



## **NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Ohio Department of Agriculture on December 29, 2015 at 10 a.m., in Room 133, in the Bromfield Administration Building, located at 8995 East Main Street, Reynoldsburg, Ohio 43068. The purpose of the hearing is to solicit public comment on the following proposed rules:

**901:11-2-01** sets forth the definitions for the chapter. Amendments were made to this rule in order to provide website references to the “Official Methods of Analysis of the AOAC International” and “Standard Methods for the Examination of Dairy Products (SMEDP).”

**901:11-2-02** sets forth the quality requirements for milk, including the sediment content of milk and quality testing of milk from new producers, producers whose license has been suspended, or transfer producers. This rule was stylistically amended to reformat paragraphs.

**901:11-2-03** sets forth the requirements for bacterial count samples of raw milk. This rule was stylistically amended to reformat paragraphs.

**901:11-2-04** sets forth the requirements for somatic cell count samples of raw milk. This rule is being amended to make reference to the Pasteurized Milk Ordinance (PMO) as well as some stylistic changes.

**901:11-2-05** sets forth the requirements for drug residue testing. This rule was amended in order to provide the website to the Association of Official Analytical Chemists.

**901:11-2-06** sets forth the requirement that samples be tested for biological significant radionuclides. This rule was stylistically amended in order to comply with LSC’s Drafting Manual.

**901:11-2-07** sets forth the requirement that samples be tested for pesticides and herbicides. This rule was stylistically amended in order to comply with LSC’s Drafting Manual.

**901:11-2-08** establishes that added water is considered an adulteration of milk and the director may suspend the producer’s license for adulteration. This rule makes one stylistic amendment in order to comply with LSC’s Drafting Manual.

**901:11-2-09** sets forth the requirements of the herd’s health. This rule was amended in order to correct typos and reformat paragraphs.

**901:11-2-10** sets forth the conditions and requirements of a milking facility and cowyard. Only stylistic amendments were made to this rule.

**901:11-2-11** sets forth the sanitation requirements of the milking procedure, including the cleanliness of the milker’s clothing and equipment. This rule was amended in order to correct a typo.

**901:11-2-12** sets forth the temperatures in which milk must be stored. This rule includes minor stylistic amendments.



**901:11-2-13** sets forth the requirements of the milkhouse, including utensils and equipment to be stored in the milkhouse and structure of the milkhouse in order to prevent dust and contamination. This rule includes minor grammatical amendments.

**901:11-2-14** sets forth the requirements regarding use of drugs intended for treatment of animals and insecticides used in dairy operations, including proper labeling. One amendment was made to this rule in order to remove a sentence in paragraph (A) that was repeated in paragraph (C).

**901:11-2-15** sets forth the condition in which utensils and equipment used in the handling of milk shall be maintained. One amendment was made to this rule in order to update the citation to the federal regulation.

**901:11-2-16** sets forth the condition, location, and quality of water used for cleaning dairy utensils and equipment. One amendment was made to this rule in order to cite the Ohio Administrative Code.

**901:11-2-17** sets forth the requirements for sewage disposal in the milkhouse. This rule was stylistically amended in order to comply with LSC's Drafting Manual.

**901:11-2-18** sets forth the qualifications for a producer or processor license and requirements for a licensed dairy farm's annual inspection. This rule was amended in order to correct two typos and cite an Ohio Revised Code reference.

**901:11-2-19** sets forth the conditions in which the premises of a milk plant must be kept, including an adequate drainage system. This rule includes one minor grammatical amendment.

**901:11-2-20** sets forth the conditions in which buildings and rooms must be maintained, including adequate lighting and ventilation. This rule includes one minor grammatical amendment.

**901:11-2-21** sets forth the requirements for the water supply for the plant, hand washing facilities, as well as other sanitary issues. The rule is being amended to clarify references to the PMO. Substantively, the rule is being amended to remove reference to Chapter 3701-28 of the Revised Code and requires all water sources, not approved by the state regulatory authority, to be compliant with appendices D & G of the PMO.

**901:11-2-22** sets forth the requirements for the construction, use, and sanitization of equipment and utensils used in the process of milk and manufacturing of dairy products. The rule includes a small stylistic change, as well as, a spelling correction.

**901:11-2-23** sets forth rules on the protection and transporting of raw milk and cream. The rule includes requirements for bulk milk transport tanks as well as their cleaning and sanitization. The rule is being amended to make a small stylistic change.

**901:11-2-24** outlines the requirements for raw product storage. This includes the bacteriological levels of raw commingled milk and proper temperature conditions. The rule is being amended to make small stylistic changes.

**901:11-2-25** sets forth the rules on the quality, composition, and wholesomeness of manufacture grade milk. The rule is being amended to make a stylistic change regarding incorporation by reference guidelines.



**901:11-2-26** outlines the cleaning and sanitization of all equipment used in receiving, storing, and processing milk. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-27** sets forth the cleaning and sanitizing requirements for equipment and utensils used in receiving, storing, and processing milk. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-28** sets for the size, materials, and processing requirements for packaging containers used for dairy products. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-29** sets forth the storage requirements for finished products, including processed product for shipment. This rule makes stylistic and grammatical amendments such as the deletion of repeated words.

