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SENATE
OFFICE OF THE SECRETARY

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL -3 AM 59

SENATE
S. B. No. 750

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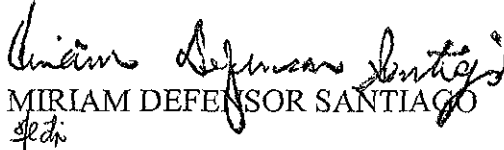
Introduced by Senator Miriam Defensor Santiago

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.² 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 the age-related bone loss.³

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 to comply with the standards prescribed by this Act.⁴


MIRIAM DEFENSOR SANTIAGO
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¹ <http://www.madehow.com/Volume-4/Milk.html>
² <http://www.school-portal.co.uk/GroupDownloadFile.asp?GroupId=22696&ResourceId=105927>
³ Little, Linda. Milk Helps Keep Men's Bones Strong.
<http://www.webmd.com/content/article/112/110473.htm>
⁴ This bill was originally filed in the Thirteenth Congress, Third Regular Session.

FOURTEENTH CONGRESS OF THE REPUBLIC)
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7 JUL -3 AM 11:58

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Introduced by Senator Miriam Defensor Santiago

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

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

3 SECTION 1. This Act shall be known as the "Manufacturing Milk Act of 2007."

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

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

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

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

- 1 (4) It bears or contains any food additive considered unsafe: *Provided*, that where
2 a pesticide chemical has been used in or on a raw agricultural commodity in
3 conformity with an exemption granted or tolerance prescribed below and the
4 raw agricultural commodity has been subjected to processing the residue of
5 that pesticide chemical remaining in or on that processed food is not be
6 considered unsafe if that residue in or on the raw agricultural commodity has
7 been removed to the extent possible in good manufacturing practice and if the
8 concentration of that residue in the processed food when ready to eat is not
9 greater than the tolerance prescribed for the raw agricultural commodity;
- 10 (5) It is or contains a new animal drug or conversion product of a new animal
11 drug that is unsafe;
- 12 (6) It consists in whole or in part of a diseased, contaminated, filthy, putrid, or
13 decomposed substance or it is otherwise unfit for food;
- 14 (7) It has been produced, prepared, packed, or held under unsanitary conditions in
15 which it may have become contaminated with filth or in which it may have
16 been rendered diseased, unwholesome, or injurious to health;
- 17 (8) It is the product of a diseased animal or an animal that has died other than by
18 slaughter or that has been fed uncooked garbage or uncooked offal from a
19 slaughterhouse;
- 20 (9) Its container is composed, in whole or in part, of any poisonous or deleterious
21 substance that may render the contents injurious to health;
- 22 (10) A valuable constituent has been in whole or in part omitted or abstracted from
23 the food; a substance has been substituted wholly or in part for the food;
24 damage or inferiority has been concealed in any manner; or a substance has
25 been added to the food or mixed or packed with the food so as to increase its
26 bulk or weight, reduce its quality or strength, or make it appear better or of
27 greater value than it is;
- 28 (11) It is confectionery and has partially or completely imbedded in it any
29 nonnutritive object except in the case of any nonnutritive object if, as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (L) "Dairy product" or "manufactured dairy product" means products that include, but are
17 not limited to, evaporated milk, condensed skim milk, condensed milk, condensed
18 buttermilk, condensed milk solids, concentrate milk, nonfat dry milk, dry milk, dry
19 cream, dry whey, dry buttermilk, butter, buttermilk, cheese, cheese products, ice
20 cream, sherbet, frozen desserts, dairy confections, or novelties, related dairy products
21 with butter fat or milk solids substitutions, filtered milk components, infant formula
22 manufactured with dairy ingredients, whey, whey cream, and other products for
23 human consumption not regulated by law or as determined appropriate by the
24 Secretary.

