

REGULATIONS

**REGULATIONS OF THE WEST VIRGINIA
BOARD OF HEALTH**

- CHAPTER 1. SANITARY REGULATIONS**
- CHAPTER 2. COMMUNICABLE DISEASES**
- CHAPTER 3. VITAL STATISTICS**
- CHAPTER 4. STATE HYGIENIC LABORATORY**
- CHAPTER 5. MISCELLANEOUS**
- CHAPTER 6. INDUSTRIAL HYGIENE**

CHAPTER I

SANITARY REGULATIONS

- Article 1. West Virginia Milk Regulations
- Article 2. Ice Cream and Frozen Milk Products ✓
- Article 3. Sanitation of Eating and Drinking Establishments
- Article 3A. Sanitation of Meat Markets and Grocery Stores ✓
- Article 4. Sanitation of Bakeries ✓
- Article 5. Water
- Article 6. Sanitation of Bathing Places
- Article 7. Sanitation of Tourist and Resort Camps ✓
- Article 8. Sanitation of Labor and Industrial Camps ✓
- Article 9. Schools—Sanitary Requirements ✓
- Article 10. Sanitary Disposal of Human Excreta - OBsolete 5/28/70
- Article 11. Sewage ✓
- Article 12. Cleaning of Septic. Tanks, Cesspools and Privies - OBsolete 5/28/70

ARTICLE 1. WEST VIRGINIA MILK REGULATIONS

1. Definitions.
2. The Sale of Unadulterated, Misbranded, or Ungraded Milk or Milk Products Prohibited.
3. Permits.
4. Labeling.
5. Inspection of Dairy Farms and Milk Plants.
6. The Examination of Milk and Milk Products.
7. The Grading of Milk and Milk Products.
8. Grades of Milk and Milk Products Which May Be Sold.
9. Reinstatement of Permit; Supplementary Regrading.
10. Transferring or Dipping Milk; Delivery Containers; Cooling; Quarantined Residences.
11. Milk and Milk Products from Points Beyond the Limits of Routine Inspection.
12. Future Dairies and Milk Plants.
13. Notification of Disease.
14. Procedure When Infection Suspected.
15. Enforcement Interpretation.
16. Penalty.
17. Repeal and Date of Effect.
18. Unconstitutionality Clause.

Section 1. Definitions.—The following definitions shall apply in the interpretation and the enforcement of this regulation:

A. Milk: Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows and which contains not less than three and one-half (3½) per cent of milk fat and not less than eight and one-half (8½) per cent of milk solids not fat.

A-1. Wholesale Milk: Wholesale milk shall mean milk produced and sold on a wholesale basis to dairies or milk plants. This product must conform to the above definition, except that it shall contain not less than three (3) per cent of butter fat and not less than eight and one-half (8½) per cent of milk solids not fat. The word "milk" shall be interpreted to mean wholesale milk.

A-2. Goat Milk: Goat milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word "milk" shall be interpreted to include goats' milk.

B. Milkfat: Milkfat, or butterfat, is the fat of milk.

B-1. Cream: Cream is a portion of milk which contains not less than 18 per cent milkfat.

B-2. Sour Cream: Sour cream is cream the acidity of which is more than 0.20 per cent, expressed as lactic acid.

B-3. Light Cream, Coffee Cream, or Table Cream: Light cream, coffee cream, or table cream, is cream which contains less than 30 per cent milkfat.

B-4. Whipping Cream: Whipping cream is cream which contains not less than 30 per cent milkfat.

B-5. Light Whipping Cream: Light whipping cream is whipping cream which contains less than 36 per cent milkfat.

B-6. Heavy Cream, or Heavy Whipping Cream: Heavy cream, or heavy whipping cream, is whipping cream which contains not less than 36 per cent milkfat.

B-7. Half and Half: Half and half is a product consisting of a mixture of milk and cream which contains not less than 11.5 per cent milkfat.

B-8. Reconstituted, or Recombined, Half and Half: Reconstituted, or recombined, half and half is a product resulting from the combination of reconstituted milk or reconstituted skim milk with cream or reconstituted cream, which contains not less than 11.5 per cent milkfat.

B-9. Whipped Cream: Whipped cream is cream to which a harmless gas has been added to cause whipping of the product. It may also contain sugar, other harmless flavoring, and a harmless stabilizer.

C. Concentrated Milk: Concentrated milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk. When recombined with water, in accordance with instructions printed on the container, the resulting product conforms with the standards for milkfat and solids-not-fat of milk as defined above.

C-1. Concentrated Milk Products: Concentrated milk products shall be taken to mean and include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, concentrated flavored milk, concentrated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be, and which, when recombined with water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products in this section.

C-2. Dry Milk: Dry milk is milk from which at least 95 per cent of the water has been removed.

D. Skim Milk: Skim milk is milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to less than 3 percent.

D-1. Nonfat, Fat-Free, or Defatted Milk: Nonfat, fat-free, or defatted milk is skim milk which contains not more than 0.1 per cent milkfat.

D-2. Skim-Milk Solids: Skim-milk solids shall be deemed to include concentrated skim milk and nonfat dry-milk solids.

D-3. Nonfat Dry-Milk Solids: Nonfat dry-milk solids shall mean nonfat milk from which at least 95 per cent of the water has been removed.

E. Flavored Milk: Flavored milk is a beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients.

E-1. Flavored Drink, or Flavored Dairy Drink: Flavored drink, or flavored dairy drink is a beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.

E-2. Flavored Reconstituted Milk: Flavored reconstituted milk is a flavored milk made from reconstituted milk.

E-3. Flavored Reconstituted Drink, or Flavored Reconstituted Dairy Drink: Flavored reconstituted drink, or flavored reconstituted dairy drink is a flavored drink made from reconstituted skim milk.

F. Buttermilk: Buttermilk is a fluid product resulting from the churning of milk or cream. It contains not less than 8 per cent milk solids-not-fat.

F-1. Cultured Buttermilk: Cultured buttermilk is a fluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized skim milk or pasteurized reconstituted skim milk. It contains not less than 8 per cent milk solids-not-fat.

F-2. Cultured Milk: Cultured milk is a fluid or semifluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized milk, pasteurized reconstituted milk, or pasteurized concentrated milk. It contains not less than 8½ per cent milk solids-not-fat and not less than 3 per cent milkfat.

