

# DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**18 AAC 32**

**Milk and Milk Products**

**As amended through March 26, 2023**

**Mike Dunleavy**  
**Governor**

**Jason W. Brune**  
**Commissioner**

THE REGULATIONS REPRODUCED HERE HAVE BEEN PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS A PUBLIC COURTESY. WHILE EVERY EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE REPRODUCED VERSION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CANNOT GUARANTEE ITS ABSOLUTE ACCURACY. PAPER COPIES OF THE REGULATIONS AS ORIGINALLY FILED BY THE LIEUTENANT GOVERNOR ARE AVAILABLE FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

THE REGULATIONS HAVE AN EFFECTIVE DATE OF March 26,2023, ARE IN REGISTER 245, AND WILL APPEAR IN OFFICIAL PUBLISHED FORM IN THE APRIL 2023 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.

## **Chapter 32. Milk and Milk Products.**

### **Article**

1. Milk and Milk Products (18 AAC 32.010 - 18 AAC 32.070)
2. Cheese (18 AAC 32.210 – 18 AAC 32.295)
3. Reindeer Slaughtering and Processing (Repealed)
4. General Provisions (18 AAC 32.900 - 18 AAC 32.990)

**Editor's note:** The regulations in this chapter, effective May 23, 1998, and distributed in Register 146, constitute a comprehensive reorganization and revision of this material. The history line at the end of each section does not reflect the history of the replaced provisions before May 23, 1998, nor is the section numbering necessarily related to the numbering before that date. Previous amendments to this chapter appear in Register 20, 12/19/65; Register 26, 5/12/68; Register 78, 5/2/81; Register 83, 9/1/82; and Register 110, 7/1/89.

**Article 1. Milk and Milk Products.**

**Section**

- 10. Purpose and applicability of 18 AAC 32.010 - 18 AAC 32.060
- 20. Adoption of the Grade A Pasteurized Milk Ordinance and associated documents
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**18 AAC 32.010. Purpose and applicability of 18 AAC 32.010 - 18 AAC 32.060.** (a)  
The purpose of 18 AAC 32.010 - 18 AAC 32.060 is to safeguard public health and safety by ensuring that milk and milk products from a cow, goat, or sheep, that are to be sold as part of commerce and intended for human consumption, are manufactured, sold, and delivered in a safe and wholesome condition.

(b) The provisions of 18 AAC 32.010 - 18 AAC 32.060 apply to

(1) each milk producer, each wholesale milk distributor, and each owner or operator of a milk processing plant, receiving station, or transfer station whose milk or milk products are to be sold as part of commerce and are intended for human consumption;

(2) each milk hauler who

(A) collects, for the milk producer, milk processing plant, or the department, samples of raw milk for pasteurization or for bacterial, chemical, temperature standards, or compliance testing; or

(B) hauls milk from a milk producer or other milk distributor to a milk processing plant, receiving station, or transfer station; and

(3) a processor of a milk product.

(c) The provisions of 18 AAC 32.010 - 18 AAC 32.060 do not apply to a person who owns a cow, goat, or sheep and uses the milk from the animal for that person's personal use. (Eff. 5/23/98, Register 146)

**Authority:** AS 03.05.011            AS 17.20.340            AS 44.46.020  
AS 03.05.020

**Editor's note:** Words and phrases used in this chapter are defined in 18 AAC 32.990.

**18 AAC 32.020. Adoption of the Grade A pasteurized milk ordinance and associated documents.** (a) A person described in 18 AAC 32.010(b) shall follow the applicable requirements set out in the following documents, adopted by reference:

(1) *Grade “A” Pasteurized Milk Ordinance* (PMO), 2011 revision, as amended from time to time, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, except that

(A) the term “bulk milk pickup tanker” has the meaning given “bulk milk tanker in 18 AAC 32.990;

(B) the term “clean,” “milk distributor,” “milk producer,” “person,” and “transfer station” have the meaning given in 18 AAC 32.990;

(C) the term “sanitization” has the meaning given “sanitize” in 18 AAC 32.990;

(D) this adoption by reference does not include sections 15 (enforcement), 16 (penalty), and 17 (repeal and date of effect);

(2) *Methods of Making Sanitation Ratings of Milk Shippers*, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration;

(3) *Evaluation of Milk Laboratories*, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration;

(4) *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments*, 2011 Revision, published by United States Department of Health and Human Services, Public Health Service, Food and Drug Administration;

(5) 21 C.F.R. Part 110, as revised as of April 1, 2012;

(6) 21 C.F.R. Part 131, Part 133, and Part 135, as revised as of April 1, 2012.

(b) The department will use the procedures in and requirements of the documents adopted by reference in (a) of this section to determine compliance with 18 AAC 32.010 – 18 AAC 32.060. (Eff. 5/23/98, Register 146; am 1/14/2001, Register 157; am 9/6/2003, Register 167; am 12/3/2010, Register 196; am 7/25/2014, Register 211)

**Authority:** AS 03.05.011 AS 17.20.005 AS 44.46.020  
AS 03.05.020 AS 17.20.010

**Editor's note:** Copies of the documents adopted by reference in 18 AAC 32.020 may be reviewed at the Office of the State Veterinarian, Environmental Health Laboratory, 5251 Dr. Martin Luther King Jr. Ave., Anchorage, AK 99507, and may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. The Food and Drug Administration documents adopted by reference in 18 AAC 32.020 also may be obtained from the Milk Safety Branch, HFS-626, Center for Food Safety and Applied Nutrition, 5100 Paint Branch Parkway, College Park, MD 20740, Telephone: (301) 436-2439, and are posted on the following Internet web site: <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/ucm2007966.htm>.

**18 AAC 32.030. General operating and permit requirements.** (a) A person described in 18 AAC 32.010(b) may not conduct an activity described in 18 AAC 32.010(a) or (b) unless

(1) the person has a current permit issued by the department under this section;  
and

(2) the department has confirmed compliance with this chapter by inspections conducted as provided in the PMO.

(b) An applicant shall apply for a permit, using a form supplied by the department. If the application is for a facility in which an activity described in 18 AAC 32.010(b)(1) or (b)(3) occurs, the application must include a facility plan, including a plot plan, of the entire premises; the facility plan must meet the requirements of the PMO and must include

(1) the location of buildings and property boundaries;

(2) a plumbing schematic that shows hot and cold potable water lines and nonpotable water lines;

(3) a floor plan with the specifications of the finish materials used for floors, walls, and ceilings; and

(4) proof that the facility's

(A) drinking water supply and treatment complies with 18 AAC 80;

(B) wastewater disposal complies with 18 AAC 72; and

(C) solid waste disposal complies with 18 AAC 60.

(c) The department will, in its discretion, request additional information before issuing a permit.

(d) If the department issues a permit under this section, it will assign a permit number to the facility or milk hauler.

(e) A permit issued under this section does not expire. The permit

(1) may not be transferred from one owner, operator, or facility to another; and

(2) is subject to the suspension, revocation, and reinstatement provisions of section 3 of the PMO.

(f) If the owner or operator of a facility required by this section to have a permit changes, or if the location of a facility required by this section to have a permit changes, the owner or operator of the facility shall submit a new permit application and obtain a permit. (Eff. 5/23/98, Register 146)

**Authority:** AS 03.05.011 AS 03.05.020 AS 44.46.020

**18 AAC 32.040. Labeling; milk processing plant code numbers.** (a) In addition to the permit number assigned under 18 AAC 32.030, the department will assign a plant code number to each milk processing plant. To meet the labeling requirements of the PMO, the owner or operator of the plant shall place on each milk product carton or container

- (1) the code number assigned by the department; or
- (2) the name and address of the plant where the milk was pasteurized.