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

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

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

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

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

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

12 (S) "Frozen desserts" means desserts made from dairy products, the mixes, and other
13 similar frozen dairy products that include, but are not limited to, frozen yogurt, soft
14 serve ice cream, and quiescently frozen confections unless otherwise specified by the
15 Department.

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

- 18 (1) A condition that exists at a dairy farm or dairy plant requiring immediate
19 action to prevent endangering the public health or safety; or
20 (2) A milk or dairy product may be unwholesome or unsafe.

21 (U) "Label" means a display of written, printed, or graphic matter upon the immediate
22 container of any article conforming to a requirement imposed under this act that any

1 word, statement, or other information appearing on the label also appears on the
2 outside container or wrapper of the retail package of the article or be easily legible
3 through the outside container or wrapper.

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

6 (W) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the
7 complete milking of 1 or more healthy cows, goats, sheep, or other dairy animals.

8 (X) "Milk buyer" means any milk producer, milk producer marketing organization, dairy
9 plant, receiving station, transfer station, or bulk milk hauler that either takes delivery
10 of raw milk or a raw milk product or manages the sale of the raw milk or raw milk
11 product, or both.

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

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

16 (AA) "Milk transportation company" means the company that is the person responsible
17 for a milk tank truck.

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

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

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

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

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

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

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

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

18 (7) It purports to be or is represented as a food for which a definition and standard
19 of identity have been prescribed by rules as provided by this act or under other
20 laws, unless it conforms to such definition and standard and its label bears the
21 name of the food specified in the definition and standard, and, as may be
22 required by the rules, the common names of optional ingredients, other than
23 spices, flavoring, and coloring, present in such food;

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

- 25 a. A food for which a standard of quality has been prescribed by this Act or
26 rules and its quality falls below such standard unless its label bears, in
27 such manner and form as such rules specify, a statement that it falls
28 below such standard; or

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

5 (9) It does not bear labeling clearly giving the common or usual name of the food,
6 if one exists, and if fabricated from 2 or more ingredients, the common or
7 usual name of each ingredient except that spices, flavorings, and colorings,
8 other than those sold as such, may be designated as spices, flavorings, and
9 colorings, without naming each and under other circumstances as established
10 by rules regarding exemptions based upon practicality, potential deception, or
11 unfair competition;

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

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

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

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

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

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

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

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

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

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

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

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

18 (1) Individually wrapped, sterile, single-service sampling tubes;

19 (2) Stainless steel metal dippers, with long handles having capacities of 10 ml. or
20 greater;

21 (3) Sampling devices approved by the Secretary.

1 (LL) "Sanitary standards" means the dairy equipment construction standards or accepted
2 dairy system operating practices formulated by any of the following:

- 3 (1) Sanitary Standards Committees representing the International Association for
4 Food Protection;
5 (2) Standards for dairy equipment formulated by the Department of Health; or
6 (3) The equipment or practice approved by the Secretary on a case-by-case basis.

7 (MM) "Sanitizing" means the application of any effective method or sanitizing agent to
8 a clean surface for the destruction of pathogens and other organisms as far as is
9 practicable.

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

11 (OO) "Scheduled process" means the aseptic process selected by the processor as
12 adequate under the conditions of manufacture for a given product to be free of
13 viable microorganisms having public health significance as well as microorganisms
14 of nonhealth significance capable of reproducing in the food under normal
15 nonrefrigerated conditions. Scheduled process includes an aseptic process that may
16 be in excess of that necessary to ensure destruction of microorganisms of public
17 health significance but at least equivalent to the process established by a competent
18 processing authority to achieve commercial sterility.

19 (PP) "Sterilization or aseptic processing" means the complete destruction of living
20 organisms by 1 of the following methods:

- 21 (1) Heating a container and its contents to a temperature between 212°F (100°C) to
22 280°F (138°C) for a period of time established by the scheduled process or by
23 the Department.
24 (2) Creating a continuous product flow above a temperature of 280°F (138°C) for a
25 period of time established by the scheduled process or by the Department.