G. Vitamin D Milk: Vitamin D milk is milk the vitamin D content of which has been increased by an approved method to at least 400 U.S.P. units per quart.

H. Reconstituted, or Recombined, Milk: Reconstituted, or recombined, milk is a product which results from the recombining of milk constituents with water, and which complies with the standards for milkfat and solids-not-fat of milk as defined herein.

H-1. Reconstituted, or Recombined, Cream: Reconstituted, or recombined, cream is a product which results from the combination of dry cream, butter, or milkfat, with cream, milk, skim milk, or water, and which complies with the milkfat standards of cream as defined herein.

H-2. Reconstituted, or Recombined, Skim Milk: Reconstituted, or recombined, skim milk is a product which results from the recombining of skim-milk constituents with water, and which contains not less than 8½ per cent milk solids-not-fat.

I. Cottage Cheese: Cottage cheese is the soft uncured cheese prepared from the curd obtained by adding harmless, lactic-acid-producing bacteria, with or without enzymatic action, to pasteurized skim milk or pasteurized reconstituted skim milk. It contains not more than 80 per cent moisture.

I-1. Creamed Cottage Cheese: Creamed cottage cheese is the soft uncured cheese which is prepared by mixing cottage cheese with pasteurized cream, or with a pasteurized mixture of cream and milk or skim milk, and which contains not less than 4 per cent milkfat by weight, and not more than 80 per cent moisture.

J. Homogenized Milk: Homogenized milk is milk which has been treated in such a manner as to insure break-up of the fat globules to such an extent that, after 48 hours of quiescent storage, no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than 10 per cent of itself from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.

K. Milk Products: Milk products shall be taken to mean and to include cream, sour cream, half and half, reconstituted half and half, whipped cream, concentrated milk, concentrated milk products, skim milk, nonfat milk, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, cottage cheese, creamed cottage cheese, and any other products made by the addition of any substance to milk, or to any of these milk products, and used for similar purposes, and designated as a milk product by the health officer.

L. Pasteurization: The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least 143°F., and holding it at such temperature continuously for at least 30 minutes, or to at least 161°F., and holding it at such temperature continuously for at least 15 seconds, in approved and properly operated equipment: *Provided*, That nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the State health authority

M. Adulterated and Misbranded Milk and Milk Products: Any milk or cream to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this regulation does not conform with its definition, shall be deemed to be adulterated. Any milk or milk product which carries a grade label, unless such grade label has been awarded by the health officer and not revoked, or which fails to conform in any other respect with the statements on the label, shall be deemed to be misbranded.

N. Milk Producer: A milk producer is any person who owns or controls one or more cows, a part or all of the milk or milk products from which is sold, or offered for sale.

O. Milk Distributor: A milk distributor is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

O-1. Producer-Distributor: A producer-distributor is a milk producer who is also a milk distributor.

P. Dairy, or Dairy Farm: A dairy, or dairy farm, is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

P-1. Producer Dairy: A producer dairy is a dairy farm which sends milk or cream to a milk plant for processing.

P-2. Milk Hauler: A milk hauler is any person, other than a milk producer or a milk-plant employee, who transports milk and/or milk products to or from a milk plant or a collecting point.

Q. Milk Plant: A milk plant is any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

R. Health Officer: The term "health officer" shall mean the State Health Director, or his duly appointed representatives, including all full and part-time representatives of district, county or city health departments.

S. Average Bacterial Plate Count, Direct Microscopic Count, and Cooling Temperature: Average bacterial plate count and average direct microscopic count shall be taken to mean the logarithmic average, and average cooling temperature shall be taken to mean the arithmetic average, of the respective test results of the last four consecutive samples, taken upon separate days, irrespective of the 6-month period referred to in Section 6.

T. Person: The word "person" shall mean any individual, partnership, corporation, company, firm, trustee, or association.

U. And/Or: Where the term "and/or" is used, "and" shall apply where possible, otherwise "or" shall apply.

Section 2. The Sale of Adulterated, Misbranded, or Ungraded Milk or Milk Products Prohibited.—No person shall within the State of West Virginia, or its police jurisdiction, produce, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated,

misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product: *Provided*, That in an emergency the sale of ungraded pasteurized milk or pasteurized milk products may be authorized by the health officer, upon the approval of the State health authority, in which case they shall be labeled "ungraded".

Any adulterated, misbranded, and/or improperly labeled milk or milk products may be impounded by the health officer and disposed of in accordance with State law.

Section 3. Permits.—It shall be unlawful for any person to have in his possession or to bring into or receive into the State of West Virginia, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this regulation, who does not possess a permit from the health officer.

Every milk producer, milk hauler, milk distributor, and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Such a permit may be temporarily suspended by the health officer upon violation by the holder of any of the terms of this regulation, or for interference with the health officer in the performance of his duties, or may be revoked after an opportunity for a hearing by the health officer upon serious or repeated violations.

Section 4. Labeling.—All bottles, cans, packages, and other containers enclosing milk or any milk product defined in Section 1 of this regulation shall be plainly labeled or marked with (1) the name of the contents as given in the definition in this regulation; (2) the word "reconstituted" or "recombined" if included in the name of the product as given in the definition; (3) the grade of the contents; (4) the word "pasteurized" only if the contents have been pasteurized; (5) the word "raw" only if the contents are raw; (6) the phrase "for pasteurization" if the contents are to be pasteurized; (7) the name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (8) in the case of vitamin D milk or milk products, the designation "Vitamin D", the source of the vitamin D, and the number of U.S.P. units per quart; (9) in the case of concentrated milk or milk products, the volume or proportion of water to be added for recombining; and (10) the words "skim-milk solids added", and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products; *Provided*, That only the identity of the producer dairy shall be required on cans delivered to a milk plant which receives only one grade of raw milk for pasteurization, and which immediately dumps, washes, and returns the cans to the producer dairy.

The label, or mark, shall be in letters of an approved size, kind, and color, and shall contain no marks or words which are mis-leading.

Homogenized milk or homogenized cream shall not be mixed with milk, skim milk, or cream which has not been homogenized, unless the product is labeled "homogenized" and conforms with the standards for homogenization in Section 1 (J).

