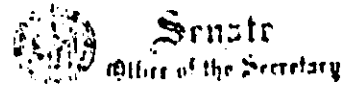


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



15 NOV 26 P4 57

SENATE
S. No. 3018

RECEIVED BY: J.

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO REGULATE AND PROVIDE STANDARDS FOR
THE MANUFACTURE AND SALE OF MILK AND DAIRY PRODUCTS

EXPLANATORY NOTE

Milk is a nutritive substance obtained from various animals and consumed by humans. The common concept of milk is that which is obtained from dairy cows, although milk from goats, water buffalo, and reindeer is also used in various parts of the world. In many industrialized countries, raw cow's milk is processed before it is consumed. During processing the fat content of the milk is adjusted, various vitamins are added, and potentially harmful bacteria are killed. In addition to being consumed as a beverage, milk is also used to make butter, cream, yogurt, cheese, and a variety of other dairy products.¹

Milk is the most complete food designed to feed growing children. It is easily digested and little is wasted. It is a good source of protein, carbohydrates, fat, vitamins A and D, and minerals such as calcium and phosphorous which are essential for the body's growth and development. Older adults likewise benefit from regular milk consumption. A large glass a day of fortified milk may provide a simple, inexpensive, and effective way to slow or stop age-related bone loss.

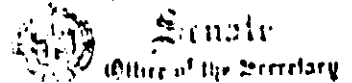
¹ <http://www.madehow.com/Volume-4/Milk.html>

This bill seeks to ensure that the milk and dairy products Filipinos enjoy are produced pursuant to the highest standards by mandating that manufacturers, producers and sellers of milk and dairy products comply with the standards prescribed by this Act.²


MIRIAM DEFENSOR SANTIAGO
RP

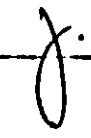
² This bill was filed during the Fourteenth Congress, First Regular Session.

SIXTEENTH CONGRESS OF THE REPUBLIC)
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SENATE
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AN ACT
TO REGULATE AND PROVIDE STANDARDS FOR
THE MANUFACTURE AND SALE OF MILK AND DAIRY PRODUCTS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* – This Act shall be known as the "Manufacturing Milk
2 Act."

3 SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the
4 general welfare of the people. Pursuant to this policy, it shall require manufacturers,
5 producers and sellers of milk and dairy products to comply with the standards prescribed
6 by this Act.

7 SECTION 3. *Definition of Terms.* – For the purposes of this Act, the term –

8 (A) "Adulterated" means food or milk products to which any of the following
9 apply:

10 (1) It bears or contains any poisonous or deleterious substance that may
11 render it injurious to health except that, if the substance is not an added substance,
12 the food or milk product is not considered adulterated if the quantity of that
13 substance in the food or milk product does not ordinarily render it injurious to
14 health;

1 (2) It bears or contains any added poisonous or added deleterious substance,
2 other than a substance that is a pesticide chemical in or on a raw agricultural
3 commodity; a food additive; or a color additive considered unsafe;

4 (3) It is a raw agricultural commodity that bears or contains a pesticide
5 chemical considered unsafe;

6 (4) It bears or contains any food additive considered unsafe: *Provided*, that
7 where a pesticide chemical has been used in or on a raw agricultural commodity in
8 conformity with an exemption granted or tolerance prescribed below and the raw
9 agricultural commodity has been subjected to processing the residue of that
10 pesticide chemical remaining in or on that processed food is not considered unsafe
11 if that residue in or on the raw agricultural commodity has been removed to the
12 extent possible in good manufacturing practice and if the concentration of that
13 residue in the processed food when ready to eat is not greater than the tolerance
14 prescribed for the raw agricultural commodity;

15 (5) It is or contains a new animal drug or conversion product of a new
16 animal drug that is unsafe;

17 (6) It consists in whole or in part of a diseased, contaminated, filthy, putrid,
18 or decomposed substance or it is otherwise unfit for food;

19 (7) It has been produced, prepared, packed, or held under unsanitary
20 conditions in which it may have become contaminated with filth or in which it
21 may have been rendered diseased, unwholesome, or injurious to health;

22 (8) It is the product of a diseased animal or an animal that has died other
23 than by slaughter or that has been fed uncooked garbage or uncooked offal from a
24 slaughterhouse;

25 (9) Its container is composed, in whole or in part, of any poisonous or
26 deleterious substance that may render the contents injurious to health;

1 (10) A valuable constituent has been in whole or in part omitted or
2 abstracted from the food; a substance has been substituted wholly or in part for the
3 food; damage or inferiority has been concealed in any manner; or a substance has
4 been added to the food or mixed or packed with the food so as to increase its bulk
5 or weight, reduce its quality or strength, or make it appear better or of greater
6 value than it is;

7 (11) It is confectionery and has partially or completely imbedded in it any
8 nonnutritive object except in the case of any nonnutritive object if, as provided by
9 rules, the object is of practical functional value to the confectionery product and
10 would not render the product injurious or hazardous to health; it bears or contains
11 any alcohol other than alcohol not in excess of 1/2 of 1% by volume derived solely
12 from the use of flavoring extracts; or it bears or contains any nonnutritive
13 substance except a nonnutritive substance such as harmless coloring, harmless
14 flavoring, harmless resinous glaze not in excess of 4/10 of 1%, harmless natural
15 wax not in excess of 4/10 of 1%, harmless natural gum and pectin or to any
16 chewing gum by reason of its containing harmless nonnutritive masticatory
17 substances which is in or on confectionery by reason of its use for some practical
18 functional purpose in the manufacture, packaging, or storage of such confectionery
19 if the use of the substance does not promote deception of the consumer or
20 otherwise result in adulteration or misbranding in violation of the provisions of
21 this Act. For the purpose of avoiding or resolving uncertainty as to the application
22 of this subdivision, the Secretary may issue rules allowing or prohibiting the use of
23 particular nonnutritive substances;

24 (12) It is or bears or contains any color additive that is unsafe;

1 (13) It has been intentionally subjected to radiation, unless the use of the
2 radiation was in conformity with a rule or exemption under this Act or a regulation
3 or exemption under other laws; or

4 (14) It is bottled water that contains a substance at a level higher than
5 allowed under this Act.