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

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

9 (RR) "Transfer station" means any place, premises, or establishment where milk or dairy
10 products are transferred directly from 1 milk tank truck to another.

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

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

19 If the offender referred to in the above paragraph is a corporation, trust or firm,
20 partnership, association or any other entity licensed to produce, transport, wash milk tank trucks,
21 process, manufacture, label, or sell manufacturing milk and dairy products or manufacture single
22 service containers and closures under this Act, such license shall be revoked and shall not be re-
23 issued another for a period not less than five (5) years.

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

| 4 Chemical, Physical, Bacteriological, and Temperature Standards | | |
|---|---------------------|--|
| 5 Manufacturing Grade Raw Milk For Pasteurization (Not For Frozen Desserts) Including Ultrafiltration Or Reverse Osmosis Raw Milk Concentrate | Temperature | Bulk milk cooled to 45°F (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 50°F (10°C). Can milk not to exceed 60°F (16°C) if used for cheese making; if delivered to the plant within 2 hours of milking, no temperature limit. |
| 6 | 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. |
| 7 | Somatic cell count | Not to exceed 1,000,000 per ml. |
| 8 Drug residues | | No positive results on drug residue detection methods which have been found to be acceptable for use with raw milk. |
| 9 | Sediment | Not to exceed a USDA no. 3 standard following procedures from standard methods for the examination of milk and milk products. |
| 10 | Freezing point | 0.530°H maximum. |
| 11 Raw Milk For Frozen Desserts | Temperature | Bulk milk cooled to 45°F (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 50°F (10°C). |
| 12 | Bacterial limits | Not to exceed 100,000 per ml for individual supplies, not to exceed 300,000 per ml commingled. |
| 13 | Somatic cell counts | Not to exceed 750,000 per ml. |
| 14 | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with raw milk. |
| 15 | Sediment | Not to exceed a USDA no. 3 standard following procedures from standard methods for the examination of milk and milk products. |
| 16 Pasteurized Condensed Milk And Condensed Skim Milk | Temperature | Cooled to 45°F (7°C) [50°F (10°C) if 45% or more solids] or less, or heated to 145° (63°C) or greater and maintained thereat unless the product is being dried within 4 hours after condensing. |
| 17 | Bacterial limits | Not to exceed 30,000 per gram. |

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|----|--------------------------------|---------------------------|--|
| 1 | | 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. |
| 2 | | Phosphatase | Less than 1 microgram per ml by the Scharer rapid method; less than 500 milliunits per L by fluorometric procedure or Charm ALP method, or equivalent. |
| 3 | | 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. |
| 4 | Dry Whole Milk, Extra Grade | No more than: | |
| 5 | | Butterfat | Not less than 26% or more than 40%. |
| 6 | | Moisture | 4.50%. |
| 7 | | Solubility index | 1.0 ml spray process; 15.0 roller process. |
| 8 | | Bacterial limit | Not to exceed 50,000 per gram. |
| 9 | | Coliform count | Not to exceed 10 per gram. |
| 10 | | Scorched particles disc B | 15.0/gram spray process; 22.5 roller process. |
| 11 | | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with dry whole milk. |
| 12 | | DMCC count | Less than 100,000,000 per gram. |
| 13 | Dry Whole Milk, Standard Grade | No more than: | |
| 14 | | Butterfat | Not less than 26% or more than 40%. |
| 15 | | Moisture | 5.00%. |
| 16 | | Titratable acidity | 0.15%. |
| 17 | | Solubility index | 1.5 ml spray process; 15.0 ml roller process. |
| 18 | | Bacterial limit | Not to exceed 100,000 per gram. |
| 19 | | Coliform count | Not to exceed 10 per gram. |
| 20 | | Scorched particles disc B | 22.5 per gram spray process; 32.5 per gram roller process. |
| 21 | | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with dry, whole milk. |
| 22 | | DMCC count | Less than 100,000,000 per gram. |
| 23 | Nonfat Dry Milk, Extra Grade | No more than: | |
| 24 | | Butterfat | 1.25%. |
| 25 | | Moisture | 4.00%. |
| 26 | | Titratable acidity | 0.15%. |
| 27 | | Solubility index | 1.2 ml (2.0 ml high-heat, max) spray process; 15.0 ml roller process. |
| 28 | | Bacterial limit | Not to exceed 10,000 per gram spray or 50,000 per gram roller process. |
| 29 | | Coliform count | Not to exceed 10 per gram. |
| 30 | | Scorched | 15.0/gram spray; 22.5/gram roller process. |

