

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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### MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES DIVISION OF ANIMAL HEALTH POLICY STATEMENT WITH RESPECT TO REGULATORY ENFORCEMENT REGARDING THE RETAIL SALE OF RAW MILK

August 16, 2011

The Massachusetts Department of Agricultural Resources' Division of Animal Health is charged with enforcing regulation 330 CMR 27, "Standards and Sanitation Requirements for Grade A Raw Milk". These regulations establish the sanitary processing requirements for milk, as well as setting chemical, bacteriological and temperature standards that milk must meet in order to be offered for sale. Pasteurization is a process used to destroy organisms that may be harmful to human health. Raw milk being offered for retail sale has not been subject to pasteurization. Testing of milk at dairy farms offering raw milk for retail sale is conducted each month. 330 CMR 27.10(B)(3) and 27.16(A)(1) grant specific authority to the Commissioner or his agent to take necessary action when they have determined that an imminent health hazard exists, including immediately suspending a certificate of registration to operate a dairy farm without prior notice or hearing. The Department considers test results that far surpass the acceptable standards to constitute an imminent health hazard. Producers offering raw milk for retail sale that has been determined through laboratory testing to contain exceedingly high levels of bacteria or other contamination will be issued an order to immediately cease and desist the sale of raw milk to the public. The cease and desist order will remain in effect until the cause of the problem is resolved and test results confirm that the milk produced once again meets the established standards. The Department has implemented the following policy to ensure a fair and consistent approach to these matters.

330 CMR 27.06 establishes the standards for raw milk being offered for retail sale. Milk meeting compliance with the regulations shall not have a bacteria count that exceeds 20,000 colony-forming units per milliliter, nor shall it have a coliform count that exceeds 10 colony-forming units per milliliter.

The Department will issue an order to cease and desist to any producer whose bacteria count is found to be 100,000 or more colony-forming units per milliliter, or whose coliform count is found to be 100 or more colony-forming units per milliliter.

Additionally, there is no tolerance for any detectable antibiotics in milk being offered for sale. The Department will issue an order to cease and desist to any producer whose milk has a positive result for antibiotic residue.

This policy will be enforced by the Department through an immediate phone call to the farm involved, and followed by a written cease and desist order sent through Certified Mail, Return Receipt Requested and First Class Mail of the United States Postal Service. Carbon copies of the order will be sent to the town or city's board of health where the farm is located, and to the farm's state dairy inspector.

Any violation of an order to cease and desist, after being informed through the channels mentioned above, may result in further legal action by the Department, including but not limited to, administrative fines and injunctions.