

PART 41
REQUIREMENTS FOR THE TRANSPORTATION AND STORAGE
OF PASTEURIZED MILK

(Statutory authority: Agriculture and Markets Law, sections 18, 255, 257-a)
(Effective date: May 7, 1997)

Section 41.1. **General application.** The terms and provisions of this Part shall apply to the transportation and storage of pasteurized milk packaged for resale.

Section 41.2. **Definitions.** The following definitions shall apply to the terms used in this Part:

(a) *Distributor* means any person who purchases milk from a milk dealer and transports it for intended resale in the original container.

(b) *Milk* means “milk” as defined in subdivision (7) of section 253 of the Agriculture and Markets Law that has been pasteurized and packaged, except that it does not include milk that has been aseptically processed as defined in section 2.2 of this Title.

(c) *Milk dealer* means a “milk dealer” as defined in subdivision (4) of section 253 of the Agriculture and Markets Law.

(d) *Person* means a “person” as defined in subdivision (3) of section 253 of the Agriculture and Markets Law.

(e) *Certification* means a written statement, subscribed and dated by a distributor or his duly authorized representative, which sets forth the distributor’s name, business address, telephone number, vehicle license plate number, and a declaration that all requirements for ensuring that milk is properly transported, as prescribed in section 257-a of the Agriculture and Markets Law, have been met relative to such distributor’s purchases of milk from a particular milk dealer.

Section 41.3. **Certification requirement.** (a) Any milk dealer who sells milk to a distributor shall, on or before the date of the first such sale, obtain from such distributor a certification as defined in subdivision (e) of section 41.2 of this Part, unless exempted pursuant to section 41.4 of this Part.

(b) Any certification obtained pursuant to this section shall be retained by the milk dealer at its usual place of business for so long as milk sales to the distributor continue, and shall be made available for inspection by the Commissioner's representative during regular business hours.

Section 41.4. **Exemption.** Any person who purchases or handles milk in a total quantity not exceeding ten gallons per delivery is exempt from the requirements of this Part and section 257-a of the Agriculture and Markets Law. [NOTE: Effective July 6, 1999, exemption provision in Section 257-a was amended to twenty gallons per day].

Section 41.5. **Certification form.** A certification in the following form shall be deemed to satisfy the requirement of this Part:

DISTRIBUTOR'S CERTIFICATION

I hereby certify that the vehicle transporting packaged milk for resale in the same container is capable of maintaining such milk at a temperature of not more than 45 degrees Fahrenheit and the packaged milk is stored and shipped in a compartment which contains no toxic and hazardous chemicals or solid waste as defined in section 257-a of the Agriculture and Markets Law.* These requirements are being met with regard to milk purchased by me from _____

(Name & Address of Milk Dealer)	
_____	_____
(Name of Distributor)	(Address of Distributor)
_____	_____
(Vehicle License Plate Number)	(Telephone Number of Distributor)
_____	_____
(Date Signed)	(Signature of Distributor or Distributor's Representative)

	(Name and Title of Signer)

* "Toxic and hazardous chemicals" shall not mean common household products normally sold in grocery stores and supermarkets or those products normally provided to commercial establishments by a food service company, that are packaged and handled in a manner which avoids contamination of milk or milk products. "Solid waste" shall not mean any packaging that is approved for reuse such as returnable milk bottles.