



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE & MARKETS  
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Division of Milk Control and Dairy Services  
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### **Raw Milk Sales – Startup and Guidance**

#### **TO GET STARTED:**

- 1) The producer must first make contact with the Division of Milk Control & Dairy Services to obtain the proper permit applications and start the permitting process.
  - Part 2 Permit application
- 2) The producer must arrange for a water sample to be checked for coliforms, and a milk sample to be checked for pathogens from an approved laboratory. \*See below

#### **The sample will be checked for the presence of:**

✓ <i>Salmonella enterica</i>	(NONE)
✓ <i>Listeria monocytogenes</i>	(NONE)
✓ <i>Campylobacter spp.</i>	(NONE)
✓ <i>Escherichia coli</i>	<10 per mL
✓ <i>E. coli O157:H7</i>	(NONE)
✓ <i>Staphylococcus aureus</i>	Less than 10,000 per mL

The producer must also be enrolled in the QMPS Program and have a report showing that each animal was tested for mastitis causing organisms. The test results and recommendations must be sent directly to the Albany office. Additionally, the results of all future surveys which are required at least annually must likewise be sent to the Albany office directly.

\*Raw Milk Samples and Water Samples are to be sent to a private approved laboratory and the samples are to be sealed by the Dairy Products Specialist. Producer will make prior arrangements for delivering the samples to the laboratory. Inspector should submit an e-mail to the central office making the office aware of the private laboratory used and when the samples were submitted.

**Approved Labs:** Certified Laboratory, Micro-Bac of New York, and CNA Labs.

### 3) Tuberculosis and Brucellosis Testing:

See attached Animal Industry letter addressing Animal Health Requirements for New York Dairies Producing Milk for Human Consumption.

Once all of the information has been compiled and found to be satisfactory the permit will be issued.

#### After Permit Issuance:

Raw milk can only be sold directly to the consumer at the farm where the milk was produced and shall be bottled in a single service container which is mechanically filled and capped and not filled greater than 24 hours prior to sale; or, in a container provided by the consumer, which is filled by the permit holder in the presence of the consumer. A sign at the point of sale shall be posted stating "Notice: Raw milk sold here, raw milk does not provide the protection of pasteurization." Signs are available upon request.

Following all of the above, the facility will be inspected monthly and raw milk samples for total bacteria, somatic cells and pathogens will be submitted to the New York State Food Laboratory for analysis.

#### Quality Standards:

➤ <b>Bacteria</b>	<b>Not more than 30, 000 per mL</b>
➤ <b>Somatic cells</b>	<b>Not more than 750,000 per mL (Goat milk not more than 1,000,000 per mL)</b>
➤ <b><i>Salmonella enterica</i></b>	<b>(NONE PRESENT – Recall if any)</b>
➤ <b><i>Listeria monocytogenes</i></b>	<b>(NONE PRESENT – Recall if any)</b>
➤ <b><i>Campylobacter coli and jejuni</i></b>	<b>(NONE PRESENT – Recall if any)</b>
➤ <b><i>Escherichia coli</i></b>	<b>&lt;10/Recall @ ≥10 per mL</b>
➤ <b><i>E. coli O157:H7</i></b>	<b>(NONE PRESENT – Recall if any)</b>
➤ <b><i>Staphylococcus aureus</i></b>	<b>&lt;10,000/Recall @ 100,000 per mL</b>

Laboratory reports that contain organisms below the Quality Standards, but are present in the sample, will be labeled as a warning letter. This is to notify the producer that a potential problem-causing organism is present in the product.

New York Animal Health Requirements for Dairies producing Milk for Human Consumption



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**Animal Health Requirements for New York Dairies Producing Milk for Human Consumption**

**REQUIREMENTS FOR CATTLE HERDS**

**Tuberculosis:**

Because of New York State's Tuberculosis Accredited Free Status and the slaughter surveillance program for tuberculosis, cattle in New York do not have to be individually tuberculosis tested unless they have been exposed to animals suspected of having tuberculosis.

**Brucellosis:**

Cattle producing milk for human consumption, whether it is for raw milk sales, for pasteurization, or for processing, must:

1. have either an annual whole herd blood test at owner's expense or
2. at least every six months submit composite milk samples representing all milking animals at the time. USDA routinely picks up samples at commercial creameries. For farms that are licensed to sell or process their own milk, arrangements must be made to submit milk samples. The producer should contact Erin Bond at 518-457-7757.

**REQUIREMENTS FOR GOATS, SHEEP, WATER BUFFALO**

**Tuberculosis:**

New York is Accredited Free for Tuberculosis. After review of the incidence of, and surveillance for, *Mycobacterium bovis* in ruminants, USDA has decided that routine tuberculosis testing is not required for milking herds/flocks. Some tuberculosis testing will still be required for interstate and international movement of live animals as required by the receiving jurisdiction.