6 For the purposes of this paragraph, any added poisonous or deleterious substance,
7 any food additive, and pesticide chemical in or on a raw agricultural commodity, or any
8 color additive is considered unsafe unless there is in effect a regulation or exemption
9 from regulation under other laws, or a rule adopted under this Act limiting the quantity of
10 the substance, and the use or intended use of the substance, and the use or intended use of
11 the substance conforms to the terms prescribed by the rule.

12 (B) "Approved sample container" means a presterilized, suitable nontoxic single
13 service container of adequate size that complies with the requirements of standard
14 methods.

15 (C) "Aseptic processing and packaging" means the filling of a commercially
16 sterilized cooled product into presterilized containers followed by aseptic hermetical
17 sealing with a presterilized closure, in an atmosphere free of microorganisms.

18 (D) "Bulk milk hauler/sampler" means any person who collects official samples
19 and may transport raw milk from a farm and/or raw milk products to or from a dairy
20 plant, receiving station, or transfer station and has in his or her possession a license or
21 permit to sample such products.

22 (E) "Bulk milk pickup tanker" means a vehicle including a truck, tank, and those
23 appurtenances necessary for its use used by a bulk milk hauler or sampler to transport
24 bulk raw milk for pasteurization from a dairy farm to a dairy plant, receiving station, or
25 transfer station.

1 (F) "Butter" means the product usually known as butter that is made exclusively
2 from wholesome milk or cream, or both, with or without common salt, and with or
3 without additional coloring matter and containing not less than 80% by weight of milk
4 fat.

5 (G) "Cheese" means natural cheeses, processed cheeses, blended cheeses, cheese
6 foods, cheese spreads, nonstandard cheese products, and related foods.

7 (H) "CIP" or "cleaned-in-place" means the procedure by which sanitary pipelines
8 or pieces of dairy equipment are mechanically cleaned in place by circulation.

9 (I) "Commercial sterility of thermally processed food" means the condition
10 achieved under either of the following circumstances:

11 (1) By the application of heat which renders the food free of
12 microorganisms capable of reproducing in the food under normal nonrefrigerated
13 conditions of storage and distribution and viable microorganisms, including
14 spores, of public health significance; or

15 (2) By the control of water activity and the application of heat, which
16 renders the food free of microorganisms capable of reproduction in the food under
17 normal nonrefrigerated conditions of storage and distribution.

18 (J) "Cream" means any of the following:

19 (1) Light cream containing not less than 18% but not more than 30%
20 milkfat;

21 (2) Whipping cream containing more than 30% but less than 36% milkfat;

22 (3) Heavy cream containing more than 36% milkfat; or

23 (4) Cream obtained from cheese whey only if sold or labeled as whey
24 cream.

1 (K) "Dairy plant" means a milk plant, transfer or receiving station, cheese plant,
2 frozen desserts plant, or other plant receiving dairy products or processing dairy products
3 into manufactured dairy products.

4 (L) "Dairy product" or "manufactured dairy product" means products that include,
5 but are not limited to, evaporated milk, condensed skim milk, condensed milk, condensed
6 buttermilk, condensed milk solids, concentrate milk, nonfat dry milk, dry milk, dry
7 cream, dry whey, dry buttermilk, butter, buttermilk, cheese, cheese products, ice cream,
8 sherbet, frozen desserts, dairy confections, or novelties, related dairy products with butter
9 fat or milk solids substitutions, filtered milk components, infant formula manufactured
10 with dairy ingredients, whey, whey cream, and other products for human consumption
11 not regulated by law or as determined appropriate by the Secretary.

12 (M) "Department" means the Department of Health.

13 (N) "Distributor" means a person other than a producer or processor who offers
14 for sale, or sells to another for resale at retail, milk or dairy products. A distributor's
15 facilities include warehousing, refrigerated storage, and refrigerated distribution vehicles.

16 (O) "Dry milk product" means a product resulting from the drying of milk or a
17 dairy product.

18 (P) "Dryer" means equipment that dries milk or a dairy product.

19 (Q) "Farm tank" means the farm bulk milk tank, milk tank truck, or silo used for
20 the storage or cooling of milk, or both, before pickup and transport from the farm.

21 (R) "First receiving point" means the dairy plant where the milk is first received
22 for processing and manufacturing. First receiving point does not include receiving
23 stations and transfer stations.

24 (S) "Frozen desserts" means desserts made from dairy products, the mixes, and
25 other similar frozen dairy products that include, but are not limited to, frozen yogurt, soft

1 serve ice cream, and quiescently frozen confections unless otherwise specified by the
2 Department.

3 (T) "Imminent or substantial health hazard" means a determination by the
4 Secretary of either or both of the following:

5 (1) A condition that exists at a dairy farm or dairy plant requiring
6 immediate action to prevent endangering the public health or safety; or

7 (2) A milk or dairy product may be unwholesome or unsafe.