Section 5. Inspection of Dairy Farms and Milk Plants.—Prior to the issuance of a permit, and at least once every six months thereafter, the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the State of West Virginia, or its police jurisdiction. If the health officer should discover the violation of any requirement, he shall make a second inspection after a lapse of such time as he may deem necessary for the defect to be remedied, but not before the lapse of 3 days; and the second inspection shall be used in determining compliance with the requirements of Section 7 of this regulation. Any violation of the same requirement of this regulation on such reinspection shall call for immediate degrading, suspension of permit, and/or court action.

In lieu of making any necessary reinspections for grading purposes of dairies producing raw milk to be pasteurized, the health officer may permit that said reinspections be made by men certified by the West Virginia State Health Department, approved by the local health department and employed by the milk distributors. Copies of all reinspections necessary for grading purposes of dairies producing raw milk to be pasteurized shall be presented to the health officer for his official action.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of the milk house or milk plant, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with records of the health department.

Every milk producer and distributor shall, upon the request of the health officer, permit him access to all parts of the establishment; and every distributor shall furnish the health officer, upon his request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources of such milk and milk products, records of inspections and tests, and pasteurization time and temperature records.

Section 6. The Examination of Milk and Milk Products.—During each 6-month period, at least four samples of milk and cream from each dairy farm, and at least four samples of milk, cream and homogenized milk from each milk plant, shall be taken on separate days and examined by the health officer: *Provided*, That in the case of raw milk for pasteurization the health officer may adopt the following procedure:

Accept the test results of milk samples from milk plant laboratories which have been certified by the West Virginia State Hygienic Laboratory within the last twelve months. If test results are accepted from certified milk plant laboratories the health officer is required to collect and examine at least one-fourth of the samples used for grading purposes during any one grading period.

The phrase "examined by the health officer" as used in this section is defined as examination made by an official state, county, or municipal milk grading laboratory; or, by a commercial milk laboratory which is neither owned nor operated by a milk plant, which is currently approved by the West Virginia Department of Health for the examinations required, and with which the health officer has contracted for milk laboratory services.

Samples of other milk products shall be taken and examined by the health officer at least once during each 6-month period. Samples may be taken at any time prior to the final delivery of the milk or milk products. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk and milk products are sold shall be examined as often as the health officer may require. All proprietors of such places shall furnish the health officer, upon his request with the names of all distributors from whom their milk and milk products are obtained. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the latest edition of "Standard Methods for the Examination of Dairy Products" recommended by the American Public Health Association, current at the time of adoption of this regulation. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration. Bio-assays of the vitamin D content of vitamin D milk and milk products shall be made when required by the health officer in a laboratory approved by him for such examinations.

Whenever the average bacterial count or the average cooling temperature of the last four consecutive samples taken on separate days is beyond the limit for the grade then held, the health officer shall send written notice thereof to the person concerned, and shall take an additional sample, but not before the lapse of 3 days, for determining a new average in accordance with Section 1 (S). Violation of the grade requirements by the new average, or by any subsequent average during the remainder of the current 6-month period, shall call for immediate degrading, suspension of permit, and/or court action, unless the last individual result is within the grade limit.

Whenever more than one of the last four consecutive coliform counts of samples taken on separate days are beyond the limit for the grade then held, the health officer shall send written notice thereof to the person concerned. He shall then take an additional sample, but not before the lapse of 3 days. Immediate degrading, suspension of permit, and/or court action shall be called for when the grade limit is violated by such additional samples, or when the grade limit is again violated during the remainder of the current 6-month period by more than one of the last four consecutive samples, unless the last individual result is within the grade limit.

In case of violation of the phosphatase-test requirement, the probable cause shall be determined and corrected before milk or milk products from the plant concerned again can be sold as pasteurized milk or milk products.

Section 7. The Grading of Milk and Milk Products.—At least once every 6 months the health officer shall announce the grades of all milk and milk products delivered by all producers or distributors and ultimately

consumed in his jurisdiction within the State of West Virginia, or its police jurisdiction. Said grades shall be based upon the following standards, the grading of milk products being identical with the grading of milk except that the bacterial standards shall be doubled in the case of cream and half and half, and omitted in the case of sour cream and buttermilk, cultured buttermilk, cultured milk, cottage cheese and creamed cottage cheese. Vitamin D milk shall only be of grade A pasteurized, grade B pasteurized, or certified pasteurized quality. The grade of a milk product shall be that of the lowest grade of milk or milk product used in its preparation.

Certified Milk-Raw: Certified milk-raw is raw milk which conforms with the latest requirements of the American Association of Medical Milk Commissions in force at the time of adoption of this regulation, and which is produced under the supervision of a medical milk commission reporting monthly to the health officers, and of the State Department of Health, or of the city or county health officer having jurisdiction in the area in which the milk producer is located.

Grade A. Raw Milk: Grade A raw milk is raw milk produced upon dairy farms conforming with all of the following items of sanitation. The bacterial plate count or the direct microscopic clump count of the milk shall not exceed 50,000 per milliliter, as determined in accordance with Section 6.

Grade A Raw Milk for Pasteurization: Grade A raw milk for pasteurization is raw milk from producer dairies conforming with the following items of sanitation except Item 25r, Bottling and Capping, Item 26r, Personnel-Health, and such portions of other items as are indicated therein. The bacterial plate count or the direct microscopic clump count of the milk, as delivered from the farm, shall not exceed 200,000 per milliliter, as determined in accordance with Section 6.

Item 1r. Cows—Health: All milk for pasteurization shall be from herds which are located in a modified accredited tuberculosis-free area, as determined by the Bureau of Animal Industry, United States Department of Agriculture, and which have been tested for tuberculosis not more than 6 years prior to the adoption of this regulation and at least every 6 years after such test: *Provided*, That herds located in an area that fails to maintain such accredited status, or that has an incidence of bovine tuberculosis in excess of 0.2 per cent, shall have been accredited by said Bureau of Animal Industry as tuberculosis-free, or shall have passed an annual tuberculin test. All additions to such herds shall be free from tuberculosis. In the case of milk not for pasteurization, all herds and additions thereto shall be tested and found free of tuberculosis before any milk therefrom is sold and all herds shall be retested at least every 12 months thereafter. Said tests and retests shall be made, and any reactors disposed of, in accordance with the latest requirements approved by the Bureau of Animal Industry, United States Department of Agriculture, for tuberculosis-free, accredited herds, in effect at the time of the adoption of this regulation. A certificate identifying each animal, signed by the veterinarian or attested to by the health officer, and filed as directed by the health officer, shall be evidence of the above test.

