/samplers.
- E. The PMO shall apply to the issuing and revocation of licenses to milk and dairy producers, dairy farms, bulk milk hauler/samplers, milk tank trucks, milk transportation companies, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, haulers, and distributors; and the fixing of penalties.
- F. The department shall utilize the PMO or other department approved methods as appropriate to assure that non-Grade "A" manufactured milk and dairy products are in compliance with Section 25-5.5-101, *et seq.*, C.R.S.

4.4 Definitions

- A. For the purpose of these rules and regulations:
 - 1. Jurisdiction (as used in the PMO) means the State of Colorado.
 - 2. Ordinance (as used in the PMO) means the regulations of the State of Colorado.
 - 3. Regulatory Agency means the Colorado Department of Public Health and Environment and its authorized representative.
 - 4. Sale means the transfer of manufactured milk and dairy products from one individual, partnership, or corporation to another individual, partnership, or corporation in exchange for cash or any other contractual obligation to pay for the product.

4.5 License Requirements

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

4.6 Denial and Suspension of Licenses

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

4.7 Incorporation by Reference

- A. Throughout these regulations, standards and requirements of outside organizations have been adopted and incorporated by reference. The material incorporated by reference cited herein includes only those versions that were in effect as of 2017, and not later amendments to the incorporated materials. These rules incorporate by reference:
1. U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, *Grade "A" Pasteurized Milk Ordinance (Includes provisions from the Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey – Supplement I to the Grade "A" PMO 2017 Revision)*, including supplements, administrative procedures, appendices, and coded Food and Drug Administration Interpretative Memoranda (PMO);
 2. U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration and the National Conference On Interstate Milk Shipments, *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments 2017 Revision* (Procedures); and,
 3. U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, *Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers 2017 Revision* (Methods).
- B. The Division of Environmental Health and Sustainability shall maintain certified copies of the complete text of the incorporated materials, which shall be available for public inspection during regular business hours, and shall provide certified copies of the materials at cost upon request. For information regarding how the incorporated materials may be obtained or examined, contact:

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

- C. The incorporated materials are available at:

<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/ucm2007966.htm>

Editor's Notes

History

- Entire rule eff. 10/15/2010.
Entire rule eff. 10/15/2014.
Entire rule eff. 01/14/2017.
Entire rule eff. 05/15/2019.