8 (U) "Label" means a display of written, printed, or graphic matter upon the
9 immediate container of any article conforming to a requirement imposed under this Act
10 that any word, statement, or other information appearing on the label also appears on the
11 outside container or wrapper of the retail package of the article or be easily legible
12 through the outside container or wrapper.

13 (V) "Labeling" means all labels and other written, printed, or graphic matter upon
14 an article or any of its containers or wrappers or accompanying the article.

15 (W) "Milk" means the lacteal secretion, practically free from colostrum, obtained
16 by the complete milking of one or more healthy cows, goats, sheep, or other dairy
17 animals.

18 (X) "Milk buyer" means any milk producer, milk producer marketing
19 organization, dairy plant, receiving station, transfer station, or hulk milk hauler that either
20 takes delivery of raw milk or a raw milk product or manages the sale of the raw milk or
21 raw milk product, or both.

22 (Y) "Milk tank truck" means both a bulk milk pickup tanker and a milk transport
23 tank.

24 (Z) "Milk tank truck cleaning facility" means any place, premises, or
25 establishment, separate from a dairy plant, receiving station, or transfer station where a
26 milk tank truck is cleaned and sanitized.

1 (AA) "Milk transportation company" means the company responsible for a milk
2 tank truck.

3 (BB) "Milk transport tank" means a vehicle, including the truck and tank, used by
4 a bulk milk hauler/sampler to transport bulk shipments of milk from a dairy plant,
5 receiving station, or transfer station to another dairy plant, receiving station, or transfer
6 station.

7 (CC) "Misbranded" means food to which any of the following apply:

8 (1) Its labeling is false or misleading in any particular;

9 (2) It is offered for sale under the name of another food;

10 (3) It is an imitation of another food unless its label bears, in type of
11 uniform size and prominence, the word "imitation" and immediately thereafter the
12 name of the food imitated;

13 (4) Its container is so made, formed, or filled as to be misleading;

14 (5) It is in package form, unless it bears a label containing both the name
15 and place of business of the manufacturer, packer, or distributor and an accurate
16 statement of the quantity of the contents in terms of weight, measure, or numerical
17 count subject to reasonable variations as are permitted and exemptions as to small
18 packages as are established by rules promulgated by the Department;

19 (6) Any word, statement, or other labeling required by this Act is not
20 prominently placed on the label or labeling conspicuously and in such terms as to
21 render it likely to be read and understood by the ordinary individual under
22 customary conditions of purchase and use;

23 (7) It purports to be or is represented as a food for which a definition and
24 standard of identity have been prescribed by rules as provided by this Act or under
25 other laws, unless it conforms to such definition and standard and its label bears
26 the name of the food specified in the definition and standard, and, as may be

1 required by the rules, the common names of optional ingredients, other than
2 spices, flavoring, and coloring, present in such food;

3 (8) It purports to be or is represented to be either of the following:

4 a. A food for which a standard of quality has been prescribed by this
5 Act or rules and its quality falls below such standard unless its label bears,
6 in such manner and form as such rules specify, a statement that it falls
7 below such standard; or

8 b. A food for which a standard or standards of fill of container have
9 been prescribed by this Act or rules and it falls below the standard of fill of
10 container applicable unless its label bears, in such manner and form as the
11 rules specify, a statement that it falls below the standard.

12 (9) It does not bear labeling clearly giving the common or usual name of
13 the food, if one exists, and if fabricated from two or more ingredients, the common
14 or usual name of each ingredient except that spices, flavorings, and colorings,
15 other than those sold as such, may be designated as spices, flavorings, and
16 colorings, without naming each and under other circumstances as established by
17 rules regarding exemptions based upon practicality, potential deception, or unfair
18 competition;

19 (10) It bears or contains any artificial flavoring, artificial coloring, or
20 chemical preservative unless the labeling states that fact and under other
21 circumstances as established by rules regarding exemptions based upon
22 practicality;

23 (11) If a food intended for human consumption and offered for sale, its
24 label and labeling do not bear the nutrition information;

1 (12) It is a product intended as an ingredient of another food and, when
2 used according to the directions of the purveyor, will result in the final food
3 product being adulterated or misbranded; or

4 (13) It is a color additive whose packaging and labeling are not in
5 conformity with packaging and labeling requirements applicable to such color
6 additive prescribed under the provisions of this Act.

7 (DD) "Mix" means ice cream mix, yogurt mix, sherbet mix, and any other
8 unfrozen pasteurized liquid mixture which is to be manufactured into a frozen dessert
9 including a liquid mixture intended for processing into quiescently frozen confections.

10 (EE) "Offering for sale" means selling, offering to sell, holding for sale, preparing
11 for sale, trading, bartering, offering as a gift as an inducement for sale of, and advertising
12 for sale in any media.

13 (FF) "Person" means an individual, partnership, company, limited liability
14 company, cooperative, association, firm, trustee, educational institution, state or local
15 government unit, or corporation.

16 (GG) "Processor" means the owner or operator of a dairy plant.

17 (HH) "Producer" means a person who owns or operates a dairy farm and sells or
18 distributes milk produced on that farm including a person who markets milk on behalf of
19 another producer pursuant to a marketing agreement.

20 (II) "Receiving station" means any place, premise, or establishment where raw
21 milk is received, collected, handled, stored, or cooled and is prepared for further
22 transporting.

23 (JJ) "Rerun" means a frozen dessert that is not placed in its final container
24 immediately after passing through the freezing process and is intended to be melted and
25 reprocessed or refrozen.

26 (KK) "Sample transfer instrument" means any of the following:

- 1 (1) Individually wrapped, sterile, single-service sampling tubes;
- 2 (2) Stainless steel metal dippers, with long handles having capacities of 10
- 3 ml. or greater;
- 4 (3) Sampling devices approved by the Secretary.