Within 3 years after the adoption of this regulation, all milk and milk products for pasteurization shall be from herds certified by the State Livestock

Sanitary Authority as following Plan A approved by the BAI for the eradication of brucellosis. Evidence of this certification shall be filed as directed by the health officer. All additions to the herd shall be brucellosis-free. In the case of milk not for pasteurization, all herds and additions thereto shall be tested and found free of brucellosis before any milk therefrom is sold, and all herds shall be retested at least every 12 months thereafter. Tests and retests shall be made, and any reactors disposed of, in accordance with the latest requirements approved by the BAI, USDA, in effect, at the time of the adoption of this regulation. A certificate identifying each animal, signed by the veterinarian and the director of the laboratory making the test, and filed as directed by the health officer, shall be evidence of the above test.

Cows which show a complete induration of one quarter or extensive induration in one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd: *Provided*, That this shall not apply in the case of a quarter that is completely dry. Cows giving bloody, stringy, or otherwise abnormal milk, but without entire or extensive induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

For other diseases, such tests and examinations as the health officer may require after consultation with State livestock sanitary officials shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

Item 2r. Milking Barn—Lighting: A milking barn, stable, or parlor shall be provided. It shall be provided with adequate light, properly distributed, for both day and night milking.

Item 3r. Milking Barn—Air Space and Ventilation: Such sections of the milking barn, stable, or parlor, where cows are kept or milked, shall be well ventilated, and shall be so arranged as to avoid overcrowding.

Item 4r. Milking Barn—Floors—Animals: The floors and gutters of that portion of the barn, stable, or parlor, in which cows are milked shall be constructed of concrete, or other approved, impervious, and easily-cleaned material. Floors and gutters shall be graded so as to drain properly, and shall be kept clean and in good repair. No swine or fowl shall be permitted in the milking barn, stable, or parlor. If dry cows, calves, or bulls should be stabled therein, they shall be confined in stalls, stanchions, or pens, which shall be kept clean and in good repair.

Item 5r. Milking Barn—Walls and Ceilings: The interior walls and the ceilings of the milking barn, stable, or parlor shall be white-washed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. Where there is a second story above the milking barn, stable, or parlor, the ceiling shall be tight. If feed should be ground or mixed, or sweet feed should be stored, in a feed room or feed-storage space which adjoins the milking space, it shall be separated therefrom by a dust-tight partition and door.

Item 6r. Cow Yard: The cow yard shall be graded and drained as well as is practicable, and shall be so kept that there are no standing pools of water

nor accumulations of organic wastes: Provided, That, in loafing and/or cattle-housing areas, manure droppings shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks. Swine shall be kept out.

Item 7r. Manure Disposal: All manure shall be removed, and stored or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof.

Item 8r. Milk House or Room—Construction and Equipment: There shall be provided a milk house or milk room, in which the cooling, handling, and storing of milk and milk products, and the washing, bactericidal treatment, and storing of milk containers and utensils, shall be done. (a) The milk house or room shall be provided with a smooth floor, constructed of concrete or other impervious material, maintained in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted, or finished in an approved manner. (c) It shall be well lighted and well ventilated. (d) It shall have all openings effectively screened, including outward-opening self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no purposes other than those specified above except as may be approved by the health officer; it shall not open directly into a milking barn or stable, nor into any room used for domestic purposes; it shall have water piped into it, and shall be provided with adequate facilities for heating water to clean utensils; and it shall be equipped with 2-compartment, stationary, wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the 3-compartment type must be used, and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment. Section 13 shall be posted in the milk house.

Item 9r. Milk House or Room—Cleanliness and Flies: The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All necessary means for the elimination of flies shall be used.

Item 10r. Toilet: Every dairy farm shall be provided with one or more sanitary toilets, conveniently located, and properly constructed, operated, and maintained, so that the waste is inaccessible to flies, and does not pollute the surface soil nor contaminate any water supply.

Item 11r. Water Supply: Water for all dairy purposes shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.

Item 12r. Utensils—Construction: All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth, non-absorbent, non-corrodible, non-toxic material, shall be so constructed as to be easily cleaned, and shall be kept in good repair. Joints and seams shall be welded or soldered flush. Woven-wire cloth shall not be used for straining milk. When milk is

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Item 21r. Milking: Milking

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Item 23r. Milking: Milking shall be cooled
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strained, strainer pads shall be used and shall not be re-used. All milk pails obtained hereafter shall be of the seamless, hooded type. All single-service articles used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

Item 13r. Utensils—Cleaning: All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk and milk products shall be thoroughly cleaned after each usage.

Item 14r. Utensils—Bactericidal Treatment: All multi-use containers, equipment, and other utensils used in the handling, storage or transportation of milk or milk products shall, before each usage, be subjected effectively to an approved bactericidal process utilizing steam, hot water, chemicals or hot air.

Item 15r. Utensils—Storage: All containers and other utensils used in the handling, storage, or transportation of milk or milk products, unless stored in bactericidal solutions, shall be stored so as to drain dry, and so as not to become contaminated before being used.

Item 16r. Utensils—Handling: After bactericidal treatment containers and other milk and milk-product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come into contact.

Item 17r. Milking—Udders and Teats—Abnormal Milk: Milking shall be done in the milking barn, stable, or parlor. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply, and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

Item 18r. Milking—Flanks: The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

Item 19r. Milkers' Hands: Milkers' hands shall be washed clean, rinsed with an effective bactericidal solution, and dried with a clean towel, immediately before milking and immediately after any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands. No person with an infected cut or lesion on hands or arms shall milk cows, or handle milk or milk utensils.

Item 20r. Clean Clothing: Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

Item 21r. Milk Stools: Milk stools and surcingles shall be kept clean.

Item 22r. Removal of Milk: Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be poured in the barn, unless it is protected from flies and other contamination.

Item 23r. Cooling: Milk and milk products not for pasteurization shall be cooled, immediately after completion of milking, to 50°F. or less, and shall be maintained at that temperature until delivery, as determined in

oods shall be used and shall not be re-used. All milk
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nitary manner.

utensils—Cleaning: All multi-use containers, equipment, and
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utensils—Bactericidal Treatment: All multi-use containers, equip-
ments used in the handling, storage or transportation of milk
shall, before each usage, be subjected effectively to an
idal process utilizing steam, hot water, chemicals or hot air.

