



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

March 22, 1973

Honorable Edgar F. Heiskell III
West Virginia Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary Heiskell:

Enclosed please find two (2) copies of amended administrative regulations promulgated by me and pertaining to the West Virginia Milk and Milk Products Law and amending Regulation 21 of Chapter 19, Article 2, Series VIIa.

I certify that the enclosed amended regulation is a true and accurate copy of the regulation adopted by me March 22, 1973.

With best regards, I am

Sincerely yours,

Gus R. Douglass
Agriculture Commissioner

D/A/s

Enclosures

RECEIVED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE MAR 27 1973

FILED IN THE OFFICE
EDGAR F. WEISKELL III
SECRETARY OF STATE
THIS DATE 3/27/25

Sec. 21A

Adm. Reg. 19-2
Series ~~VI~~ VII a

By amending Section 21 by adding thereto another section designated 21a, Testing of Milk for Butterfat by Light Transmission (Milko-Tester Method).

21^a.01 Definitions. The term "Milko-Tester Method" shall mean the automated light scattering method for determining the fat content of raw unhomogenized milk as described in the Journal of the Association of Official Analytical Chemists. The word "tester" shall mean any person who operates the Milko-Tester for determining the percentage of butterfat in milk or cream.

21^a.02 Licensing Requirements. No person shall operate a Milko-Tester to determine the butterfat of milk for a basis of payment unless licensed by the Commissioner of Agriculture to perform both this test and the Babcock test. Buyers who want to use the Milko-Tester for producer payment must notify the Commissioner no less than thirty (30) days prior to its use.

21^a.03 Reference Method. The Babcock test shall be used as the reference method to maintain the calibration of the Milko-Tester. Other methods may be used as a reference upon approval by the Commissioner. Written notification of the reference method shall be send to the Commissioner prior to the installation and first use of a Milko-Tester. A subsequent change in the reference method used shall be made only with the specific approval of the Commissioner.

21.04 Calibration of Milko-Tester. At the beginning of each testing day, the following items must be completed and recorded:

- (1) Check the machine for zero setting as prescribed in the Milko-Tester Operators Manual.
- (2) At least ten (10) tests must be run by the Babcock method and the same tests compared with the Milko-Tester. The Milko-Tester shall be calibrated so that the average variation between the Babcock and the Milko-Tester does not exceed 0.02 per cent.
- (3) During the daily use of the Milko-Tester a standard sample shall be tested by both Babcock and Milko-Tester methods. Following each forty (40) samples tested by the Milko-Tester and/or every hour the tester is in use, a check test shall be made and compared with the standard sample. If any check test shall vary more than 0.02 from the standard, the Milko-Tester must be rinsed thoroughly with versene solution and the machine checked for zero setting in order to get agreement on the test standard. At least three (3) standard checks must then be run and if variation is noted the Milko-Tester must be recalibrated.
- (4) If at any time the Milko-Tester is recalibrated, the procedure must be repeated as outlined in steps (1) and (2).