5 (LL) "Sanitary standards" means the dairy equipment construction standards or

6 accepted dairy system operating practices formulated by any of the following:

- 7 (1) Sanitary Standards Committees representing the International
- 8 Association for Food Protection;
- 9 (2) Standards for dairy equipment formulated by the Department of Health;
- 10 or
- 11 (3) The equipment or practice approved by the Secretary on a case-by-case
- 12 basis.

13 (MM) "Sanitizing" means the application of any effective method or sanitizing

14 agent to a clean surface for the destruction of pathogens and other organisms as far as is

15 practicable.

16 (NN) "Secretary" means the Secretary of the Department of Health.

17 (OO) "Scheduled process" means the aseptic process selected by the processor as

18 adequate under the conditions of manufacture for a given product to be free of viable

19 microorganisms having public health significance as well as microorganisms of

20 nonhealth significance capable of reproducing in the food under normal nonrefrigerated

21 conditions. Scheduled process includes an aseptic process that may be in excess of that

22 necessary to ensure destruction of microorganisms of public health significance but at

23 least equivalent to the process established by a competent processing authority to achieve

24 commercial sterility.

25 (PP) "Sterilization or aseptic processing" means the complete destruction of living

26 organisms by one of the following methods:

1 (1) Heating a container and its contents to a temperature between 100°C to
2 138°C for a period of time established by the scheduled process or by the
3 Department.

4 (2) Creating a continuous product flow above a temperature of 138°C for a
5 period of time established by the scheduled process or by the Department.

6 (3) Employing a process described in subdivision (i) or (ii), and following
7 packaging of the sterilized product, applying a heat treatment approved by the
8 Department.

9 (QQ) "Sterilized or aseptic milk and dairy products" means products hermetically
10 sealed in a container and thermally processed or otherwise processed so as to render the
11 product free of microorganisms capable of reproducing in the product under normal
12 nonrefrigeration conditions of storage and distribution and free of viable microorganisms
13 including spores of public health significance.

14 (RR) "Transfer station" means any place, premises, or establishment where milk
15 or dairy products are transferred directly from one milk tank truck to another.

16 SECTION 4. *Prohibited Acts.* – It shall be unlawful for any person, directly,
17 through an agent, or on behalf of another person to sell or offer for sale, furnish, or
18 possess or control with intent to sell or offer for sale, or furnish an unsanitary,
19 adulterated, or misbranded milk or dairy product to any person or a processor.

20 Any person found in violation of this provision shall be fined an amount
21 equivalent to what he or she has earned from the sale or offer for sale, furnishing,
22 possession or control with intent to sell or offer for sale of such milk or dairy product:
23 *Provided*, that such amount shall be no less than Fifty Thousand Pesos (P50,000.00).

24 If the offender referred to in the above paragraph is a corporation, trust or firm,
25 partnership, association or any other entity licensed to produce, transport, wash milk tank

1 trucks, process, manufacture, label, or sell manufacturing milk and dairy products or
 2 manufacture single service containers and closures under this Act; such license shall be
 3 revoked and shall not be reissued another for a period not less than five (5) years.

4 SECTION 5. *Standards and Compliance.* – All milk and dairy products made,
 5 produced or sold in the Philippines shall be made, produced or sold pursuant to the
 6 requirements of this Act and the standards as follows:

7 Chemical, Physical, Bacteriological, and Temperature Standards		
8 Manufacturing Grade Raw Milk for Pasteurization (Not For Frozen Desserts) including Ultrafiltration or Reverse Osmosis Raw Milk Concentrate	Temperature	Bulk milk cooled to 7°C or less within 2 hours after milking and maintained thereat. Provided, that the blend temperature after the first and subsequent milkings does not exceed 10°C. Can milk not to exceed 16°C if used for cheese making; if delivered to the plant within 2 hours of milking, no temperature limit.
9	Bacterial limits	Not to exceed 500,000 per ml (milk for cheese not to exceed 750,000 per ml). Not to exceed 1,000,000 per ml as commingled milk prior to pasteurization.
10	Somatic cell count	Not to exceed 1,000,000 per ml.
11	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with raw milk.
12	Sediment	Not to exceed a USDA no. 3 standard following procedures from standard methods for the examination of milk and milk products.
13	Freezing point	0.530°H maximum.
14 Raw Milk for Frozen Desserts	Temperature	Bulk milk cooled to 7°C or less within 2 hours after milking and maintained thereat. Provided, that the blend temperature after the first and subsequent milkings does not exceed 10°C.
15	Bacterial limits	Not to exceed 100,000 per ml for individual supplies, not to exceed 300,000 per ml commingled.
16	Somatic cell count	Not to exceed 750,000 per ml.
17	Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with raw milk.
18	Sediment	Not to exceed a FDA (Food and Drug Administration) standard following procedures from standard methods for the examination of milk and milk products.
19	Freezing point	-0.530°H maximum.