**901:11-2-30** sets forth the requirement for drying, including the maintenance and conditions of dryers. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-31** sets forth the requirements for cooling dry products. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-32** sets for the requirements, including samples and testing, for instant nonfat dry milk. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-33** sets forth the conditions and maintenance of coolers and freezers. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-34** sets forth the necessary precautions in a starter room in order to prevent contamination. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-35** sets forth the size and ventilation requirements in the room in which cheese is manufactured. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-36** sets forth the requirements and conditions in which equipment and utensils used for the manufacture of cheese must be maintained. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-37** sets forth the handling and disposal of whey. This rule amends one citation to the Ohio Administrative Code.

**901:11-2-38** sets forth the sanitary requirements for forming containers and procedures for filling containers, including sanitation and weight control. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-39** sets forth the requirements for maintaining records, including raw milk receipts. The rule is being amended to make stylistic changes to allow for easier comprehension.

**901:11-2-40** sets forth the requirements of an insect and rodent control program. The rule is being amended to make stylistic changes to allow for easier comprehension.



**901:11-2-41** sets forth the clothing and shoe requirements for personnel cleaning the interior of the drier. This rule was stylistically amended in order to comply with LSC's Drafting Manual.

**901:11-2-42** sets forth the labeling requirements for products. This rule amends the citation for the Federal Food Drug & Cosmetic Act.

**901:11-2-43** sets forth the required hygienic practices of personnel. This rule includes one minor grammatical amendment.

**901:11-2-44** prohibits any personnel who is afflicted with a communicable disease from being present in a room where milk is being prepared and handled. This rule replaces reference to the Ohio Administrative Code with reference to the PMO, which is defined in the first rule of this Chapter.

**901:11-3-02** adopts the federal standard of identity for frozen desserts outlined in Title 21 C.F.R. 135 Subpart B. These include food products such as ice cream, frozen custard, and sherbet. The rule is being amended to add an effective date to 21 C.F.R. 135 Subpart B so that the rule is compliant with the incorporation by reference standards.

**901:11-5-01** sets forth the standard of identity for whipped cream or whipped light cream. The rule is being amended to make grammatical changes which will bring the rule into compliance with the Legislative Drafting Manual.

**901:11-5-02** sets forth the standard of identity for concentrated milk. The rule is being amended to make grammatical changes which will bring the rule into compliance with the Legislative Drafting Manual. Additionally, the rule is being amended to include a web address for the Official Methods of Analysis of Association of Official Analytical Chemists in order to comply with the incorporation by reference rules.

**901:11-5-03** sets forth the standard of identity for evaporated milk. The rule is being amended to make grammatical changes which will bring the rule into compliance with the Legislative Drafting Manual. Additionally, the rule is being amended to include a web address for the Official Methods of Analysis of Association of Official Analytical Chemists in order to comply with the incorporation by reference rules.

**901:11-5-04** sets forth the standard of identity for sweetened condensed milk. The rule is being amended to make grammatical changes which will bring the rule into compliance with the Legislative Drafting Manual. Additionally, the rule is being amended to include a web address for the Official Methods of Analysis of Association of Official Analytical Chemists in order to comply with the incorporation by reference rules.

**901:11-5-05** sets forth the standard of identity for homogenized milk. The rule is being amended to make a minor grammatical change.

**901:11-5-06** sets forth the standard of identity for buttermilk. The rule is being amended to make small stylistic changes for easier comprehension. The rule substantively remains the same.

**901:11-5-07** sets forth the standard of identity for Grade A dry milk products. The rule is being amended to incorporate a reference to the Pasteurized Milk Ordinance.

**901:11-5-08** sets forth the standard of identity for dried whole milk. The rule is being amended to make grammatical changes which will bring the rule into compliance with the Legislative Drafting



Manual. Additionally, the rule is being amended to include a web address for the Official Methods of Analysis of Association of Official Analytical Chemists in order to comply with the incorporation by reference rules.

**901:11-5-09** sets forth the standard of identity for non-fat dry milk or low fat dry milk. The rule is being amended to make grammatical changes which will bring the rule into compliance with the Legislative Drafting Manual. Additionally, the rule is being amended to include a web address for the Official Methods of Analysis of Association of Official Analytical Chemists in order to comply with the incorporation by reference rules.

**901:11-5-10** sets forth the standard of identity for non-fat dry milk fortified with vitamins A and D. The rule is being amended to make grammatical changes which will bring the rule into compliance with the Legislative Drafting Manual. Additionally, the rule is being amended to include a web address for the Official Methods of Analysis of Association of Official Analytical Chemists in order to comply with the incorporation by reference rules.

**901:11-5-11** sets forth the standard of identity for breed milk. Breed milk is milk which has been produced by cattle of a recognized breed of cattle. The rule is being amended to make stylistic changes that help to clarify the rule. The rule is not being substantively changed.

**901:11-5-12** sets forth the standard of identity for pasteurized cheese and pasteurized blended cheese. The rule is being amended to correct a grammatical error.

**901:11-5-13** sets forth the standard of identity for emulsified cheese and process cheese. The rule is being amended to make grammatical changes. The rule is not being substantively changed.

**901:11-5-14** sets forth the standard of identity for skim milk cheese spread. The rule is being amended to make stylistic changes that help to clarify the rule. The rule is not being substantively changed.

**901:11-5-15** sets forth the standard of identity for low fat cheese spread. The rule is being amended to make stylistic changes that help to clarify the rule. The rule is not being substantively changed.

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

To obtain copies of these rules, please visit the Register of Ohio at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at [ecomments@agri.ohio.gov](mailto:ecomments@agri.ohio.gov), or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