| | | | |
|----|--------------------------------------|---------------------------|---|
| 1 | | particles disc B | |
| 2 | | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with nonfat dry milk. |
| 3 | | DMCC count | Less than 100,000,000 per gram. |
| 4 | Nonfat Dry Milk, Standard Grade | No more than: | |
| 5 | | Butterfat | 1.50%. |
| 6 | | Moisture | 5.00%. |
| 7 | | Titratable acidity | 0.17%. |
| 8 | | Solubility index | 2.5 ml spray process; 15.0 ml roller process. |
| 9 | | Bacterial estimate | 75,000/gram spray; 100,000/gram roller process. |
| 10 | | Coliform count | 10 per gram. |
| 11 | | Scorched particles disc B | 22.5/gram spray; 32.5/gram roller process. |
| 12 | | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with nonfat dry milk. |
| 13 | | DMCC count | Less than 100,000,000 per gram. |
| 14 | Instant Nonfat Dry Milk, Extra Grade | No more than: | |
| 15 | | Butterfat | 1.25%. |
| 16 | | Moisture | 4.50%. |
| 17 | | Titratable acidity | 0.15%. |
| 18 | | Solubility index | 1.0 ml. |
| 19 | | Bacterial limit | Not to exceed 10,000 per gram. |
| 20 | | Coliform count | Not to exceed 10 per gram. |
| 21 | | Scorched particles disc B | 15.0/gram. |
| 22 | | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with dry whole milk. |
| 23 | | Dispersibility | 85.0%. |
| 24 | | DMCC count | Less than 40,000,000 per gram. |
| 25 | Whey For Condensing | Temperature | Maintained at a temperature of 45°F (7°C) or less, or 145°F (63°C) or greater, except for acid-type whey with a titratable acidity 0.40% or above, or a pH of 4.6 or below. |
| 26 | | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with whey. |
| 27 | Pasteurized Condensed Whey | Temperature | Cooled to 45°F (7°C) or less during crystallization, within 18 hours of condensing. |
| 28 | | Bacterial limit | Not to exceed 50,000 per gram. |
| 29 | | Coliform count | Not to exceed 10 per gram. |