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less it is protected from flies and other contamination.

Cooling: Milk and milk products not for pasteurization shall
immediately after completion of milking, to 50°F. or less, and
aintained at that temperature until delivery, as determined in

accordance with Section 6. Milk for pasteurization, unless delivered to a milk plant or receiving station within 2 hours after completion of milking, shall be cooled immediately to 60°F. or less and shall be maintained at that temperature as determined in accordance with Section 6, until delivered. *Provided*, That, within 5 years after the adoption of this regulation, all milk for pasteurization, which is not delivered to a milk plant or receiving station within 2 hours after completion of milking, shall be cooled immediately to 50°F. or less, and maintained at that temperature until delivered.

Item 24r. Vehicles and Surroundings: All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing, and from contamination. Vehicles used for the transportation of raw milk to be pasteurized shall have tightly enclosed or insulated bodies; provided when milk and milk products and clean empty containers are delivered direct from the farm to a plant or a receiving station by a producer delivering his own product or when the entire milk route is less than 10 miles in length; a tightly enclosed or insulated body shall not be required, provided these products and containers are protected with a tarpaulin or other suitable covering.

All vehicles used for the transportation of milk or milk products in their final-delivery containers are constructed with permanent tops and sides. Openings of the size necessary to accommodate the delivery man may be permitted in the sides or back for loading and unloading purposes.

All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed thereon.

The immediate surroundings of the dairy shall be kept in a clean, neat condition.

Item 25r. Bottling and Capping: Milk and milk products not for pasteurization shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment, and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers, and shall be kept therein in a clean, dry place until used.

Item 26r. Personnel—Health: The health officer, or a physician authorized by him, shall examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed by one, whose work brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history should suggest that such person may be a carrier of, or be infected with, the organisms of typhoid or paratyphoid fever or any other communicable disease likely to be transmitted through milk, he shall obtain appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examination, and if the results justify, such person shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health office may require for the purpose of determining freedom from infection.

No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.

Grade B Raw Milk: Grade B raw milk is raw milk which does not meet the bacterial standard for grade A raw milk, but which conforms with all other requirements, and the bacterial plate count or the direct microscopic clump count of which does not exceed 200,000 per milliliter, as determined in accordance with Section 6.

Grade B Raw Milk for Pasteurization: Grade B raw milk for pasteurization is raw milk which does not meet the bacterial standard for grade A raw milk for pasteurization, but which conforms with all other requirements. The bacterial plate count or the direct microscopic clump count of the milk, as delivered from the farm, shall not exceed 1,000,000 per milliliter, as determined in accordance with Section 6.

Grade C Raw Milk: Grade C raw milk is raw milk which violates any of the requirements for grade B raw milk.

Grade C Raw Milk for Pasteurization: Grade C raw milk for pasteurization is raw milk which does not meet the requirements for grade B raw milk for pasteurization.

Certified Milk-Pasteurized: Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled, and bottled in a milk plant which conforms with the requirements for grade A pasteurized milk.

Grade A Pasteurized Milk: Grade A pasteurized milk is grade A raw milk for pasteurization which has been pasteurized, cooled, and placed in the final container in a milk plant which conforms with the items of sanitation described below. In all cases the milk shall show efficient pasteurization as evidenced by satisfactory phosphatase test, and at no time after pasteurization and before delivery shall the milk have a bacterial plate count exceeding 30,000 per milliliter, or a coliform count exceeding 10 per milliliter, as determined in accordance with Section 6: *Provided*, That the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count or direct microscopic clump count exceeding 400,000 per milliliter.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collecting stations with respect to compliance with Items 1p to 15p, inclusive, and 17p, 19p, 21p, 22p, and 23p, except that the partitioning requirement of Item 5p shall not apply.

Item 1p. Floors: The floors of all rooms in which milk or milk products are handled or stored, or in which milk utensils are washed, shall be constructed of concrete or other equally-impervious and easily-cleaned material, and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.

Item 2p. Walls and Ceilings: Walls and ceilings of rooms in which milk or milk products are handled or stored, or in which milk utensils are washed, shall have a smooth, washable, light-colored surface, and shall be kept clean and in good repair.

Item 3p. Doors and Windows: Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened, and all doors shall be self-closing.

Item 4p. Lighting and Ventilation: All rooms shall be well lighted and well ventilated.

Item 5p. Miscellaneous Protection from Contamination: The various milk-plant operations shall be located and conducted so as to prevent any contamination of the milk, or of cleaned equipment. All necessary means shall be used for the elimination of flies, other insects, and rodents. There shall be separate rooms for (a) the pasteurizing, processing, cooling, and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant, milk containers, utensils, and equipment shall be used for no purposes other than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer.

Item 6p. Toilet Facilities: Every milk plant shall be provided with toilet facilities conforming with the regulations of the State Department of Health. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. A placard on which Section 13 is printed, and a sign directing employees to wash their hands before returning to work, shall be posted in all toilet rooms used by employees. Where privies or earth closets are permitted and used, they shall be separate from the building, and shall be of a sanitary type, located, constructed, and operated in conformity with the requirements of Item 10r.

Item 7p. Water Supply: The water supply shall be easily assessable, adequate, and of a safe, sanitary, quality.

Item 8p. Hand-Washing Facilities: Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without having washed his hands.

Item 9p. Sanitary Piping: All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

Item 10p. Construction and Repair of Containers and Equipment: All multi-use containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, non-corrodible, non-toxic material; shall be so constructed and so located as to be easily cleaned; and shall be kept in good repair. All single-service containers, closures,

gaskets, and other articles used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

Item 11p. Disposal of Wastes: All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and so installed as to prevent contamination of milk equipment by backflow.

Item 12p. Cleaning and Bactericidal Treatment of Containers and Equipment: All milk and milk-product containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage. All such containers shall be subjected effectively to an approved bactericidal process after each cleaning, and all equipment immediately before each usage. When empty, and before being returned to a producer by a milk plant, each container shall be thoroughly cleaned and subjected to an effective, approved, bactericidal process.

Item 13p. Storage of Containers and Equipment: After bactericidal treatment, all bottles, cans, and other multi-use milk or milk-product containers and equipment shall be transported and stored in such a manner as to be protected from contamination.