(b) Upon request from the department, a person described in 18 AAC 32.010(b) shall provide the department access to or copies of the following documents in order to verify compliance with labeling requirements of the PMO:

- (1) each formula used to produce the milk or milk product;

(2) records or invoices from each supplier of each ingredient used to make the milk or milk product, including raw, pasteurized, or heat-treated milk; those records or invoices must show the

- (A) name of the supplier;
- (B) product and amount purchased; and
- (C) date of purchase. (Eff. 5/23/98, Register 146; am 1/14/2001, Register

157)

**Authority:** AS 03.05.020 AS 17.20.040 AS 44.46.020  
 AS 17.20.010

**Editor's note:** The plant code number referred to in this section is based on a voluntary national uniform coding system developed by the National Conference on Interstate Milk Shippers known as the federal information processing standards (FIPS). The FIPS code is used to identify plants that process fluid milk, fresh milk products, and frozen desserts. For example, in the plant code number 02-457, "02" indicates that the processing plant is in Alaska, and "457" identifies the specific plant.

**18 AAC 32.050. Ungraded milk.** If the commissioner finds that an emergency exists, the commissioner will, in the commissioner's discretion, authorize the sale of pasteurized milk and milk products that have not been graded or the grade of which is unknown. A person who sells milk or a milk product subject to an authorization under this section shall ensure that the milk or milk product is labeled "ungraded." (Eff. 5/23/98, Register 146)

**Authority:** AS 03.05.020 AS 17.20.010 AS 44.46.020  
 AS 03.05.030 AS 17.20.040



**18 AAC 32.060. Raw milk and raw milk products.** Except as provided in 18 AAC 32.010(c), a milk producer may not allow raw milk or a raw milk product, including cream from raw milk, to be removed from the dairy farm unless

(1) the product is being transported directly to a milk processing plant with a permit issued under 18 AAC 32.030 or by another state; or

(2) the product has been decharacterized with an approved denaturant and labeled “FOR ANIMAL FOOD NOT FOR HUMAN CONSUMPTION” in letters at least three inches high on each container; for purposes of this paragraph, “approved denaturant” means

(A) finely powdered charcoal;

(B) FD & C Blue No. 1, FD & C Blue No. 2, Ultramarine Blue; or

(C) FD & C Green No. 3, FD & C Red No. 3, or FD & C Red No. 40; or

(3) the producer is removing raw milk or raw milk product for the purpose of sale under 18 AAC 32.070.

(Eff. 5/23/98, Register 146; am 3/26/2023, Register 245)

<b>Authority:</b>	AS 03.05.020	AS 17.20.020	AS 17.20.290
	AS 03.05.090	AS 17.20.030	AS 17.20.340
	AS 17.20.010	AS 17.20.040	AS 44.46.020

**18 AAC 32.070. Raw milk and raw milk product production and sales.** (a) A producer must register with the department prior to conducting activity under this section or producing new raw milk or raw milk product since the prior registration or renewal. To register, a producer must

(1) submit a form provided by the department;

(2) identify the producer’s intended sales method as direct-to-consumer, market, or both methods;

(3) confirm that the producer has read and understands this section;

(4) provides an example of the label that meets the requirements of (e)(4) of this section that will be used for each type of raw milk or raw milk product container intended to be sold; and

(5) obtain a registration number from the department.

(b) A producer of sheep, goat, or cow raw milk or raw milk product intended for human consumption may sell the raw milk or raw milk product direct-to-consumer or through markets under this section if

(1) the producer owns the sheep, goat, or cow that produced the raw milk to be sold or processed into raw milk product;

(2) the producer has engaged the services of a licensed veterinarian who provides veterinary services to the raw milk producing animal, including routine physical examinations and medical prescriptions or treatments, as directed by the licensed veterinarian;

(3) the producer has knowledge about each raw milk producing animal, animal care requirements under 18 AAC 36.500, husbandry, the health of each raw milk producing animal, and of facilities at which raw milk and raw milk product is produced or stored;

(4) raw milk and raw milk products sold under this section are not distributed interstate;

(5) raw milk or raw milk product that is sold at a location other than the premises at which the raw milk or raw milk product was produced is transported in containers that meet the requirements set out under (e) of this section and maintained at a temperature of 40° Fahrenheit until accepted by a consumer or market;

(6) the producer, when selling raw milk or raw milk product direct-to-consumer, displays to consumers, on a placard or sign that is posted conspicuously at the point of sale, the statement “THIS PRODUCT IS NOT SUBJECT TO ROUTINE STATE INSPECTION”; and

(7) raw milk or raw milk product is not sold, donated, or served in a food processing establishment or food service; in this paragraph, “food processing establishment” and “food service” had the meanings given in 18 AAC 31.990.

(c) The producer of sheep, goat, or cow raw milk or raw milk product shall provide the information described under (b)(3) of this section upon request made by the department and may provide the information described under (b)(3) of this section upon a request made by a consumer or market.

(d) A producer who obtains a registration number from the department under (a)(5) of this section must re-register annually, not later than January 15.

(e) The producer shall provide containers for raw milk and raw milk product that

(1) are filled in a sanitary manner on premises;

(2) are made of food-grade material, which includes

(A) glass that is cleaned and sanitized on the premises; or

- (B) single-use plastic;
- (3) if requiring a lid, the lid
  - (A) must be designed to be used with the container and be made of food-grade material;
  - (B) must be clean and affixed in a sanitary manner;
  - (C) must be tamper resistant; and
  - (D) may not be reused;
- (4) are clearly labeled with labels that do not contain marks or words that are misleading as to the contents of the container and that include
  - (A) the words “RAW MILK” or “RAW MILK PRODUCT” in letters at least one-quarter inch tall;
  - (B) the statement “ATTENTION: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness. Infants, children, the elderly, women who are pregnant, and persons with weakened immune systems are at highest risk, KEEP REFRIGERATED TO 40°F OR BELOW”, the word “ATTENTION” must be in letters at least one-quarter inch tall and the remainder of the statement must be legible;
  - (C) the net volume of the contents of the container;
  - (D) if raw milk, the milk production date and the statement “CONSUME WITHIN FOUR DAYS OF PRODUCTION DATE”, or, if raw milk product, the product production date and a consume-by date that is appropriate to the specific product as determined by the producer according to industry standards, and the statement “CONSUME-BY DATE DETERMINED BY THE PRODUCER”;
  - (E) the producer’s registration number assigned by the department under this section;
  - (F) the name and physical address of the premises where the product was produced;
  - (G) whether the raw milk or raw milk product is produced from cow, goat, or sheep;
  - (H) if a raw milk product, each ingredient, listed in descending order of predominance; and

(I) the words “ALLERGEN WARNING: Milk” and any other allergen identified in the federal requirements adopted by reference under 18 AAC 31.011(a).

(f) The producer shall ensure that

(1) raw milk is cooled to 40° Fahrenheit not later than two hours after the start of milking;

(2) the temperature of the raw milk is maintained at 40° Fahrenheit or lower once it is cooled as set out under (1) of this subsection or until used in processing raw milk product;

(3) the temperature of raw milk product is maintained appropriately according to the product type during production and maintained at a temperature of 40° Fahrenheit or lower after production;

(4) the refrigeration unit where raw milk and raw milk product is stored is capable of maintaining an internal temperature of 40° Fahrenheit, is equipped with a working and calibrated thermometer, and the interior temperature of the refrigeration unit is kept at 40° Fahrenheit or lower; a producer must check and document the temperature of a refrigeration unit where raw milk and raw milk product is stored at least daily, as set out in (o)(4) of this section;

(5) equipment used for milking is cleaned in accordance with the equipment manufacturer’s recommendation and equipment is used according to its intended purpose;

(6) packaging and lids are stored in a manner that prevents damage and contamination;

(7) each consumer that purchases the producer’s raw milk or raw milk product is offered, at the point of sale, the opportunity to voluntarily provide contact information so that the producer may notify the consumer in the event of a suspected or confirmed foodborne illness or product recall that affects or might affect the raw milk or raw milk product purchased by the consumer; and

(8) the premises where raw milk or raw milk product being produced includes

(A) at least one toilet room, that is maintained, kept clean, and has toilet paper provided;

(B) a handwashing sink located within or adjacent to the exit of a toilet room that is kept clean and equipped with

(i) hot and cold running water;

(ii) hand soap; and

(iii) disposable single-use towels or a hot-air drying device; and

(C) a wastewater system that disposes of wastewater in an approved manner under 18 AAC 72.