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|----|--|---------------------------|--|
| 1 | | Phosphatase | Less than 1 microgram per ml by the Scharer rapid method; less than 500 milliunits per L by fluorometric procedure or Charm ALP method, or equivalent. |
| 2 | | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with condensed whey. |
| 3 | Dry Whey, Extra Grade | Bacterial limit | Not to exceed 30,000 per gram. |
| 4 | | Coliform count | Not to exceed 10 per gram. |
| 5 | | Milkfat content | Not to exceed 1.5%. |
| 6 | | Moisture content | Not to exceed 5.0%. |
| 7 | | Scorched particle content | Not to exceed 15.0%. |
| 8 | Dry Whey, Dry Whey Products | Bacterial limit | Not to exceed 50,000 per gram. |
| 9 | | Coliform count | Not to exceed 10 per gram. |
| 10 | | Butterfat | Not more than 1.50%. |
| 11 | | Moisture | Not more than 5%. |
| 12 | | 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. |
| 13 | Dry Buttermilk And Dry Buttermilk Products, Extra Grade | Butterfat | 4.5% min. |
| 14 | | Moisture | 4.0% max. |
| 15 | | Titrateable acidity | 0.10-0.18%. |
| 16 | | Solubility index | 1.25 ml spray process; 15.0 roller process. |
| 17 | | Bacterial limit | Not to exceed 20,000 per gram. |
| 18 | | Coliform count | Not to exceed 10 per gram. |
| 19 | | Scorched particles disc B | 15.0 mg spray process; 22.5 mg roller process. |
| 20 | | 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. |
| 21 | Dry Buttermilk And Dry Buttermilk Products, Standard Grade | Butterfat | 4.5% min. |
| 22 | | Moisture | 5.0% max. |
| 23 | | Titrateable acidity | 0.10-0.20%. |
| 24 | | Solubility index | 2.0 ml spray process; 15.0 roller process. |
| 25 | | Bacterial limit | Not to exceed 75,000 per gram. |
| 26 | | Coliform count | Not to exceed 10 per gram. |
| 27 | | Scorched particles disc B | 22.5 mg spray process; 32.5 mg roller process. |
| 28 | | 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. |
| 29 | Butter, Whipped Butter | Percent butterfat | Not less than 80%. |

| | | | |
|----|---|------------------------|---|
| 1 | | Temperature | Maintained at a temperature of 45°F (7°C) or less, when in storage. |
| 2 | | Proteolytic count | Not more than 50 per gram. |
| 3 | | Yeast and mold | Not more than 10 per gram. |
| 4 | | Coliform count | Not more than 10 per gram. |
| 5 | | Keeping quality | Satisfactory after 7 days at 70°F (21°C). |
| 6 | Pasteurized Milk, Cream, Fluid Dairy Products For Frozen Desserts | Bacterial limit | Not to exceed 20,000 per ml. |
| 7 | | 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. |
| 8 | | Storage temp | No higher than 45°F (7°C). |
| 9 | Frozen Dessert Mix | Bacterial limit | 30,000 per ml. |
| 10 | | 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. |
| 11 | | Storage temp | No higher than 45°F (7°C). (Sterile or aseptic mix has no storage temperature requirement.) |
| 12 | Frozen Desserts | Bacterial limit | 30,000 per ml. |
| 13 | | Coliform count | Not to exceed 10 per ml (20 per gram for chocolate, fruit, nuts, or other bulky flavored frozen desserts). |
| 14 | | Storage temp | No higher than 32°F (0°C). |
| 15 | | Butterfat | Per standards listed in 21 C.F.R. 135. |
| 16 | <i>Sterilized Or Aseptic Products</i> | Bacterial limit | No viable bacteria. |
| 17 | | Temperature | No temperature standard. |
| 18 | | Yeast and mold | No viable yeast or mold spores. |
| 19 | | Drug residues | No positive results on drug residue detection methods which have been found to be acceptable for use with pasteurized milk. |
| 20 | 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. |
| 21 | Condensate Recovery Water (Cow Water) | Total plate count | Not to exceed 500 per ml. |
| 22 | | Chemical oxygen demand | Not to exceed 12 mg per L. |
| 23 | | Turbidity | Not to exceed 5 units. |

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

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

- 9 (A) Infected with mastitis or showing signs of being bloody, ropy, or clumpy;
- 10 (B) Carrying a violative drug residue in an amount that exceeds the maximum permitted
11 by law;
- 12 (C) Containing a pesticide or other chemical in excess of the maximum amount permitted
13 by law;
- 14 (D) Not normal and fresh in odor or appearance or containing excessive coarse sediment
15 when examined organoleptically, visually, or by an accepted test procedure;
- 16 (E) Containing excessive sediment as determined by sediment test methods provided in
17 standard methods for the examination of dairy products; or
- 18 (F) Exceeds legal temperature, bacterial, or somatic cell limits.