1	Pasteurized Condensed Milk and Condensed Skim Milk	Temperature	Cooled to 7°C (10°C if 45% or more solids) or less, or heated to 63°C or greater and maintained thereat unless the product is being dried within 4 hours after condensing.
2		Bacterial limits	Not to exceed 30,000 per gram.
3		Coliform count	Not to exceed 10 per gram. Provided, that in the case of bulk milk transport tank shipments shall not exceed 100 per ml.
4		Phosphatase	Less than 1 microgram per ml by the Scharer rapid method; less than 500 milliunits per L by fluometric procedure or Charm ALP method, or equivalent.
5		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with condensed milk and condensed skim milk.
6	Dry Whole Milk, Extra Grade	No more than:	
7		Butterfat	Not less than 26% or more than 40%.
8		Moisture	4.50%.
9		Solubility index	1.0 ml spray process; 15.0 roller process.
10		Bacterial limit	Not to exceed 50,000 per gram.
11		Coliform count	Not to exceed 10 per gram.
12		Scorched particles disc B	15.0/gram spray process; 22.5 roller process.
13		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry whole milk.
14		DMCC count	Less than 100,000,000 per gram.
15	Dry Whole Milk, Standard Grade	No more than:	
16		Butterfat	Not less than 26% or more than 40%.
17		Moisture	5.00%.
18		Titratable acidity	0.15%.
19		Solubility index	1.5 ml spray process; 15.0 ml roller process.
20		Bacterial limit	Not to exceed 100,000 per gram.
21		Coliform count	Not to exceed 10 per gram.
22		Scorched particles disc B	22.5 per gram spray process; 32.5 per gram roller process.
23		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry, whole milk.
24		DMCC count	Less than 100,000,000 per gram.
25	Nonfat Dry Milk, Extra Grade	No more than:	
26		Butterfat	1.25%.
27		Moisture	4.00%.
28		Titratable acidity	0.15%.
29		Solubility index	1.2 ml (2.0 ml high heat, max) spray process; 15.0 ml roller process.
30		Bacterial limit	Not to exceed 10,000 per gram spray or 50,000 per gram roller process.

1		Coliform count	Not to exceed 10 per gram.
2		Scorched particles disc B	15.0/gram spray; 22.5/gram roller process.
3		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with nonfat dry milk.
4		DMCC count	Less than 100,000,000 per gram.
5	Nonfat Dry Milk, Standard Grade	No more than:	
6		Butterfat	1.50%.
7		Moisture	5.00%.
8		Titrateable acidity	0.17%.
9		Solubility index	2.5 ml spray process; 15.0 ml roller process.
10		Bacterial estimate	75,000/gram spray; 100,000/gram roller process.
11		Coliform count	10 per gram.
12		Scorched particles disc B	22.5/gram spray; 32.5/gram roller process.
13		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with nonfat dry milk.
14		DMCC count	Less than 100,000,000 per gram.
15	Instant Nonfat Dry Milk, Extra Grade	No more than:	
16		Butterfat	1.25%.
17		Moisture	4.50%.
18		Titrateable acidity	0.15%.
19		Solubility index	1.0 ml.
20		Bacterial limit	Not to exceed 10,000 per gram.
21		Coliform count	Not to exceed 10 per gram.
22		Scorched particles disc B	15.0/gram.
23		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with nonfat dry milk.
24		Dispersibility	85.0%.
25		DMCC count	Less than 40,000,000 per gram.
26	Whey for Condensing	Temperature	Maintained at a temperature of 7°C or less, or 57°C or greater, except for acid-type whey with a titrateable acidity 0.40% or above, or a pH of 4.6 or below.
27		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with whey.
28	Pasteurized Condensed Whey and Whey Products	Temperature	Cooled to 10°C or less during crystallization, within 72 hours of condensing.
29		Coliform count	Not to exceed 10 per gram.
30		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with condensed whey.

1	Dry Whey, Extra Grade	Bacterial limit	Not to exceed 30,000 per gram.
2		Coliform count	Not to exceed 10 per gram.
3		Milkfat content	Not to exceed 1.5%.
4		Moisture content	Not to exceed 5.0%.
5		Scorched particle content	Not to exceed 15.0%.
6	Dry Whey, Dry Whey Products	Bacterial	Not to exceed 50,000 per gram.
7		Coliform count	Not to exceed 10 per gram.
8		Butterfat	Not more than 1.50%.
9		Moisture	Not more than 5%.
10		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry whey and dry whey products.
11	Dry Buttermilk and Dry Buttermilk Products, Extra Grade	Butterfat	4.5% min.
12		Moisture	4.0% max.
13		Titrateable acidity	0.10-0.18%.
14		Solubility index	1.25 ml spray process; 15.0 roller process.
15		Bacterial limit	Not to exceed 20,000 per gram.
16		Coliform count	Not to exceed 10 per gram.
17		Scorched particles disc B	15.0 mg spray process; 22.5 mg roller process.
18		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry buttermilk and dry buttermilk products.
19	Dry Buttermilk and Dry Buttermilk Products, Standard Grade	Butterfat	4.5% min.
20		Moisture	5.0% max.
21		Titrateable acidity	0.10-0.20%.
22		Solubility index	2.0 ml spray process; 15.0 roller process.
23		Bacterial limit	Not to exceed 75,000 per gram.
24		Coliform count	Not to exceed 10 per gram.
25		Scorched particles disc B	22.5 mg spray process; 32.5 mg roller process.
26		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with dry buttermilk and dry buttermilk products.
27	Butter, Whipped Butter	Percent butterfat	Not less than 80%.
28		Temperature	Maintained at a temperature of 7°C or less, when in storage.
29		Proteolytic count	Not more than 50 per gram.
30		Yeast and mold	Not more than 10 per gram.
31		Coliform count	Not more than 10 per gram.
32		Keeping quality	Satisfactory after 7 days at 21°C.
25	Pasteurized Milk, Cream, Fluid Dairy Products for Frozen Desserts	Bacterial limit	Not to exceed 20,000 per ml.
26		Coliform count	Not to exceed 10 per gram. Provided, that in the case of bulk milk transport tank shipments shall not exceed 100 per ml.
27		Storage temp	No higher than 7°C.

