
**NEW YORK STATE DEPARTMENT OF
AGRICULTURE AND MARKETS
DIVISION OF MILK CONTROL & DAIRY SERVICES
ALBANY, NEW YORK 12235**

CIRCULAR 958-I

**AMENDMENT
TO 1 NYCRR PART 2 REGULATIONS
FOR INTERSTATE MILK SHIPPERS "LISTED"
MILK PLANTS and DAIRY FARMS**

REVISED 03/11

Part 2 of 1 NYCRR is amended by repealing section 2.1 and adding a new section 2.1, to read as follows:

§2.1. Applicability

(a) The provisions of this Part shall apply to dairy farms, dairy farmers and raw milk producers, and shall apply to milk plants and persons who operate milk plants, that do not have a sanitation compliance rating of ninety or better, as set forth in the latest Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers List. The provisions of this Part shall also apply to milk plants and persons who operate milk plants that manufacture frozen desserts and/or melloreum.

(b) (i) The sanitation provisions of this Part shall not apply to dairy farms or dairy farmers, or to milk plants and persons who operate milk plants, that have a sanitation compliance rating of ninety or better, as set forth in the latest Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers List ("IMS List"), except as set forth in paragraph (ii) herein. Dairy farms and dairy farmers, and milk plants and persons who operate milk plants, that have such a sanitation compliance rating shall comply with the sanitation requirements set forth in the Grade A Pasteurized Milk Ordinance, 2009 Revision, published by the United States Department of Health and Human Services, Washington, D.C. ("PMO") except to the extent that any provision of the PMO is in conflict with a provision of state and/or federal law and except as provided in paragraph (ii) herein. A copy of the PMO is available for public inspection at the Division of Milk Control and Dairy Services, Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, and at the Department of State, 41 State Street, Albany, New York 11231.

(ii) (a) The provisions of sections 2.3; 2.4; 2.5(a); 2.6(b); 2.7(b), (d)(1), (d)(2) and (d)(3); 2.27(e); 2.34(i); 2.38(g); 2.48(a)(4); 2.64, and 2.65 of this Part shall apply to dairy farms and dairy farmers, and to milk plants and persons who operate milk plants, that have a sanitation compliance rating of ninety or better, as set forth in the latest IMS List, and such provisions shall supersede any requirements set forth in the PMO that are to the contrary or are not otherwise identical.

(c) Every term used in subdivision (b) of this section that is defined in the Grade A Pasteurized Milk Ordinance, 2009 edition, shall have the meaning ascribed to such term therein.

(d) The provisions of this Part shall preempt any local law, ordinance, rule or regulation enacted by any city, village, town, county, or by any department, agency, board, office or other division thereof, whether enacted prior to or after the effective date of this Part, to the extent that any such enactment is different from or inconsistent with the provisions of this Part.