Item 14p. Handling of Containers and Equipment: Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such a manner as to permit contamination of the milk. Pasteurized milk or milk products shall not be permitted to come into contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come into contact with equipment with which ungraded or a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

Item 15p. Storage of Caps, Parchment Paper, and Single-Service Containers: Milk-bottle caps or cap stock, parchment paper for milk cans, single-service containers, and gaskets shall be purchased and stored only in sanitary tubes, wrappings, or cartons; shall be kept therein in a clean, dry place until used; and shall be handled in a sanitary manner.

Item 16p. Pasteurization: Pasteurization shall be performed as described in Section 1 (L) of this regulation.

All milk plants engaged in pasteurizing milk are hereby required to provide and keep on hand any special test apparatus required for the testing of their pasteurization plant equipment. Such apparatus may be used by the milk sanitarian and shall comply with the specifications set forth in the United States Public Health Service "1953 Recommended Milk Ordinance and Code," Appendix H.

Item 17p. Cooling: All milk and milk products received for pasteurization shall be cooled immediately in approved equipment to 50°F. or less, and shall be maintained at that temperature until pasteurized, unless they are to be pasteurized within 2 hours after receipt; and all pasteurized milk and milk

products, except those to be cultured shall be cooled immediately in approved equipment to a temperature of 50°F. or less, and shall be maintained thereat until delivery, as determined in accordance with Section 6.

Item 18p. Bottling and Packaging: Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

Item 19p. Overflow Milk: Overflow milk or milk products shall not be sold for human consumption.

Item 20p. Capping: Capping of milk and milk products shall be done in a sanitary manner by approved mechanical equipment. Hand-capping is prohibited. The cap, or cover, shall protect the pouring lip to at least its largest diameter.

Item 21p. Personnel-Health: The health officer, or a physician authorized by him, shall examine and take a careful morbidity history of each person connected with a pasteurization plant, or about to be employed by one, whose work will bring him into contact with the processing, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history should suggest that such person may be a carrier of, or infected with, the organisms of typhoid or paratyphoid fever, or any other communicable disease likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examinations, and, if the results justify, such person shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.

Item 22p. Personnel-Cleanliness: All persons who come into contact with milk, milk products, containers, or equipment, shall wear clean outer garments, and shall keep their hands clean at all times while engaged in such work.

Item 23p. Vehicles: All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed thereon.

Milk tank-cars and tank-trucks shall comply with the construction, cleaning, bactericidal treatment, storage, and handling requirements of Item 5p, 10p, 12p, 13p, and 14p. While containing milk, cream, or milk products, they shall be sealed and labeled in an approved manner. For each tank shipment a bill of lading containing the name of the official supervising agency having jurisdiction over the production of that milk and the permit number issued by said agency and all necessary information shall be prepared in triplicate, and shall be kept on file by the shipper, the consignee, and the carrier for a period of six months for the information of the health officer.

Grade B. Pasteurized Milk: Grade B pasteurized milk is pasteurized milk which does not meet the bacterial-count standard for grade A pasteurized milk, and/or the provision of lip-cover caps of Item 20p, and/or the requirement that grade A raw milk for pasteurization be used, but which conforms with all other requirements for grade A pasteurized milk, and has been made from raw milk for pasteurization of not less than grade B quality, and has a bacterial plate count after pasteurization and before delivery not exceeding 50,000 per milliliter as determined in accordance with Section 6.

Grade C. Pasteurized Milk: Grade C. pasteurized milk is pasteurized milk which does not meet the requirements for grade B pasteurized milk.

Section 8. Grades of Milk and Milk Products Which May Be Sold—From and after 12 months from the date on which this regulation takes effect, no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments, except certified pasteurized and grade A pasteurized, certified raw and/or grade A raw; Provided, That when any milk distributor fails to qualify for one of the above grades, the health officer is authorized to suspend his permit, and/or to institute court action, or in lieu thereof, to degrade his product and to permit its sale during a temporary period not exceeding 30 days, or in emergencies such longer periods as he may deem necessary.

Section 9. Reinstatement of Permit; Supplementary Regrading—If, at any time between regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with Section 5, 6, or 7 of this regulation, the health officer shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the health officer, and who is properly labeling his milk and milk products, or whose permit has been suspended at any time may make application for the regrading of his products or the reinstatement of his permit.

Upon receipt of a satisfactory application for regrading or reinstatement of permit based on correction of a violation of any bacteriological or cooling-temperature standard, the health officer shall take further samples at the rate of not more than two per week, and shall approve the application upon compliance with the grade requirements as determined in accordance with Section 6: Provided, That if samples are not available because of suspension of permit to operate, or for other reasons, the health officer may issue a temporary permit upon satisfying himself, by inspection of the facilities and the operating methods, that the conditions responsible for the violation have been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or temperature findings.

In case the lowered grade of the applicant's product or the permit suspension had been due to a violation of an item other than bacteriological standards or cooling temperature, the said application must be accompanied by a statement, signed by the applicant, to the effect that the violated item of the specifications has been corrected. Within one week of the receipt of such an application and statement, the health officer shall make a reinspection of the applicant's establishment, and thereafter as many additional re-inspections

as he may deem necessary, to assure himself that the applicant is again complying with the higher-grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit.

Section 10. Transferring or Dipping Milk; Delivery Containers; Cooling; Quarantined Residences: Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited.

Milk and fluid-milk products sold in the distributor's containers in quantities of one gallon or less shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, and similar establishments to sell or serve any milk or fluid-milk products except in the individual, original container in which it was received from the distributor, or from a bulk container equipped with an approved dispensing device. After July 1, 1960, the use of tinned metal cans in approved milk dispensers shall be prohibited. *Provided*, That this requirement shall not apply to cream, whipped cream, or half and half which is consumed on the premises, and which may be served from the original bottle or from a dispenser approved for such service.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital, or similar establishment to sell or serve any milk or milk product which has not been maintained, while in its possession, at a temperature of 50°F. or less. If containers of milk or milk products are stored in water for cooling, the pouring lips of the containers shall not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers.

The delivery of milk or milk products to, and the collection of milk or milk-product containers from, residence in which cases of communicable disease transmissible through milk supplies exist, shall be subject to the special requirements of the health officer.