(g) Raw milk and raw milk product may not contain any drug residue. The producer shall follow veterinarian prescriptions and withdrawal times for any drug or chemical compound that is administered to a raw milk producing animal.

(h) A producer may not sell raw milk to a consumer or market later than four days after the production date of the raw milk.

(i) A producer may not sell raw milk product to a consumer or market later than the consume by date appropriate to the specific product as determined by the producer.

(j) A producer may not sell or distribute raw milk or raw milk product that is adulterated, as set out under AS 17.20.020, to a consumer or market.

(k) The producer shall conduct routine screening of raw milk producing animals for mastitis and disease, as recommended by the veterinarian providing veterinary services to the raw milk and raw milk product-producing animal or animals.

(l) A producer may not sell or distribute raw milk or raw milk product from an animal showing signs of mastitis or disease.

(m) The department or a producer may test raw milk and raw milk product. If any testing of raw milk or raw milk product is conducted, the producer

(1) shall immediately report results showing antibiotic residue or pathogens that may contaminate the raw milk producing animal, or that may negatively impact the quality of raw milk or raw milk product to be sold under this section to the department;

(2) shall destroy raw milk or raw milk product in a manner recommended by the department or repurpose the raw milk or raw milk product for a use other than human consumption after consultation with the department; if the raw milk or raw milk product test results show bacteria or adulteration that may negatively impact the quality of the raw milk or the raw milk product, the producer shall record and maintain this information as set out under (o)(3) of this section.

(n) A producer may not sell raw milk or raw milk product that

(1) contains aerobic bacteria exceeding 20,000 per milliliter (20,000/ml);

(2) has somatic cell counts exceeding

(A) 500,000/ml for cow or sheep; or

(B) 1,000,000/ml for goat; or

(3) contains any of the following pathogenic bacteria:

(A) *Listeria monocytogenes*;

(B) *Salmonella* ssp.;

(C) *Campylobacter* ssp.; or

(D) Shiga toxin producing *Escherichia coli* (STEC), including *E. coli* O157:H7.

(o) Except as set out under (5) of this subsection, a producer shall maintain records at the production premises for not less than two years; the producer shall provide the records upon a request made by the department and may provide the records upon a request made by a consumer or market. The records under this subsection must include:

(1) routine and non-routine physical examinations of raw milk producing animals, including examinations for mastitis, disease, or other care, as administered by a licensed veterinarian; records for routine and non-routine physical examinations must include the reason for the examination, the outcome, and any medication prescribed to the animal examined;

(2) raw milk and raw milk product quality tests conducted under (m) of this section;

(3) test results for bacterial counts or adulteration in raw milk and raw milk product as described under (m) of this section, and what was done with the raw milk or raw milk product;

(4) the hourly temperature of raw milk or raw milk product during processing and storage, as required under (f)(1) – (3) of this section, and the daily temperature of the refrigeration unit required under (f)(4) of this section;

(5) the consumer contact list of persons that purchased raw milk or raw milk product and voluntarily provided contact information, as described under (f)(7) of this section, which includes the date the raw milk or raw milk product was purchased; the producer must maintain the consumer contact list at the production premises for not less than one month following the date of purchase.

(p) In addition to the requirements set out under (a) – (o) of this section, a producer selling raw milk or raw milk product through a market must

(1) collect a four-to-six ounce sample from every milking, labeled with the date collected, and kept refrigerated at 40° Fahrenheit or lower for 14 days to allow for traceback in the event of a public complaint, foodborne illness, or animal disease outbreak;

(2) ensure that the premises includes

(A) a facility for animal housing that is separated from other facilities on the premises by floor-to-ceiling walls and has overhead protection;

(B) a facility for milking that

(i) is separated from the rest of the premises by floor-to-ceiling walls, has overhead protection, is constructed of material that is cleanable, and is kept clean and in good repair;

(ii) has a handwashing sink equipped with hot and cold running water, hand soap, and disposable single-use towels or a hot-air drying device;

(iii) has a second sink that is used exclusively for washing, rinsing, and sanitizing equipment, utensils, and other items that contact raw milk during the milking process and is equipped with hot and cold running water; and

(iv) uses potable water or water from an approved public water system;

(C) a facility for raw milk and raw milk product processing where all bottling, packaging, and other processing is required to take place; and

(i) is separated from the rest of the premises by floor-to-ceiling walls, is fully enclosed, has solid doors and windows, and has overhead protection;

(ii) has walls, overhead protection, and floors that are made of materials that are cleanable and are kept clean and in good repair;

(iii) has a handwashing sink equipped with hot and cold running water, hand soap, and disposable single-use towels or hot-air drying device;

(iv) has a second sink that is used exclusively for washing, rinsing, and sanitizing equipment, utensils and other items that contact raw milk or raw milk products during bottling, packaging, and processing;

(v) has food-contact surfaces that are constructed of materials that do not allow the migration of deleterious substances or impart colors, odors, or tastes to raw milk or raw milk products;

(vi) has a utility sink or other approved fixture used exclusively for cleaning the processing facility; and

(vii) uses potable water or water from an approved public water system;

(3) minimize bare hand contact with raw milk or raw milk product, utilizing disposable gloves if appropriate;

(4) take reasonable precautions to ensure that each employee with an infected wound or a disease communicable by food is not working at the premises at any capacity that might contaminate raw milk or raw milk product or raw milk or raw milk product contact surfaces: and

(5) ensure utensils, equipment, and other product surfaces are washed, rinsed, and sanitized in accordance with 18 AAC 31.422 – 18 AAC 31.424.

(q) A market selling raw milk or raw milk product under this section must

(1) register with the department by

(A) completing a form provided by the department;

(B) confirming to have read and understand this section; and

(C) obtaining from the department a registration number, which is required to sell raw milk or raw milk product under this section;

(2) re-register annually not later than January 15;

(3) ensure raw milk and raw milk product is obtained through a producer holding current registration from the department as set out under (a)(5) of this section:

(4) ensure the raw milk or raw milk product is appropriately labelled, as described in (e)(4) of this section;

(5) display to consumers, on a placard or sign that is conspicuously posted where raw milk or raw milk product is exhibited for sale, the statement “THIS PRODUCT IS NOT SUBJECT TO ROUTINE STATE INSPECTION”;

(6) ensure that the temperature of raw milk or raw milk product is received and held at 40° Fahrenheit, as described under (f)(2) – (4) of this section;

(7) provide, at the point of sale, an opportunity for consumers to provide contact information for recall purposes, as described under (f)(7) of this section; the market must maintain the consumer contact list for not less than one month following the date of purchase; and

(8) ensure raw milk or raw milk product is separated from pasteurized products.

(r) If a consumer complaint is reported to the department, or a foodborne illness or animal disease outbreak is suspected, the department may conduct inspections or audits at the premises at which raw milk or raw milk product is produced, with or without prior notice, to



assess compliance with this section, including

- (1) inspecting the premises;
- (2) examining and making copies of labels and records;
- (3) observing procedures;
- (4) obtaining samples;
- (5) collecting samples and conducting tests;
- (6) interviewing employees; and
- (7) taking photographs.