1	Sterilized or Aseptic Products	Bacterial limit	FDA standards.
2		Temperature	None.
3		Yeast and mold	No viable yeast or mold spores.
4		Drug residues	No positive results on drug residue detection methods which have been found to be acceptable for use with aseptically processed milk and milk products.
5	Private Water Supplies for Dairy Farms and Dairy Plants; Recirculated Cooling Water (Sweet Water); Glycol for Cooling	Coliform count	Less than 1.1 per 100 ml as MPN or equivalent method less than 1 per 100 ml.
6	Condensate Recovery Water (Cow Water)	Total plate count	Not to exceed 500 per ml.
7		Chemical oxygen demand	Not to exceed 12 mg per L.
8		Turbidity	Not to exceed 5 units.

9 **SECTION 6. Milk for Human Consumption.** – A person who offers milk to the
10 public for human consumption shall obtain that milk from cows, sheep, or goats that are
11 located in areas under government supervision for the eradication of tuberculosis and
12 brucellosis and comply with those requirements for eradication of tuberculosis and
13 brucellosis. Each animal that produces milk for human consumption shall be properly
14 maintained and fed in a manner consistent with Department recommendations for the
15 maintenance of animals of that kind.

16 A person shall not sell or offer for human consumption milk that is known to the
17 person to be any of the following:

- 18 (A) Infected with mastitis or showing signs of being bloody, ropy, or clumpy;
- 19 (B) Carrying a violative drug residue in an amount that exceeds the maximum
20 permitted by law;
- 21 (C) Containing a pesticide or other chemical in excess of the maximum amount
22 permitted by law;

1 (D) Not normal and fresh in odor or appearance or containing excessive coarse
2 sediment when examined organoleptically, visually, or by an accepted test procedure;

3 (E) Containing excessive sediment as determined by sediment test methods
4 provided in standard methods for the examination of dairy products; or

5 (F) Exceeds legal temperature, bacterial, or somatic cell limits.

6 A person in possession of milk described above shall dispose of that milk in the
7 manner directed by the Department.

8 SECTION 7. *Requirements for a Milking Barn or Milking Parlor.* – A milking
9 barn or milking parlor shall be all of the following:

10 (A) Well-lighted and ventilated;

11 (B) Of a size and arrangement adequate to provide for sanitary milking operations;

12 (C) Constructed with floors and gutters of concrete or other impervious material;

13 (D) Kept clean, with manure removed daily and stored out of reach of the animals
14 that are subject to milking;

15 (E) Kept free of swine or fowl at all times; and

16 (F) Constructed with a dust-tight ceiling.

17 SECTION 8. *Requirements for Yard and Loafing Area of Dairy Animals;*
18 *Handling of Milk from a Dairy Animal.* – The yard and loafing area for dairy animals
19 shall be all of the following:

20 (A) Of ample size to prevent overcrowding;

21 (B) Drained to prevent the formation of standing pools; and

22 (C) Kept as clean as is practicably possible.

23 A person who obtains milk from a dairy animal shall do all of the following:

24 (A) Ensure that the udders and flanks of the animal are kept clean;

1 (B) Wash and wipe the udders and teats of the animal immediately before milking
2 with a clean cloth or paper towel that is treated with an approved sanitizing solution and
3 dried with a clean cloth or paper towel after washing, or use any other method approved
4 by the Department;

5 (C) Wear clean outer clothing;

6 (D) Maintain clean and dry hands during milking;

7 (E) Refrain from handling the animal, milk containers, milking utensils, and
8 equipment at any time the person has an infected cut or open sore on either of his or her
9 hands or arms;

10 (F) Milk last or with separate equipment those animals that secrete abnormal milk
11 and exclude that abnormal milk from the milk that will be offered for human
12 consumption;

13 (G) Maintain and properly store milk stools, surcingles, and antikickers;

14 (H) Refrain from conducting an activity that raises dust in the milking area
15 immediately before or during milking;

16 (I) Store feed and concentrates in a tightly covered container;

17 (J) Except for milk that is delivered to a processing plant within two hours after
18 the milking, cool and store milk that is contained in cans and that will be used exclusively
19 for cheese manufacturing at 16 degrees Celsius or lower at the farm within two hours
20 after the milking; and

21 (K) Cool milk that is stored in a dairy farm bulk tank to 10 degrees Celsius within
22 4 hours or less of the commencement of the first milking, and to 7 degrees Celsius or less
23 within two hours after milking, provided that the blend temperature after the first milking
24 and subsequent milkings does not exceed 10 degrees Celsius.

1 **SECTION 9. Requirements for a Milk House or Milk Room.** – A milk house or
2 milk room shall be all of the following:

3 **(A) Well-lighted and ventilated.** Lighting in the milk house shall be adequate for
4 milk house operations. A minimum of one light for the wash vat and a light for each bulk
5 tank opening shall be provided. Nonelectric farms shall have the minimum of one
6 battery-operated light for each bulk tank opening. Lights shall not be positioned directly
7 over bulk tank openings. Fuels used for milk house operations shall not cause odors that
8 may impart off-flavors to the milk.