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

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

- 23 (A) Well-lighted and ventilated;
- 24 (B) Of a size and arrangement adequate to provide for sanitary milking operations;
- 25 (C) Constructed with floors and gutters of concrete or other impervious material;
- 26 (D) Kept clean, with manure removed daily and stored out of reach of the animals that
27 are subject to milking;
- 28 (E) Kept free of swine or fowl at all times; and

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

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

5 (A) Of ample size to prevent overcrowding;

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

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

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

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

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

14 (C) Wear clean outer clothing;

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

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

19 (F) Milk last or with separate equipment those animals that secrete abnormal milk and
20 exclude that abnormal milk from the milk that will be offered for human
21 consumption.

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

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

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

26 (J) Except for milk that is delivered to a processing plant within 2 hours after the milking,
27 cool and store milk that is contained in cans and that will be used exclusively for

1 cheese manufacturing at 60 degrees Fahrenheit (16 degrees Celsius) or lower at the
2 farm within 2 hours after the milking; and

3 (K) Cool milk that is stored in a dairy farm bulk tank to 50 degrees Fahrenheit (10
4 degrees Celsius) within 4 hours or less of the commencement of the first milking, and
5 to 45 degrees Fahrenheit (7 degrees Celsius) or less within 2 hours after milking,
6 provided that the blend temperature after the first milking and subsequent milkings
7 does not exceed 50 degrees Fahrenheit (10 degrees Celsius).

8 SECTION 9. *Requirements for a Milkhouse or Milkroom.* – A milkhouse or milkroom
9 shall be all of the following:

10 (A) Well-lighted and ventilated. Lighting in the milkhouse shall be adequate for
11 milkhouse operations. A minimum of 1 light for the wash vat and a light for each
12 bulk tank opening shall be provided. Nonelectric farms shall have the minimum of 1
13 battery-operated light for each bulk tank opening. Lights shall not be positioned
14 directly over bulk tank openings. Fuels used for milkhouse operations shall not cause
15 odors that may impart off-flavors to the milk.

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

17 (C) Constructed in accordance with applicable building codes, with each of the
18 following:

19 (1) A floor of concrete or other impervious material, graded to provide appropriate
20 drainage;

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

22 (3) A platform or slab constructed of concrete or other impervious material at the
23 exterior of the milkhouse or milkroom, centered beneath a suitable opening, fitted
24 with a tight, self-closing door, located on the exterior wall for milkhouse or
25 milkroom connections to bulk milk tanks. The platform or slab shall be a
26 minimum of 4 feet by 4 feet to provide sufficient room and clean surface for the
27 milk hauler to stand and handle the milk transfer hose;

1 (4) A truck approach to the milkhouse or milkroom, properly graded and surfaced to
2 prevent mud or pooling of water at the milk loading point.

3 (D) Equipped with a wash and rinse vat, utensil rack, and milk cooling facilities, for the
4 handling and cooling of milk, and for the washing, handling, and storage of milking
5 utensils and equipment;

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

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

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

12 (H) Designed with screens at all outside openings, unless another means is provided to
13 prevent the entrance of insects or rodents into the milkhouse or milkroom. Screen
14 doors shall be tight-fitting and self-closing and open outward. Toilet facilities located
15 adjacent to the milkhouse or milking facilities shall have self-closing doors and all
16 outside openings shall be screened; and

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

19 A dairy farm bulk tank shall be located in a milkhouse or milkroom in a manner that
20 allows access to all areas of the tank for cleaning and servicing. A dairy farm bulk tank shall not
21 be placed over a floor drain or under a ventilator or unprotected light fixture. A dairy farm shall
22 ensure that each new farm bulk tank meets sanitary standards and is installed in accordance with
23 Department specifications.