(s) In addition to complying with AS 17.20.230, if the department finds, or has cause to believe, that raw milk or raw milk product is adulterated under AS 17.20.020, misbranded under AS 17.20.040, or in violation of this section, the department may

(1) require that a producer detain the raw milk or raw milk product under AS 17.20.040; detention under is subject to the following procedures:

(A) the department will

(i) issue a notice of detention and inform the producer of the conditions to be met for the detention to be terminated; and

(ii) affix, or instruct the producer to affix, to the raw milk or raw milk product container a tag reading “DETAINED”, or other appropriate marking that gives notice that the raw milk or raw milk product has been detained;

(B) if, after issuing a notice of detention, the department finds that the raw milk or raw milk product is not adulterated, misbranded, or in violation of this section, the department will terminate the detention and notify the producer;

(C) a producer may not take an action with respect to raw milk or raw milk product detained under this subsection without department approval;

(2) upon a finding that the raw milk or raw milk product is adulterated under AS 17.20.020, misbranded under AS 17.20.040, or in violation of this section, notify the producer of the necessary corrective action; corrective action may include requiring the producer to destroy or reuse the raw milk or raw milk product, as directed by the department;

(3) require a producer to destroy the raw milk or raw milk product if it violates standards set out in (n) of this section or if it was handled under the same conditions as other

products found to violate those standards;

(4) in addition to requiring detention or destruction of the raw milk or raw milk product under this subsection, take any other actions authorized under AS 03.05 and AS 17.20, including revoking the producer's registration under (a)(5) of this section, ordering product recall, and issuing an order to stop sale; and

(5) at the time of the finding or cause for belief, or any time thereafter, require that the producer provide timely notification of the department's action to all affected and potentially affected markets and consumers who voluntarily provided contract information on the consumer contact lists required under (o)(5) and (q)(7) of this section.

(t) A person subject to this section may seek an informal review under 18 AAC 15.185 of a final decision by the department or an adjudicatory hearing under AS 44.62 (Administrative Procedure Act); an adjudicatory hearing may be requested by submitting a request to the commissioner not later than 30 days after the notice of the department's final decision; upon receipt of a timely request for adjudicatory hearing, the commissioner may refer the matter to the office of administrative hearings (AS 44.64.010) for a hearing and recommended decision under 2 AAC 64 to the commissioner or the commissioner's designee if the designee is a person other than the person who issued the contested decision.

(u) Nothing in this section relieves a producer from complying with other statutes and regulations as applicable to non-raw milk or non-raw milk product.

(v) In this section,

(1) "consumer" means someone who purchases raw milk or raw milk product from a producer or market;

(2) "destroy" or "destruction" means disposal in a manner that precludes human or animal consumption;

(3) "market" includes a food establishment where food commodities are offered for retail sale to consumers and intended for off-premises consumption that has a current permit issued under 18 AAC 31 and is registered by the department to sell raw milk and raw milk product; "market" includes the following:

(A) convenience stores;

(B) grocery stores; and

(C) the grocery portions of supermarkets;

(4) "premises" means the contiguous land or property under the control of the producer, including facilities and their contents, structures and interior surfaces, accessories and attachments, vehicles, food-contact surfaces, food, supplies, water supply, wastewater system,

and plumbing;

(5) “producer” means a person who owns a milk-producing animal, and produces and sells raw milk or raw milk product derived from the milk of the milk-producing animal;

(6) “raw milk” and “raw milk product” means raw milk, or a dairy product made from raw milk, that has not been pasteurized and is not regulated as Grade “A” milk under 18 AAC 32.020; raw milk products are limited to yogurt, kefir, cheese, ice cream, cream, and butter. (Eff. 3/26/2023, Register 245)

<b>Authority:</b>	AS 03.05.011	AS 17.20.040	AS 17.20.240
	AS 03.05.030	AS 17.20.050	AS 17.20.250
	AS 03.05.040	AS 17.20.070	AS 17.20.260
	AS 03.05.050	AS 17.20.072	AS 17.20.270
	AS 03.05.090	AS 17.20.180	AS 17.20.280
	AS 17.20.005	AS 17.20.190	AS 17.20.300
	AS 17.20.040	AS 17.20.230	AS 44.46.020
	AS 17.20.050		

**Article 2. Cheese.****Section**

- 210. Purpose and applicability
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**18 AAC 32.210. Purpose and applicability.** (a) The purpose of 18 AAC 32.210 - 18 AAC 32.295 is to safeguard public health and safety by ensuring that cheese and cheese products offered or sold to the public are safe, unadulterated, wholesome, and correctly labeled.

(b) The provisions of 18 AAC 32.210 - 18 AAC 32.295 apply to

(1) cheese producers whose cheese or cheese products are intended to be sold or offered to the public; and

(2) milk producers who provide milk used for manufacturing cheese or cheese products. (Eff. 12/3/2010, Register 196)

<b>Authority:</b>	AS 03.05.011	AS 03.05.050	AS 17.20.290
	AS 03.05.030	AS 17.20.005	AS 44.46.020
	AS 03.05.040	AS 17.20.010	

**18 AAC 32.215. Requirements adopted by reference.** For purposes of 18 AAC 32.210 - 18 AAC 32.295, the following items are adopted by reference:

(1) *Grade "A" Pasteurized Milk Ordinance*, 2011 revision, as amended from time to time, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, except that

(A) the term "bulk milk pickup tanker" has the meaning given "bulk milk tanker" in 18 AAC 32.990;

(B) the terms "clean," "milk distributor," "milk producer," "person," and "transfer station" have the meanings given in 18 AAC 32.990;

(C) the term "sanitization" has the meaning given "sanitize" in 18 AAC 32.990;

(D) this adoption by reference does not include sections 15 (enforcement), 16 (penalty), and 17 (repeal and date of effect);

(2) *Evaluation of Milk Laboratories*, 2011 Revision, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration;

(3) *3-A Sanitary Standards and 3-A Accepted Practices*, revised as of September 24, 2010, published by the Food and Drug Administration and the International Association of Food Protection;

(4) United States Food and Drug Administration/Center for Food Safety and Applied Nutrition (FDA/CFSAN), *Domestic and Imported Cheese and Cheese Products*, Part II, Sections B and C, November 19, 1998;

(5) United States Food and Drug Administration, *Bacteriological Analytical Manual*, Chapters 4, 4a, 5, 10, and 12, revised as of September 16, 2010;

(6) 21 C.F.R. 101.1 - 101.18 (general provisions), revised as of April 1, 2012;

(7) 21 C.F.R. 101.22 (foods; labeling of spices, flavorings, colorings and chemical preservatives), revised as of April 1, 2012;

(8) 21 C.F.R. 101.54 – 101.83 (specific requirements for nutrient and health claims), revised as of April 1, 2012;

(9) 21 C.F.R. 101.100 - 101.105 (exemptions from food labeling requirements), revised as of April 1, 2012;

(10) 21 C.F.R. Part 110 (current good manufacturing practice in manufacturing, packing, or holding human food), revised as of April 1, 2012, except that the terms "food," "pest," and "sanitize" have the meanings given in 18 AAC 32.990;

(11) 21 C.F.R. 130.8 - 130.14 (food standards), revised as of April 1, 2012;

(12) 21 C.F.R. Part 133 (cheeses and related cheese products), revised as of April 1, 2012, except that the term "milk" has the meaning given in 18 AAC 32.990;

(13) 21 C.F.R. Parts 170 - 189, revised as of April 1, 2012. (Eff. 12/3/2010, Register 196; am 7/25/2014, Register 211)

**Authority:** AS 03.05.011                      AS 17.20.010                      AS 44.46.020  
AS 17.20.005

**Editor's note:** The items adopted by reference in 18 AAC 32.215 may be reviewed at the department's offices in Anchorage and Wasilla. The *Grade "A" Pasteurized Milk Ordinance* is available at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/UCM209789.pdf>. *Evaluation of Milk Laboratories* is available at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/UCM197074.pdf>. *Domestic and Imported Cheese and Cheese Products* is available at <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/ComplianceEnforcement/ucm071510.htm>. The *Bacteriological Analytical Manual* is available at <http://www.fda.gov/Food/ScienceResearch/LaboratoryMethods/BacteriologicalAnalyticalManual/BAM/default.htm>. The United States Food and Drug Administration may be contacted at 10903 New Hampshire Ave., Silver Spring, MD 20993-0002; telephone: (888) INFO-FDA ((888) 463-6332). The *3-A Sanitary Standards* and *3-A Accepted Practices* document may be obtained through the 3-A organization web site at <http://www.3-a.org/>. The organization may be contacted at 3-A Sanitary Standards, Inc., 6888 Elm Street, Suite 2D, McLean, VA 22101; telephone: (703) 790-0295.