9 **(B) Located in convenient proximity to a milking barn or milking parlor.**

10 **(C) Constructed in accordance with applicable building codes, with each of the**
11 **following:**

12 **(1) A floor of concrete or other impervious material, graded to provide**
13 **appropriate drainage;**

14 **(2) Walls and ceiling of a smooth, readily cleanable material;**

15 **(3) A platform or slab constructed of concrete or other impervious material**
16 **at the exterior of the milk house or milk room, centered beneath a suitable**
17 **opening, fitted with a tight, self-closing door, located on the exterior wall for milk**
18 **house or milk room connections to bulk milk tanks. The platform or slab shall be a**
19 **minimum of 4 feet by 4 feet to provide sufficient room and clean surface for the**
20 **milk hauler to stand and handle the milk transfer hose;**

21 **(4) A truck approach to the milk house or milk room, properly graded and**
22 **surfaced to prevent mud or pooling of water at the milk loading point.**

23 **(D) Equipped with a wash and rinse vat, utensil rack, and milk cooling facilities,**
24 **for the handling and cooling of milk, and for the washing, handling, and storage of**
25 **milking utensils and equipment;**

1 (E) Free of any product that the Department determines is likely to contaminate
2 milk or create a public health hazard;

3 (F) Equipped with a supply of hot water adequate for cleaning milk utensils and
4 equipment;

5 (G) Designed without a direct opening, and with a solid, tight-fitting, self-closing
6 door, at any entrance to a barn, stable, or milking parlor;

7 (H) Designed with screens at all outside openings, unless another means is
8 provided to prevent the entrance of insects or rodents into the milk house or milk room.
9 Screen doors shall be tight-fitting and self-closing and open outward. Toilet facilities
10 located adjacent to the milk house or milking facilities shall have self-closing doors and
11 all outside openings shall be screened; and

12 (I) Plans for new facilities, remodeled facilities, or new equipment installations
13 must be submitted to the Department for prior approval.

14 A dairy farm bulk tank shall be located in a milk house or milk room in a manner
15 that allows access to all areas of the tank for cleaning and servicing. A dairy farm bulk
16 tank shall not be placed over a floor drain or under a ventilator or unprotected light
17 fixture. A dairy farm shall ensure that each new farm bulk tank meets sanitary standards
18 and is installed in accordance with Department specifications.

19 The owner or operator of a milk house or milk room shall ensure all of the
20 following:

21 (A) That the milk house or milk room is clean and free of contaminants, animals,
22 and fowl;

23 (B) That an unapproved pesticide is not stored in the milk house or milk room;

24 (C) That any pesticide used in or near the milk house or milk room is used in
25 accordance with label instructions to prevent the contamination of milk or equipment;

1 (D) That each utensil, milk can, milking machine, pipeline system associated with
2 a milking machine, and other equipment used in the handling of milk is maintained in
3 good condition, free from rust, open seams, milk-stone, and any unsanitary condition;

4 (E) That each utensil and item of equipment used in the handling of milk is of a
5 smooth, noncorrosive material, washed, rinsed, and drained after each milking, stored in
6 an appropriate manner, and sanitized immediately before use, by using dairy cleaners,
7 detergents, sanitizing agents, or other similar materials labeled for dairy or food service
8 use that will not contaminate or adversely affect the milk;

9 (F) That each dairy farm tank used on the premises is constructed of a material or
10 materials approved by the Department;

11 (G) That each item that is designed for a single use is properly stored and is not
12 reused; and

13 (H) That waste products are disposed of in a manner that will not pollute the soil
14 surface, contaminate a feed, milk, or water supply, or be exposed to insects.

15 SECTION 10. *Requirements for a Producer who Ships Milk in Cans.* – A producer
16 who ships milk in cans shall do each of the following:

17 (A) Ensure that each milk can used in transporting milk from dairy farm to plant is
18 seamless with an umbrella lid for easy cleaning; and

19 (B) Inspect, repair, and replace milk cans as necessary to prevent the use of cans
20 and lids with open seams, cracks, rust, milk-stone, or any unsanitary condition.

21 A producer who ships milk from a farm bulk tank shall comply with the following:

22 (A) A farm tank on a dairy farm shall be installed so as to remain level at all times;

23 (B) A farm tank shall have an accurate indicating thermometer stored in the milk
24 house which may be either an integral thermometer in the farm tank or an approved
25 thermometer acceptable to the Secretary;

1 (C) A farm tank shall have a calibrated means of measurement and an accurate and
2 legible volume to weight conversion chart, unless the farm tank is mounted on an
3 accurate scale;

4 (D) A conversion chart shall bear the same serial number as that found on the farm
5 tank and measuring rod;

6 (E) The producer is responsible for recalibrating a farm tank that does not have an
7 accurate conversion chart;

8 (F) A farm tank shall not be filled to a capacity that exceeds the calibrated limits
9 as indicated by the conversion chart. If the producer wishes to fill the tank nearer to the
10 top, the tank shall be calibrated to an additional height, which still permits proper
11 agitation without spillage;

12 (G) Milk to be offered for sale shall be cooled and stored in the farm tank
13 equipped with cooling and agitation. Other cooling and storage facilities may be used
14 when approved in writing by the Secretary on a case-by-case basis;

15 (H) Milk production shall be of sufficient quantity so that it can be properly
16 agitated not later than at the completion of the first milking into the farm tank; and

17 (I) Facilities for effectively sanitizing farm tanks shall be provided by the
18 producer.

19 SECTION 11. *Investigations and Inspections.* – The Secretary shall foster and
20 encourage the dairy industry and, for that purpose, shall investigate the general conditions
21 of the dairy farms, dairy plants, single service manufacturers, receiving stations, transfer
22 stations, hulk milk haulers/samplers, can milk trucks, milk tank trucks, milk tank truck
23 cleaning facilities, and distributors with full power to enter upon any premises for such
24 investigation, with the object of improving the quality and creating and maintaining
25 uniformity of the dairy products.