Section 11. Milk and Milk Products From Points Beyond the Limits of Routine Inspection—Milk and milk products from points beyond the limits of routine inspection of the State of West Virginia may not be sold in the State of West Virginia or its police jurisdiction, unless produced and/or pasteurized under provisions which are substantially equivalent to the requirements of this regulation, and which are enforced with equal effectiveness, as determined by a milk-sanitation rating: *Provided*, That the health officer may satisfy himself that conditions shown by the milk sanitation survey continually remain substantially the same.

Section 12. Future Dairies and Milk Plants—All dairies and milk plants from which milk or milk products are supplied to the State of West Virginia which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the grade A requirements of this regulation. Properly-prepared plans for all dairies and milk plants, which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the

health officer for
signed approval

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health officer for approval before work is begun. In the case of milk plants signed approval shall be obtained from the State Director of Health.

Section 13. Notification of Diseases—No person with any disease in a communicable form, or who is a carrier of such disease, shall work at any dairy farm or milk plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm, or in whose milk plant, any communicable disease occurs, or who suspects that any employe has contracted any disease in a communicable form or has become a carrier of such disease, shall notify the health officer immediately.

Section 14. Procedure When Infection Is Suspected—When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of that person from milk handling; (2) the immediate exclusion of the milk supply concerned from distribution and use; and (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

Section 15. Enforcement Interpretation—This regulation shall be enforced by the health officer in accordance with the interpretations thereof contained in Milk Ordinance and Code-1953 Recommendations of the Public Health Service.

Section 16. Penalty—A violation of these regulations, or any part thereof, shall be a misdemeanor and punishable under the provisions of Chapter 101, Article 1, Section 20, Acts of West Virginia Legislature, 1949. (Section 20, Article 1, Chapter 16, West Virginia Code, 1949).

Section 17. Repeal and Date of Effect—All ordinances and parts of ordinances in conflict with this regulation are hereby repealed; and this regulation shall be in full force and effect three months after its adoption as provided by law.

Section 18. Unconstitutionality Clause—Should any section, paragraph, sentence, clause, or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

SUPPLEMENT NO. I — WEST VIRGINIA MILK REGULATIONS

Be it ordained by the State Board of Health of the State of West Virginia in regular session on this Sixteenth day of March, 1961, that these standards to be known as Supplement No. I, "Standards for Refrigerated Farm Bulk Milk Storage and Cooling Tank System Including Handling, Maintenance, and Transportation of Milk From Dairy Farms, Transfer Stations, or Other Locations to Milk Plants", of the West Virginia Milk Regulations adopted by this Board on the Sixteenth day of September, 1954, and amended March 26, 1959 are unanimously adopted and take effect the Sixteenth day of June, 1961.

**STANDARDS FOR REFRIGERATED FARM BULK MILK STORAGE
AND COOLING TANK SYSTEM INCLUDING HANDLING, MAINTEN-
ANCE, AND TRANSPORTATION OF MILK FROM DAIRY FARMS TO
MILK PLANTS**

Complete facilities are provided and installation is approved by local sanitarian *before use*.

A. Milk House or Milk Room Requirements.

1. The milk house and its facilities shall meet the requirements as set forth in the State Board of Health Milk Regulations as adopted September 16, 1954, and the following additional requirements:
 - (a) A cold wall tank located on one farm shall not be used to receive milk from other or additional farms.
 - (b) Water shall be piped into the milk house or room, and including hot water used for washing, shall be under sufficient pressure to rinse all residue from utensils and equipment. A minimum of 50 gallons of hot water (at 140°) storage capacity or its equivalent shall be provided.
 - (c) There shall be hot and cold water connecting lines adjacent to or immediately convenient to the milk storage tank. Tempered water shall be provided through the use of a mixing valve or otherwise provided. A flexible hose (with non-metal nozzle) of sufficient length to reach all areas of the storage tank shall be provided for rinsing. Hose racks shall be provided for storage of the water hose when not in use.
 - (d) Supplemental heating shall be furnished in the milk house or milk room, where necessary, to keep the temperature well above freezing at all times. The heating unit must be so constructed and installed as to prevent the formation of undesirable gasses or odors while it is operating. There shall be no evidence of freezing at any time.
 - (e) There shall be free working space surrounding the bulk storage tank except at the discharge valve where the wall clearance shall be at least 36". The working space (width) should not be less than five ft. A minimum width of 2 ft. should be allowed on each of the other two sides of the tank.
 - (f) Ceiling clearance shall be not less than 6" when tank lids are open to the maximum position.
 - (g) Legs shall be of suitable length to provide 8" clearance between floor and bottom of tanks except in the case of V bottom or round bottom tanks where the outer shell of the tank slopes continuously upward from the outlet center line in which case the minimum clearance must be 6" if the height increases to 8" within a horizontal distance not to exceed 18" on each side of this center line.

- (h) The drainage from the outlet of the tank shall run freely to a suitable drain located away from the tank or its outlet.
- (i) If required by Weights and Measures authorities, the leg mountings may be secured below the floor surface and a suitable bonding or sealing agent employed to result in a water tight and smooth joint level with the floor. In case the tank is designed without legs to rest on a concrete island the base shall be sealed with a suitable bonding agent or sealer to prevent the entrance of liquids or insects and the center line of the outlet shall be at least 6" above the floor.
- (j) There shall be installed in the milk house wall a self-closing hose port not to exceed 6" in diameter. The port shall be at sufficient height above the milk house floor to hold a pipe or hose in position to avoid contamination of the milk conveying facilities with the floor inside the milk house and the outside conditions must be such that the base or pipe is kept clean at all times. A rack or support should be provided by the farmer to prevent the milk line from coming in contact with the ground surface.
- (k) Acceptable cleaning and sanitizing agents and brushes shall be kept available in the milk house, properly stored to prevent contamination. A rubber or plastic pail for mixing detergent solution and a pressure sprayer for sanitizing tank interior shall be provided.
- (l) Approved handwashing facilities must be available at all times for the use of the milk transport operator.
- (m) Mechanical ventilation may be necessary with some installations in order to prevent undue odor and/or condensation, particularly if the compressor is an integral part of the bulk tank.
- (n) Adequate artificial and natural light shall be provided so as to facilitate cleaning and inspection of the bulk tank interior.