**18 AAC 32.220. Permit requirements.** (a) A person may not produce cheese or cheese products subject to 18 AAC 32.210 - 18 AAC 32.295 except as authorized by permit under this section.

(b) A permit issued under this section

- (1) is valid for one year;
- (2) is issued to a particular cheese producer and is not transferable;
- (3) is subject to modification, suspension, revocation, or reinstatement under 18 AAC 32.285; and
- (4) must be prominently posted for public view in the facility.

(c) At least 30 days before commencing construction of a cheese production facility, initiating cheese or cheese product production, or changing ownership, a cheese producer must apply for a permit for each operation subject to the requirements of this section, using a form provided by the department. The application must

(1) be accompanied by a permit fee as set out in 18 AAC 32.295;

(2) include

(A) a plot plan of the premises showing the location of buildings and property boundaries;

(B) plumbing schematics that depict hot and cold potable water lines, nonpotable water lines, wastewater lines, and floor drains;

(C) building floor plans depicting locations of equipment, plumbing fixtures, toilets, and sinks;

(D) finish material specifications for floors, walls, and ceilings;

(E) types and locations of lighting and ventilation;

(F) a general description of types of cheese products and processing methods; and

(G) other information required by the department to demonstrate compliance with 18 AAC 32.225 – 18 AAC 32.265.

(d) If applying for an annual renewal of a permit for continuing operations, a cheese producer may submit, subject to department approval and in place of the information required by (c)(2) of this section, a written statement that changes to the facility or its operations have not occurred, and that changes are not intended for the next year.

(e) A cheese producer shall notify the department of any change to the facility or operations authorized by a permit. Based on whether the change complies with 18 AAC 32.225 - 18 AAC 32.265, the department will approve, conditionally approve, or deny a change. An application for a permit or an annual permit renewal must reflect each prior change to the facility or operations. (Eff. 12/3/2010, Register 196)

**Authority:** AS 03.05.011            AS 17.20.005            AS 44.46.020  
AS 03.05.040

**18 AAC 32.225. Water, wastewater, solid waste, and plumbing.** (a) In addition to the requirements of 21 C.F.R. 110.37, adopted by reference in 18 AAC 32.215, the following requirements apply:

(1) an adequate supply of potable water must be available from a

(A) public water system constructed and operated as required under 18 AAC 80; or

(B) private water system that provides

(i) annual test results for nitrates;

(ii) quarterly test results for total coliforms; and

(iii) engineering plans if the source water is surface water or groundwater under the direct influence of surface water;

(2) liquid waste disposal must comply with 18 AAC 72;

(3) grease traps must be accessible and cleanable;

(4) solid waste disposal must comply with 18 AAC 60;

(5) plumbing must be designed, installed, and maintained as required under the applicable state plumbing code developed under AS 18.60.705 - 18.60.740, and under any applicable municipal plumbing code;

(6) hot and cold running water under pressure must be provided to each plumbing fixture with faucets, including handsinks, warewashing sinks, sinks used for preparation or processing, and janitorial sinks;

(7) a nonpotable water line must be labeled "DANGER – UNSAFE WATER" and may only be used for

(A) fire protection;

(B) air conditioning;

(C) heating;

(D) flushing toilets; or

(E) another nonpotable purpose approved by the department.

(b) In this section, "coliform," "engineering plans," "groundwater under the direct influence of surface water," "private water system," "public water system," and "surface water" have the meanings given in 18 AAC 80.1990. (Eff. 12/3/2010, Register 196)

**Authority:** AS 03.05.011                      AS 17.20.005                      AS 44.46.020  
AS 03.05.040



**18 AAC 32.230. Construction standards.** (a) In addition to meeting the requirements of 21 C.F.R. 110.20, adopted by reference in 18 AAC 32.215, a cheese production facility must have separate areas for each of the following sets of operations or equipment:

(1) receiving and weighing of milk, and washing and sterilizing of containers in which milk is received;

(2) pasteurization, processing, cooling, and manufacturing;

(3) bacteriological and chemical analysis;

(4) storage or aging of products, unless separated by adequate time, space, or physical barriers that would preclude possible contamination of product;

(5) boilers, compressors, or other machinery that is not specifically used for food processing;

(6) toilets, lavatories, and lockers.

(b) The floor of each area listed in (a)(1), (2), (4), and (6) of this section must be

(1) constructed of concrete or other impervious material;

(2) constructed to be watertight; and

(3) sloped so that all drainage will flow to one or more floor drains.

(c) Doors of a cheese production facility must be self-closing. Windows, doors, and other openings must effectively exclude flies and other pests.

(d) An activity, material, or waste may not be located on the cheese production facility premises in a manner that harbors pests or allows foul odors to reach the operation.

(e) Light sources, including natural light, artificial light, or a combination of both, must furnish at least 20 footcandles of light in each working area.

(f) Dry storage and cold storage areas must have at least five footcandles of light.

(g) Ventilation in all areas must keep

(1) the processing areas reasonably free of odors not normally associated with cheese production; and

(2) equipment, walls, and ceilings free from excessive condensation.

(h) Pressurized ventilation systems, if used, must have a filtered air intake.

(i) Walls and ceilings in an area where cheese or cheese ingredients are handled, processed, packaged, or stored, or in an area where containers, utensils, or equipment are washed, must

- (1) be made of a solid material;
- (2) be sealed to the floor; and
- (3) have a smooth, washable, impervious, and light colored surface.

(j) The storage and transportation of finished products must comply with 21 C.F.R. 110.93, adopted by reference in 18 AAC 32.215. (Eff. 12/3/2010, Register 196)

**Authority:** AS 17.20.005 AS 44.46.020

**18 AAC 32.235. Personnel.** (a) Personnel must comply with the disease control, cleanliness, education and training requirements of 21 C.F.R. 110.10, adopted by reference in 18 AAC 32.215.

(b) Cheese or its ingredients may not be handled with bare hands.

(c) Cheese production may not occur unless an individual is on the premises who is responsible for identifying sanitation problems and potential food contamination, to prevent the production of adulterated cheese products.

(d) Each food handler and supervisor must hold a valid food worker card in accordance with 18 AAC 31.330.

(e) A food handler may not wash hands at a sink used for preparation, processing, warewashing, or janitorial activities.

(f) A cheese producer shall restrict access to a cheese processing area to authorized personnel.

(g) In this section, "food handler" means an individual handling cheese ingredients, unpackaged cheese, or product-contact surfaces. (Eff. 12/3/2010, Register 196)

**Authority:** AS 17.20.005 AS 17.20.072 AS 44.46.020

**18 AAC 32.240. Equipment and utensils.** (a) Equipment and utensils must be sanitary and meet sanitation standards in

(1) 21 C.F.R. 110.40, adopted by reference in 18 AAC 32.215; and

(2) the *Grade "A" Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.215.