**Brucellosis:**

New York is Brucellosis Free. The requirements for brucellosis are as follows:

- For all species other than bovine, brucellosis blood testing is required.
- Currently, the Department has limited funding to assist farmers trying to meet the brucellosis testing requirements. All laboratory costs for required brucellosis tests will be paid by the state as long as the samples are sent to the Animal Health Diagnostic Center at Cornell. The state will also pay for veterinary expenses at the rate of \$20.00 per farm plus \$2.00 per head for goats, \$6.00 per head for sheep and exotics. The owner is responsible for any veterinary charges which exceed this. As long as funding is available, the Department will pay for some required testing once a year for each farm.
- For most herds and flocks, an initial whole herd test will be done, then once per year, all natural and purchased animals which will be added to the milking string will be tested at the same reimbursement rate as above. The owner will be responsible for paying for the testing of additions not tested during the annual test and must have all animals leaving the herd/flock for dairy purposes tested.
- For larger milking herds/flocks, a statistical sample may be taken each year, as shown in the following table:

<b>Herd/Flock Size</b>	<b>Sampling Size</b>	<b>Herd/Flock Size</b>	<b>Sampling Size</b>
20	20	500	82
50	41	600	83
100	59	700	84
150	67	800	85
200	72	1000	86
250	75	1400	87
300	77	1800	88
350	79	4000	89
400	80	10000	89
450	81	100000	90

**Grade "A" Pasteurized Milk Ordinance (2003 Revision)**

## **Section 8**

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### **SECTION 8. ANIMAL HEALTH**

1. All milk for pasteurization shall be from herds in Areas which have a Modified Accredited Advanced Tuberculosis status or greater as determined by the USDA. Provided, that in an Area which fails to maintain such status, any herd shall have been accredited by said Department as tuberculosis free, or shall have passed an annual tuberculosis test, or the Area shall have established a tuberculosis testing protocol for livestock that assures tuberculosis protection and surveillance of the dairy industry within the Area and that it is approved by FDA, USDA and the Regulatory Agency.
2. All milk for pasteurization shall be from herds under a brucellosis eradication program, which meets one (1) of the following conditions:
  - a. Located in a Certified Brucellosis-Free Area as defined by USDA and enrolled in the testing program for such areas; or
  - b. Meet USDA requirements for an individually certified herd; or
  - c. Participating in a milk ring testing program at least two (2) times per year at approximately one hundred eighty (180) day intervals and all herds with positive milk ring results shall have the entire herd blood tested within thirty (30) days from the date of the laboratory ring tests; or
  - d. Have an individual blood agglutination test annually with an allowable maximum grace period not exceeding two (2) months.
3. Goat, sheep, water buffalo, or any other hooved mammal milk for pasteurization, ultra-pasteurization or aseptic processing, defined under this *Ordinance*, shall be from a herd or flock that:
  - a. Has passed an annual whole herd or flock brucellosis test as recommended by the State Veterinarian or USDA Area Veterinarian in Charge (AVIC); or
  - b. Has passed an initial whole herd brucellosis test, followed only by testing replacement animals or any animals entering the milking group or sold as dairy animals; or
  - c. Has passed an annual random blood-testing program sufficient to provide a confidence level of 99% with a P value of 0.05. Any herd or flock with one (1) or more confirmed positive animals shall go to 100% testing until the whole herd tests show no positive animals are found; or

New York Animal Health Requirements for Dairies producing Milk for Human Consumption

- d. Has passed a USDA approved bulk milk test, at USDA recommended frequency, with an implementation date based on availability of the test.

**NOTE:** There is not currently any USDA bulk milk tests available for use in any species except cattle.

**NOTE:** Milk from animals not currently in the *Grade "A" PMO* may be labeled as Grade "A" and IMS listed upon FDA's acceptance of validated *Grade "A" PMO*, Section 6 and Appendix N. test methods for the animal to be added.

The following table<sup>13</sup> will provide the random sampling size needed to achieve 99% confidence with a P value of 0.05:

Herd/Flock Size	Sampling Size	Herd/Flock Size	Sampling Size
20	20	500	82
50	41	600	83
100	59	700	84
150	67	800	85
200	72	1000	86
250	75	1400	87
300	77	1800	88
350	79	4000	89
400	80	10000	89
450	81	100000	90

- 4. For diseases other than brucellosis and tuberculosis, the Regulatory Agency shall require such physical, chemical or bacteriological tests, as it deems necessary. The diagnosis of other diseases in dairy animals shall be based upon the findings of a licensed and accredited<sup>14</sup> veterinarian or an accredited veterinarian in the employ of an official Agency. Any diseased animal disclosed by such test(s) shall be disposed of as the Regulatory Agency directs.
- 5. Records supporting the tests required in this Section shall be available to the Regulatory Agency and be validated with the signature of a licensed and accredited veterinarian or an accredited veterinarian in the employ of an official Agency.