24 The owner or operator of a milkhouse or milkroom shall ensure all of the following:

25 (A) That the milkhouse or milkroom is clean and free of contaminants, animals, and fowl;

26 (B) That an unapproved pesticide is not stored in the milkhouse or milkroom;

27 (C) That any pesticide used in or near the milkhouse or milkroom is used in accordance
28 with label instructions to prevent the contamination of milk or equipment;

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

4 (E) That each utensil and item of equipment used in the handling of milk is of a smooth,
5 noncorrosive material, washed, rinsed, and drained after each milking, stored in an
6 appropriate manner, and sanitized immediately before use, by using dairy cleaners,
7 detergents, sanitizing agents, or other similar materials labeled for dairy or food
8 service 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 reused;
12 and

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

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

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

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

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

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

24 (B) A farm tank shall have an accurate indicating thermometer stored in the milkhouse
25 which may be either an integral thermometer in the farm tank or an approved
26 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 tank
5 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 as
9 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 equipped with
13 cooling and agitation. Other cooling and storage facilities may be used when
14 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 agitated not
16 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 producer.

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

24 If determined necessary by the Secretary, he or she may cause instruction to be given in
25 any dairy farm, dairy plant, single service manufacturer, receiving station, transfer station, and
26 distributor or in any locality in this state, in order to secure the proper feeding and care of dairy
27 animals, the proper maintenance and sanitation of milk handling equipment, the proper
28 maintenance of milk production facilities, the proper maintenance of milk processing facilities,

1 the proper maintenance of single service facilities, the proper handling and storage of milk, dairy
2 products, or single service containers, or the practical operation of any plant producing dairy
3 products or single service containers for dairy products.

4
5 SECTION 12. *Inspection Reports.* – The Secretary shall furnish copies of its inspection
6 reports on any dairy farm producing manufacturing milk to a purchaser of manufacturing milk
7 from that farm upon written request.

8 SECTION 13. *Imported Milk Products.* – A sanitary standard or similar requirement
9 issued under this Act does not prohibit the sale of manufacturing milk or manufacturing milk
10 products that are produced or processed under laws or rules of a governmental unit outside the
11 state that the Secretary determines are substantially equivalent to the requirements of the rules
12 promulgated under this act and are enforced with equal effectiveness if the governmental unit
13 accepts Philippine manufacturing milk and dairy products inspected by the Department.

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

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

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

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

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

25 SECTION 15. *Seizure of Milk, Dairy Products, or Equipment.* – The Secretary may seize
26 or hold for investigation any milk, dairy product, or equipment which the Secretary may have

1 reason to believe constitutes or may be contributing to an imminent or substantial health hazard
2 or is in violation of this act. Seized milk, dairy products, or equipment shall not be disposed of
3 until a release is obtained from the Secretary. The Secretary shall complete his or her action on
4 any such seized item within a reasonable time, and the farm, plant, or station shall be promptly
5 notified of the Secretary's decision. The Secretary may collect and retain evidence to verify the
6 determination of an imminent health hazard.

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

13 SECTION 17. *Licenses or Permits.* – A person shall not produce, transport, wash milk
14 tank trucks, process, manufacture, label, or sell manufacturing milk and dairy products or
15 manufacture single service containers and closures unless licensed or permitted under this Act.
16 Government agencies operating dairy facilities under a memorandum of understanding with the
17 Department are not required to be licensed or permitted or to provide producer security under
18 this Act.

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

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

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

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

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

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

9
10 A dairy plant shall annually renew a license issued under this act by applying to the
11 Department at least 30 days prior to the expiration of the existing license. The anniversary date
12 of a license for a dairy plant that is providing a financial statement as a security device shall be
13 130 days after the close of the licensee's fiscal year.

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

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

20 SECTION 18. *Separability Clause.* – If any provision, or part hereof, is held invalid or
21 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
22 valid and subsisting.

23 SECTION 19. *Repealing Clause.* – Any law, presidential decree or issuance, executive
24 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
25 with the provisions of this act is hereby repealed, modified or amended accordingly.

1 SECTION 20. *Effectivity.* -- This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

3 Approved,