- (b) A cheese processing vat that is jacketed and fixed in place must
- (1) be in good repair, be equipped with a tight-fitting lid, and have adequate temperature controls;
  - (2) have an adequate jacket capacity for uniform heating;
  - (3) have an inner liner that
    - (A) is constructed of a minimum 16-gauge stainless steel or other equally corrosion-resistant metal;
    - (B) is properly pitched from side to center and from rear to front for adequate drainage;
    - (C) is smooth and free from excessive dents or creases; and
    - (D) extends over the edge of the outer jacket;
  - (4) have the junction of the liner and outer jacket constructed to prevent milk or cheese from entering the inner jacket;
  - (5) be equipped with a sanitary outlet valve; and
  - (6) be provided with effective valves that are properly maintained to control the application of heat to the vat.
- (c) A mechanical agitator must meet the following requirements:
- (1) carriages and tracks must be constructed to prevent dirt or grease from entering the vat;
  - (2) metal blades, forks, or stirrers must be
    - (A) constructed of stainless steel or of material approved in the *3-A Sanitary Standards* and *3-A Accepted Practices*, adopted by reference in 18 AAC 32.215; and
    - (B) free from rough or sharp edges that might scratch the equipment or remove metal particles.
- (d) Knives, hand rakes, shovels, paddles, strainers, and miscellaneous equipment must be made of stainless steel or of material approved in the *3-A Sanitary Standards* and *3-A Accepted Practices*, adopted by reference in 18 AAC 32.215.
- (e) Product-contact surfaces of a curd mill must be constructed of stainless steel.

(f) Wires in a curd knife must be constructed of stainless steel, kept tight, and replaced when necessary to prevent the production of adulterated cheese products.

(g) Each cheese press and press cloth must comply with the following requirements:

(1) a cheese press must be constructed of stainless steel or of material approved in the *3-A Sanitary Standards* and *3-A Accepted Practices*, adopted by reference in 18 AAC 32.215;

(2) stainless steel cheese press joints must be welded;

(3) cheese press surfaces, seams, and openings must be readily cleanable;

(4) a cheese press pressure device must be the continuous type;

(5) a press cloth must be maintained in good repair and in a sanitary condition;

(6) a single-service press cloth may only be used once. (Eff. 12/3/2010, Register 196)

**Authority:** AS 17.20.005 AS 44.46.020

**18 AAC 32.245. Sanitation.** (a) Sanitation practices for a cheese production facility must comply with 21 C.F.R. 110.35, adopted by reference in 18 AAC 32.215.

(b) Sanitizing of product-contact surfaces must comply with 18 AAC 31.424.

(c) A kitchen in a food service permitted under 18 AAC 31.020 may be used for cheese production if the food service meets the requirements in 18 AAC 32.210 - 18 AAC 32.295. The production of cheese must be separated by time, space, or physical barrier from other food service operations to preclude the possibility of contamination of cheese or food service food. (Eff. 12/3/2010, Register 196)

**Authority:** AS 17.20.005 AS 44.46.020

**18 AAC 32.250. Ingredients.** (a) Cheese and cheese product ingredients must comply with 21 C.F.R. 110.80 and 110.110, adopted by reference in 18 AAC 32.215. Food additives must meet the standards set out in 21 C.F.R. Parts 170 - 189, adopted by reference in 18 AAC 32.215.

(b) A producer or hauler of milk used for cheese production must meet the standards in 18 AAC 32.010 - 18 AAC 32.060 and the standards of the *Grade "A" Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.215. An animal producing milk for cheese production must meet the animal health requirements in 18 AAC 36.

(c) Cheese may be made from raw or pasteurized milk.

(d) Raw milk used to make any type of cheese, whether to be pasteurized or not, must meet the following quality standards at the time of receipt or collection:

(1) raw milk may not be adulterated, or have any abnormal odor, appearance, or consistency;

(2) the standard plate count for bacteria may not exceed 300,000 per milliliter from any individual milk producer or commingled milk;

(3) raw milk may not contain drug residue that is unacceptable under the *Grade "A" Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.215;

(4) raw milk must be tested for drug residues as required in the *Grade "A" Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.215, and meet the following requirements:

(A) testing must be conducted by a laboratory that conforms to the standards contained in *Evaluation of Milk Laboratories*, adopted by reference in 18 AAC 32.215;

(B) the somatic cell count in

(i) raw cow milk may not exceed 750,000 cells per milliliter on any three of five tests;

(ii) raw goat milk may not exceed 1,500,000 cells per milliliter on any three of five tests;

(5) raw milk must be cooled to 10 degrees Celsius or less no later than four hours after commencement of first milking, and to seven degrees Celsius or less no later than two hours after completion of milking; a blend temperature of an initial milking and subsequent milkings may not exceed 10 degrees Celsius.

(e) If cheese is made from raw milk, the cheese must be aged to, and must conform to, the standards set out in 21 C.F.R. Part 133, adopted by reference in 18 AAC 32.215.

(f) If cheese is made from pasteurized milk, the pasteurized milk must conform to

(1) the phosphatase standards for pasteurized milk and milk products set out in the *Grade "A" Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.215; and

(2) the standards for Grade "A" pasteurized, ultra-pasteurized, and aseptically processed milk and milk products set out in the *Grade "A" Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.215. (Eff. 12/3/2010, Register 196)

<b>Authority:</b>	AS 03.05.011	AS 17.20.010	AS 17.20.030
	AS 17.20.005	AS 17.20.020	AS 44.46.020

**18 AAC 32.255. Testing.** (a) When a cheese producer begins production of a new cheese or cheese product, or begins production of a cheese or cheese product that has not been in production during the past year, or after a cheese or cheese product fails a test prescribed under this section,

(1) the department will collect and analyze samples monthly for the next two months of production; and

(2) after two months, the department will collect and analyze samples biannually unless the department determines that additional or more frequent testing is required to confirm product safety.

(b) The department will analyze samples of cheese or cheese products in accordance with 21 C.F.R. 133.5, adopted by reference in 18 AAC 32.215, for milkfat, moisture content, and phosphatase.

(c) The department will analyze samples of cheese or cheese products for each of the following foodborne pathogens:

(1) *Listeria monocytogenes*, using the methodology set out in the *Bacteriological Analytical Manual*, Chapter 10, adopted by reference in 18 AAC 32.215;

(2) *Salmonella*, using the methodology set out in the *Bacteriological Analytical Manual*, Chapter 5, adopted by reference in 18 AAC 32.215;

(3) *Escherichia coli*, using the methodology set out in the *Bacteriological Analytical Manual*, Chapter 4, adopted by reference in 18 AAC 32.215;

(4) Enterotoxigenic *Escherichia coli*,

(A) using the methodology set out in the *Bacteriological Analytical Manual*, Chapter 4a, adopted by reference in 18 AAC 32.215; and

(B) if *Escherichia coli* is present at  $10^4$  or more per gram;

(5) Enterohemorrhagic *Escherichia coli* (EHEC), using the methodology set out in the *Bacteriological Analytical Manual*, Chapter 4a, adopted by reference in 18 AAC 32.215; and

(6) *Staphylococcus aureus*, using the methodology set out in the *Bacteriological Analytical Manual*, Chapter 12, adopted by reference in 18 AAC 32.215.

(d) A cheese producer shall immediately report to the department results of any voluntary testing for antibiotic residue or pathogens that exceed standards or tolerances under 18 AAC 32.250 or 18 AAC 32.275.

(e) The department may collect and test environmental samples as needed to ensure proper sanitation within a facility. (Eff. 12/3/2010, Register 196)

**Authority:** AS 03.05.011 AS 17.20.005 AS 44.46.020

**18 AAC 32.260. Records.** (a) A cheese producer shall prepare or obtain the following records as applicable and retain them for the specified periods of time:

- (1) milk collection records received from milk haulers, for at least two years;
- (2) records of all cheese product ingredients received at the cheese production facility, including the manufacturer and distributor of the ingredients, for at least one year;
- (3) daily records of all finished products produced at the cheese production facility, including the name and type of product, the volume produced, and the date of production, for at least one year;
- (4) records of all milk quality tests conducted on milk shipments received by the cheese production facility, for at least two years;
- (5) records of all tests for bacterial counts or adulteration in milk and cheese held or processed by the cheese production facility, for at least two years;
- (6) pasteurization records, for at least 180 days;
- (7) cleaning and sanitizing records for bulk milk tankers, for at least 90 days;
- (8) temperature records for cheese processing and storage, for at least 30 days;
- (9) inventory control records for vitamin fortification of milk or cheese including vitamins used and quantity produced, for at least two years;
- (10) vitamin assay test results conducted on fortified cheese, for at least two years;
- (11) daily records for cleaning and sanitizing equipment, for at least 90 days.