B. Refrigerated Farm Milk Storage Tank.

1. Construction

- (a) The refrigerated farm milk storage tank shall comply with current 3-A standards and construction standards of the West Virginia State Board of Health Milk Regulations. In the event that cans are to be filled from the bulk tank there shall be provided a completely closed system of filling, closed system to include a sanitary pump, milk piping, and can cover, and no foam can filler.
- (b) The bulk milk storage tank outlet shall be protected by a sanitary cap at all times, except during the unloading operation and when necessary for cleaning and inspection.

- (c) The bulk tank must be capable of cooling milk to 50°F. within one hour from the conclusion of a milking and to 40°F. within two hours after milk flow to the tank has been completed. At no time shall the storage temperature exceed 40°F. between milkings except for a one hour period after subsequent milkings during which period the temperature of the milk shall not exceed 50°F. The tank shall be provided with automatic refrigerant controlled mechanism, capable of holding the raw milk to within plus or minus 2 deg. F. of the required holding temepreature.

C. Cleaning and Sanitizing of Bulk Milk Tanks.

1. The dairy farm operator shall be responsible for the condition and operation of the bulk milk cooling and storage tank.
2. A definite cleaning and sanitizing procedure shall be followed at each farm employing bulk milk handling. The general procedure shall be the same as for cleaning and sanitizing all dairy equipment.
 - (a) The farm tank shall be thoroughly rinsed with cool or luke-warm water by tank truck operator as soon as all milk has been drawn from the tank. A long handle, bristle brush attached to the rinse hose will greatly facilitate the removal of milk residue from the tank wall and tank cover.
 - (b) All equipment pertinent to the milk storage tank such as agitator, draw pipe, outlet valve, measuring device, and related equipment shall, immediately after washing, be placed in their respective positions in the storage tank until the next use.
 - (c) The bulk tank shall be protected from contamination at all times.

D. Milk Transport Operator and Transport Trucks.

1. The following sanitary measures should be followed by all transport operators:
 - (a) Maintatin clean and tidy personal appearance, wearing clean garments.
 - (b) Wash hands thoroughly just prior to the handling of milk contact equipment at each farm.
 - (c) Make certain that milk-use equipment, such as sampling dippers, is clean and sanitized before each use.
 - (d) Complete respective milk routes as rapidly as possible with no unnecessary delay.
2. **Permit**—any person contemplating transportation of bulk farm milk from the dairy farm to a milk plant or milk receiving station shall first obtain a permit from the Health Department. (This does not apply to a pasteurization plant already in possession of a permit from the Health Department.)

3. **Specifications**—Milk transportation tanks for transporting milk and fluid milk products from farms to plants and/or milk receiving stations shall conform to the 3A standards in design, material, and construction. In addition the milk transportation tank shall be equipped with:

- (a) A tight insulated cabinet, the inner surfaces of stainless steel construction or other impervious easily cleaned material of ample size and structure to provide storage of all equipment used for milk handling purposes such as pump, milk conductors, and sampling equipment.
- (b) A separate compartment for storage of milk samples capable of maintaining a temperature of 40°F.

E. Unloading of Milk—Cleaning and Sanitizing of Milk Transport Tank Trucks.

1. Unloading of milk from the transport truck shall be done at a place and in a manner which will prevent the possibility of contamination during such operation.

- (a) Unloading of the milk may be performed by the use of equipment similar to that used in loading the truck.
- (b) Milk conductor for transferring milk from the farm tank to the transport tank shall be a non-toxic type tubing. The maximum length of each conductor section shall not exceed 8 feet with a minimum diameter of 1½". The section shall be joined by the use of sanitary demountable fittings which shall be disconnected for inspection or cleaning. The fittings that attach the milk conductor to the farm bulk tank shall be provided with a sanitary protective cap kept in place except when the conductor is being used to transfer milk or during cleaning operations.

2. **Cleaning and Sanitizing of Milk Transport Tank Trucks.**

(a) **Enclosure**—There shall be provided an enclosed area with the necessary equipment for washing and sanitizing the tank. This enclosure may also be used for unloading the tank. The enclosure should be equipped with heating facilities to provide a certain degree of comfort in the washing of the trucks during the winter time. The physical structure shall conform to the construction requirements set forth in the milk regulations.

(b) **Equipment.**

- (1) Hot and cold water connections with mixing valve or cold water connection with steam connection at mixing valve and sufficient length of hose.
- (2) Wash trough long enough to accommodate the longest section of milk conductor hose.

- (3) Wash vat (2 compartment) for hose couplings, unions, pump parts, etc.
 - (4) Brushes—Storage cabinets or racks for hose, brushes, gaskets, etc.
 - (5) Air pressure fogging equipment for sanitizing tank.
 - (6) Elevated work platform or stand of proper elevation to provide ease of operation for the clean-up man. This stand should be equipped with suitable steps and the necessary guard rails. These platforms should be constructed of impervious materials and in such a manner that will be easily cleanable.
 - (7) Approved cleaning and sanitizing materials shall be used.
 - (8) All fittings used at the primary plant for transferring milk from transport trucks to plant holding vats shall be kept off the floor. Suitable storage racks shall be provided for these fittings after cleaning and between usage.
- (c) Cleaning and Sanitizing.
- (1) Transport tanks and milk transfer equipment shall be cleaned and sanitized by approved methods after each day's usage and within 24 hours prior to loading.
 - (2) The tank and truck exterior shall be cleaned at regular intervals.

ARTICLE

Sec.

- 1. Definition
- 2. The Essen
- 3. Bacterial
- 4. No Resa

(The statute defines ice cream)

"Ice cream sweetened with gelatine, and harmless than eight (8) fats. When the per cent caused by the

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Sec. 1. mixture of all food stuffs flavoring m

Ice cream lishment, as defined for distribu

Person institution employee or

To sell delivering exchange

Sec. 2 "A" Mill

Item 1 be constructed material drains, a

Item is handled shall be

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH
CHARLESTON 25305

November 28, 1967

Honorable Robert D. Bailey
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed are two copies of a Reference Page and two copies of Index Pages for The Public Health Laws of West Virginia and a Manual of Regulations of the West Virginia Board of Health. These Laws and Regulations are filed in the Odd Size File as item number 3.

Sincerely yours,

A handwritten signature in cursive script that reads "N. H. Dyer".

N. H. Dyer, M. D., M. P. H.
State Director of Health

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 11/28/67