1 If determined necessary by the Secretary, he or she may cause instruction to be
2 given in any dairy farm, dairy plant, single service manufacturer, receiving station,
3 transfer station, and distributor or in any locality in this state, in order to secure the proper
4 feeding and care of dairy animals, the proper maintenance and sanitation of milk handling
5 equipment, the proper maintenance of milk production facilities, the proper maintenance
6 of milk processing facilities, the proper maintenance of single service facilities, the
7 proper handling and storage of milk, dairy products, or single service containers, or the
8 practical operation of any plant producing dairy products or single service containers for
9 dairy products.

10 SECTION 12. *Inspection Reports.* – The Secretary shall furnish copies of its
11 inspection reports on any dairy farm producing manufacturing milk to a purchaser of
12 manufacturing milk from that farm upon written request.

13 SECTION 13. *Imported Milk Products.* – A sanitary standard or similar
14 requirement issued under this Act does not prohibit the sale of manufacturing milk or
15 manufacturing milk products that are produced or processed under laws or rules that the
16 Secretary determines are substantially equivalent to the requirements of the rules
17 promulgated under this Act and are enforced with equal effectiveness if the governmental
18 unit accepts Philippine manufacturing milk and dairy products inspected by the
19 Department.

20 SECTION 14. *Testing Frequency for Dairy Products and Dairy Farm Water*
21 *Supplies.* – All dairy products shall be tested at a minimum frequency of 4 out of every 6
22 months, or as determined by the Secretary.

1 Except when the water supply is required to be tested annually, well water samples
2 for dairy farms shall be tested a minimum of once every 3 years and found to be of safe
3 and satisfactory quality.

4 Water supplies for dairy plants shall be tested a minimum of once every 6 months.

5 Recirculated water or recirculated cooling medium shall be tested a minimum of
6 once every 6 months.

7 Condensate recovery water shall be used only in applications that conform to
8 requirements and procedures accepted by the Bureau of Food and Drug or the Secretary.

9 **SECTION 15. *Seizure of Milk, Dairy Products, or Equipment.*** – The Secretary
10 may seize or hold for investigation any milk, dairy product, or equipment which the
11 Secretary may have reason to believe constitutes or may be contributing to an imminent
12 or substantial health hazard or is in violation of this Act. Seized milk, dairy products, or
13 equipment shall not be disposed of until a release is obtained from the Secretary. The
14 Secretary shall complete his or her action on any such seized item within a reasonable
15 time, and the farm, plant, or station shall be promptly notified of the Secretary's decision.
16 The Secretary may collect and retain evidence to verify the determination of an imminent
17 health hazard.

18 **SECTION 16. *Condemnation or Destruction of Milk, Dairy Products, or***
19 ***Equipment.*** – Whenever the Secretary finds in any dairy farm, dairy plant, receiving
20 station, transfer station, or vehicle any milk or dairy product which contains any
21 unwholesome substance, or that may be poisonous or deleterious to health or otherwise
22 unsafe, such milk or dairy product shall be declared an imminent or substantial health
23 hazard. The Secretary shall condemn or destroy the milk or dairy product or in any other
24 manner render the same unsalable as human food.

1 **SECTION 17. Licenses or Permits.** – A person shall not produce, transport, wash
2 milk tank trucks, process, manufacture, label, or sell manufacturing milk and dairy
3 products or manufacture single service containers and closures unless licensed or
4 permitted under this Act.

5 Government agencies operating dairy facilities under a memorandum of
6 understanding with the Department are not required to be licensed or permitted or to
7 provide producer security under this Act.

8 An applicant for an initial manufacturing grade dairy farm permit shall complete
9 education on drug residue avoidance control measures acceptable to the Secretary before
10 receiving the permit.

11 An applicant for an initial license as a dairy plant shall apply to the Department on
12 a form supplied by the Department and provide a statement containing the following:

13 (A) The dairy plant's correct legal name and any name by which the dairy
14 plant is doing business. If the dairy plant is a person not an individual, the name of
15 each officer and Secretary, and partner, member, or owner owning in excess of
16 35% of equity or stock.

17 (B) The location of the dairy plant to which the statement pertains and the
18 name of the responsible person who may be contacted at that location.

19 (C) The anticipated value of greatest milk receipts the dairy plant expects to
20 receive during a consecutive 30-day period within the licensing period.

21 (D) A list of producers, including names, mailing addresses, and
22 Department producer permit number, with whom the dairy plant intends to do
23 business except that not later than 90 days after becoming licensed for the first
24 time, the dairy plant shall send an updated list to the Department.

25 A dairy plant shall annually renew a license issued under this Act by applying to
26 the Department at least 30 days prior to the expiration of the existing license. The

1 anniversary date of a license for a dairy plant that is providing a financial statement as a
2 security device shall be 130 days after the close of the licensee's fiscal year.

3 The Secretary may issue a temporary license or permit upon determining that the
4 issuance of such license or permit will not be detrimental to the protection of the public
5 health, safety, or welfare or will not cause an imminent threat of financial loss to
6 producers.

7 No political subdivision of the government shall levy special license fees or taxes
8 on one or more of the persons or businesses described in this section except for taxes or
9 fees that are generally levied on persons or businesses other than dairy plants and dairy
10 plant operators.

11 SECTION 18. *Separability Clause.* – If any provision of this Act is held invalid or
12 unconstitutional, the same shall not affect the validity and effectivity of the other
13 provisions hereof.

14 SECTION 19. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
15 portions thereof, which are inconsistent with the provisions of this Act, are hereby
16 repealed, amended or modified accordingly.

17 SECTION 20. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
18 after its publication in the *Official Gazette* or in two (2) newspapers of general
19 circulation.

Approved,

/ml13Nov2015