(b) Records under (a) of this section shall be kept at the cheese production facility, and shall be made available to the department upon request. (Eff. 12/3/2010, Register 196)

**Authority:** AS 03.05.011 AS 17.20.005 AS 44.46.020

**18 AAC 32.265. Labeling and general identification.** (a) Cheese and cheese products must comply with the standards of identity for cheese set out in 21 C.F.R. Part 133, adopted by reference in 18 AAC 32.215.

(b) In addition to meeting labeling requirements in 21 C.F.R. 101.1 - 101.30, 101.54 - 101.83, 101.100 - 101.105, and 130.8 - 130.14, adopted by reference in 18 AAC 32.215, each package of cheese or cheese product for retail sale must be labeled "KEEP REFRIGERATED TO 41°F OR BELOW."

(c) Cheese or cheese products made from raw milk must be labeled "RAW MILK PRODUCT," "MADE FROM RAW MILK," or "MADE FROM GRADE A RAW MILK" in letters at least one-quarter inch tall.

(d) Cheese or cheese products may be labeled "MADE FROM GRADE A RAW MILK" only if manufactured under Grade A standards for raw milk as outlined in the *Grade "A" Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.215.

(e) Unless made exclusively with cow milk, cheese or cheese products must be labeled with each species of animal from which the milk came.

(f) A cheese producer shall submit to the department an example of a label intended for use for cheese or cheese products, for department approval before use of the label in commercial sale of the product. (Eff. 12/3/2019, Register 196)

**Authority:** AS 03.05.011                      AS 17.20.010                      AS 44.46.020  
AS 17.20.005                      AS 17.20.300

**18 AAC 32.270. Inspections.** (a) The department may conduct inspections or audits with or without prior notice to assess compliance with 18 AAC 32.210 - 18 AAC 32.295.

(b) In an inspection or audit to assess compliance with 18 AAC 32.210 - 18 AAC 32.295, the department may include

- (1) inspecting the cheese production facility;
- (2) examining labels, plans, and records;
- (3) investigating employee illness or absenteeism;
- (4) examining food;
- (5) observing procedures;
- (6) obtaining samples;



- (7) conducting tests;
- (8) interviewing employees; and
- (9) taking photographs. (Eff. 12/3/2010, Register 196)

**Authority:** AS 03.05.011            AS 17.20.005            AS 17.20.070  
AS 03.05.040            AS 17.20.040            AS 44.46.020

**18 AAC 32.275. Detention and destruction.** (a) A cheese producer shall destroy or detain for further processing or testing cheese that has tested positive for

- (1) *Listeria monocytogenes*;
- (2) *Salmonella*;
- (3) Enterohemorrhagic *Escherichia coli*; or
- (4) any of the following bacterial pathogens or toxins if the tolerance for that pathogen or toxin is exceeded:

(A) *Escherichia coli* -  $1 \times 10^4$  or greater organisms per gram;

(B) Enterotoxigenic *Escherichia coli* -  $1 \times 10^3$  per gram, heat labile enterotoxin or heat stable enterotoxin positive;

(C) *Staphylococcus aureus* - positive for Staphylococcal enterotoxin or if viable count, expressed as the most probable number (MPN), is  $1 \times 10^4$  or greater per gram and toxin test is negative.

(b) If sample analysis of pasteurized milk or cheese made from pasteurized milk reflects a positive phosphatase test, the cheese producer shall

- (1) destroy the milk or cheese derived from that milk; or
- (2) detain the milk or cheese derived from that milk for further processing or testing.

(c) The department may require that a cheese producer detain cheese, a cheese product, or a food ingredient if the department finds, or has cause to believe, that the cheese, cheese product, or food ingredient is adulterated, misbranded, or processed in violation of 18 AAC 32.210 - 18 AAC 32.295. Detention under this subsection is subject to the following procedures:

- (1) the department will

(A) issue a notice of detention and inform the cheese producer of the conditions under which the detention can be terminated; and

(B) affix to the cheese, cheese product, or food ingredient a "detained" tag or other appropriate marking that gives notice that the cheese, cheese product, or food ingredient has been detained;

(2) if, after issuing a notice of detention, the department finds that the cheese, cheese product, or food ingredient is not adulterated, misbranded, or processed in violation of 18 AAC 32.210 - 18 AAC 32.295, the department will terminate detention and notify the cheese producer;

(3) if the department finds that the cheese, cheese product, or food ingredient is adulterated, misbranded, or processed in violation of 18 AAC 32.210 - 18 AAC 32.295, the department will

(A) notify the cheese producer of the corrective action necessary; corrective action may include destruction of the cheese, cheese product, or food ingredient; and

(B) comply with the procedures set out in AS 17.20.240.

(d) A cheese producer may not take, without department approval, an action with respect to an item detained under this section.

(e) The department may require a cheese producer to destroy cheese if it violates standards or tolerances set out in (a) of this section, or if the cheese was made under the same conditions as other cheese found to violate those standards or tolerances.

(f) If the department determines that an imminent health hazard exists, the department, in addition to requiring detention or destruction under this section, may take any other actions authorized under AS 03.05, AS 17.20, and AS 44.46.020, including modifying, suspending, or revoking a cheese producer's permit under 18 AAC 32.285.

(g) In this section, "destroy" or "destruction" means to dispose of cheese, a cheese product, or a food ingredient in a manner that precludes human consumption. (Eff. 12/3/2010, Register 196)

<b>Authority:</b>	AS 03.05.011	AS 17.20.070	AS 17.20.240
	AS 03.05.030	AS 17.20.072	AS 17.20.250
	AS 03.05.050	AS 17.20.180	AS 17.20.260
	AS 17.20.005	AS 17.20.190	AS 17.20.270
	AS 17.20.020	AS 17.20.220	AS 17.20.280
	AS 17.20.050	AS 17.20.230	AS 44.46.020
	AS 17.20.060		

**18 AAC 32.280. Civil fines.** (a) The department may, without prior warning, notice, or hearing, assess a civil fine of not more than the following amounts for each violation of 18 AAC 32.210 - 18 AAC 32.295:

- (1) first offense: \$250;
- (2) second offense and subsequent offenses: \$500.

(b) For the purpose of determining whether a civil fine is assessed under this section, the department will consider aggravating or mitigating factors, including

- (1) the history of previous violations by the cheese producer;
  - (2) the seriousness of the violation, including actual or potential hazard to the health and safety of the public;
  - (3) whether the violation occurred due to negligence or intentional conduct;
  - (4) whether the cheese producer has demonstrated good faith efforts to achieve rapid compliance after notification of a violation;
  - (5) the cheese producer's current compliance status and the number of continuing violations;
  - (6) the actual or potential economic gain to the cheese producer by violating a provision of 18 AAC 32.210 - 18 AAC 32.295;
  - (7) enforcement costs incurred by the department relating to the violation; and
  - (8) payment of civil fines previously assessed for the same or similar violation.
- (Eff. 12/3/2010, Register 196)

**Authority:** AS 03.05.011            AS 17.20.005            AS 17.20.365  
AS 03.05.090            AS 17.20.180            AS 44.46.020

**18 AAC 32.285. Permit suspension or revocation.** (a) If the department determines that an imminent health hazard exists, the department may, without prior warning, notice, or hearing,

- (1) modify, suspend, or revoke a cheese producer's permit; and
- (2) require the cheese producer to stop operating.