## **PUBLIC HEALTH REASON**

The health of the animal is a very important consideration, because a number of diseases of cattle, including tuberculosis, brucellosis, Q-fever, salmonellosis, staphylococcal infection and streptococci infection, may be transmitted to man through the medium of milk. The organisms of most of these diseases may get into the milk either directly from the udder, or indirectly through infected body discharges which may drop, splash or be blown into the milk.

The great reduction in the incidence of bovine tuberculosis in man indicates that the practice of good sanitation in animal husbandry, the testing of dairy animals and removal of the reactors from the herds, and the pasteurization of milk, have been effective in the control of this disease. The reservoir of bovine tuberculosis still exists; however, constant vigilance against this disease must be continued by industry and Regulatory Agencies.

## **ADMINISTRATIVE PROCEDURES**

**BOVINE TUBERCULOSIS:** All tuberculin tests and retests shall be made, and any reactors disposed of, in accordance with the current edition of *Uniform Methods and Rules; Bovine Tuberculosis Eradication, Uniform Methods and Rules for Establishment and Maintenance of Tuberculosis-Free Accredited Herds of Cattle, Modified Accredited Areas and Areas Accredited Free of Bovine Tuberculosis in the Domestic Bovine*, as published by USDA. For tuberculosis test purposes, the herd is defined as all adult cattle twenty-four (24) months of age and over, including any commingled beef animals. Dairy cattle less than two (2) years of age and already milking shall be included in the herd test. A letter or other official correspondence attesting to the accreditation status of the locality in which the herd is located, including the date of accreditation, or a certificate identifying the animals tested, the date of injection, the date of reading of the test and the results of the test signed by a USDA accredited veterinarian, shall be evidence of compliance with the above requirements and shall be filed with the Regulatory Agency. (Refer to Appendix A.)

**BOVINE BRUCELLOSIS:** All brucellosis tests, retests, disposal of reactors, vaccination of calves and certification of herds and areas shall be in accordance with the current edition of *Brucellosis Eradication, Recommended Uniform Methods and Rules*, as published by USDA. All reactors disclosed on blood agglutination tests shall be separated immediately from the milking herd and the milk of these reactors shall not be used for human consumption.

A certificate identifying each animal, signed by the veterinarian and the director of the laboratory making the test, shall be filed as directed by the Regulatory Agency. Provided, that in the event the herd is subject to the milk ring test, the record shall be required to show only the date and results of such test. Within thirty (30) days following the expiration of an official milk ring testing program, or in the case of a herd subject to annual blood tests, thirteen (13) months following the last annual blood tests, the Regulatory Agency shall notify the herd owner or operator of the necessity to comply

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with the brucellosis requirements. The failure of the herd owner or operator to comply with the brucellosis requirements within thirty (30) days of written notice shall result in immediate suspension of the permit. (Refer to Appendix A.)

## **Appendix A. Animal Disease Control**

Copies of the *Uniform Methods and Rules; Bovine Tuberculosis Eradication, Uniform Methods and Rules for Establishment and Maintenance of Tuberculosis-Free Accredited Herds of Cattle, Modified Accredited Areas and Areas Accredited Free of Bovine Tuberculosis in the Domestic Bovine* and recommended *Brucellosis Eradication, Recommended Uniform Methods and Rules*, current at the time of adoption of this *Ordinance* may be obtained from your State Veterinarian or:

Veterinary Services  
Animal and Plant Health Inspection Service  
U. S. Department of Agriculture  
Federal Center Building  
Hyattsville, MD 20782

Or

Federal Area Veterinarian in Charge  
VS, APHIS, USDA  
500 New Karner Rd.  
Albany, NY 12205

It is recommended that Regulatory Agencies initiate and/or promote a mastitis control program. A well-planned and extended educational phase will encourage the support of producers and reduce the problems of enforcement.

The National Mastitis Council Inc., 2820 Walton Commons West, Suite 131, Madison, WI 53718-6797, has studied a large number of existing control programs and has outlined a suggested flexible control program. In addition, review of the current knowledge of mastitis may be found in their publications: *Current Concepts of Bovine Mastitis* and the *Laboratory Handbook of Bovine Mastitis*.

Sanitarians may find the screening test a useful device for detecting abnormal milk. Sample screening methods, as well as somatic cell diagnosis and reduction programs are discussed in the references above as well as the Dairy Practices Council, 51 East Front Street, Suite 2, Keyport NJ 07735 publication: *The Field Person's Guide to Troubleshooting High Somatic Cell Counts*.

Regulatory action should not be based on the use of mastitis screening tests alone. Screening tests should be used as an adjunct to a complete program of mastitis control and milking-time inspections.