(b) If a cheese producer violates 18 AAC 32.210 - 18 AAC 32.295, and the department determines that an imminent health hazard does not exist, the department may send the cheese producer a written notice that the department will modify, suspend, or revoke the cheese producer's permit unless the cheese producer corrects each violation no later than 15 days after

receiving the notice. In the written notice, the department will identify the specific sections of 18 AAC 32.210 - 18 AAC 32.295 that the department determines to have been violated. If the cheese producer fails to correct each violation during the 15-day period, the department will modify, suspend, or revoke the cheese producer's permit. The department may reinstate a suspended or revoked permit if the cheese producer corrects the violations.

(c) This section does not affect a person's right to a hearing under AS 44.62 (Administrative Procedure Act). (Eff. 12/3/2010, Register 196)

**Authority:** AS 03.05.011 AS 17.20.072 AS 44.46.020  
AS 17.20.005 AS 17.20.180

**18 AAC 32.290. Right to appeal a decision.** A person subject to 18 AAC 32.210 - 18 AAC 32.295 may seek an informal review under 18 AAC 15.185 of a department decision or an adjudicatory hearing under AS 44.62 (Administrative Procedure Act). An adjudicatory hearing may be requested by submitting a request to the commissioner not later than 30 days after the notice of the department decision. Upon receipt of a timely request for adjudicatory hearing, the commissioner will refer the matter to the office of administrative hearings (AS 44.64.010) for a hearing and recommended decision under 2 AAC 64.100 – 2 AAC 64.990 to the commissioner or the commissioner's designee if the designee is a person other than the person who issued the contested decision. (Eff. 12/3/2010, Register 196; am 11/5/2017, Register 224)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.190  
AS 17.20.065 AS 17.20.180 AS 44.46.020

**18 AAC 32.295. Fees.** The annual permit fee for a cheese production facility is \$100. (Eff. 12/3/2010, Register 196)

**Authority:** AS 17.20.005 AS 44.46.025

- 500. (Repealed)
- 505. (Repealed)
- 510. (Repealed)
- 515. (Repealed)
- 520. (Repealed)
- 525. (Repealed)
- 530. (Repealed)
- 535. (Repealed)
- 540. (Repealed)
- 550. (Repealed)

**18 AAC 32.500. Purpose and applicability of 18 AAC 32.500 - 18 AAC 32.550.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.505. Adoption by reference of federal regulations.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.510. Product handling and labeling.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.515. Inspection required.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.520. Voluntary inspection.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.525. Uninspected products.** A person may not sell, label, or otherwise represent an uninspected product as an inspected product. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.530. Grant of inspection.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.535. Facility numbers.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.540. Facility requirements.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.550. Voluntary, overtime, and holiday inspection fees.** Repealed. (Eff. 5/23/98, Register 146; am 7/11/2002, Register 163; repealed 9/6/2003, Register 167)

**Article 4. Reindeer Slaughtering and Processing.**

Section

- 600. (Repealed)
- 601. (Repealed)
- 605. (Repealed)
- 610. (Repealed)
- 615. (Repealed)
- 620. (Repealed)
- 625. (Repealed)
- 630. (Repealed)
- 635. (Repealed)
- 640. (Repealed)
- 645. (Repealed)
- 650. (Repealed)
- 655. (Repealed)
- 660. (Repealed)
- 665. (Repealed)
- 670. (Repealed)
- 675. (Repealed)
- 680. (Repealed)
- 685. (Repealed)
- 690. (Repealed)
- 693. (Repealed)
- 695. (Repealed)
- 699. (Repealed)

**18 AAC 32.600. Purpose and applicability.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; repealed 6/6/2021, Register 238)

**18 AAC 32.601. Requirements adopted by reference.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.605. Permit application requirements.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; repealed 6/6/2021, Register 238)

**18 AAC 32.610. Fees.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.615. Facility plan approval.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; repealed 6/6/2021, Register 238)

**18 AAC 32.620. Facility requirements.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.625. Water, wastewater, solid waste, and plumbing.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.630. Toilet and handsink requirements.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.635. Equipment and utensil design, location, and storage.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.640. Cleaning and sanitizing.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.645. Food condition and source.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; repealed 6/6/2021, Register 238)

**18 AAC 32.650. Personnel.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.655. Sanitation plan.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; repealed 6/6/2021, Register 238)

**18 AAC 32.660. Hazard analysis critical control point (HACCP) plan.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.665. Thermal processing.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; repealed 6/6/2021, Register 238)

**18 AAC 32.670. Humane slaughter.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.675. Ante-mortem and post-mortem inspection.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.680. Evisceration and handling of carcasses.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.685. Official mark of inspection and labeling.** Repealed. (Eff. 9/6/2003, Register 167; repealed 6/6/2021, Register 238)

**18 AAC 32.690. Inspections.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; repealed 6/6/2021, Register 238)

**18 AAC 32.693. Permit suspension and facility closure.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; am 11/7/2017, Register 224; repealed 6/6/2021, Register 238)

**18 AAC 32.695. Examination, detention, and destruction of food.** Repealed. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; am 11/7/2017, Register 224; repealed 6/6/2021, Register 238)

**18 AAC 32.699. Definitions for 18 AAC 32.600 - 18 AAC 32.699.** Repealed. (Eff. 12/3/2010, Register 196; Repealed 6/6/2021, Register 238)



## Article 5. General Provisions.

### Section

- 900. Waiver of provisions; waiver fee
- 905. (Repealed)
- 910. Right to review department decision
- 920. (Repealed)
- 925. Confidentiality of trade secrets
- 990. Definitions

**18 AAC 32.900. Waiver of provisions; waiver fee.** (a) Except for a fee required by 18 AAC 32.610, the department will waive a requirement of this chapter if the department finds that public health is protected and the purpose of the requirement is otherwise satisfied.

(b) An application for a waiver must be submitted to the department in writing, must be accompanied by a waiver fee of \$75, and must

(1) identify the requirement for which the waiver is sought;

(2) state the reason why the requirement cannot be met; and

(3) describe the alternative method proposed to meet the purpose of the requirement and how that method will be equally protective of public health; the applicant shall include any scientific data, academic research, or other information that will assist the department in making a decision under this section.

(c) The department will grant or deny a waiver application, with or without conditions, in writing within 30 working days after receiving the application. (Eff. 5/23/98, Register 146)

<b>Authority:</b>	AS 03.05.011	AS 17.20.030	AS 44.46.020
	AS 03.05.020	AS 17.20.040	AS 44.46.025
	AS 17.20.020	AS 17.20.072	

**18 AAC 32.905. Prohibited acts.** Repealed. (Eff. 5/23/98, Register 146; repealed 9/6/2003, Register 167)

**18 AAC 32.910. Right to review department decision.** (a) The owner or operator of a facility subject to this chapter may request an informal review under 18 AAC 15.185 of a department decision under this chapter, except for a fee decision under 18 AAC 32.610.

(b) A person who is aggrieved by a department decision to deny or approve a permit under this chapter or a waiver request under this chapter may request

(1) an informal review under 18 AAC 15.185; or

(2) an adjudicatory hearing under AS 44.62 (Administrative Procedures Act).

(c) An adjudicatory hearing under (b)(2) of this section may be requested by submitting a hearing request to the commissioner not later than 30 days of the issuance of the decision described in (b) of this section. Upon receipt of a timely request for adjudicatory hearing, the commissioner will refer the matter to the office of administrative hearings (AS 44.64.010) for a hearing and recommended decision under 2 AAC 64.100 – 2 AAC 64.990 to the commissioner or the commissioner’s designee if the designee is a person other than the person who issued the contested decision. (Eff. 5/23/98, Register 146; am 7/11/2002, Register 163; am 9/6/2003, Register 167; am 11/7/2017, Register 224)

<b>Authority:</b>	AS 03.05.011	AS 17.20.040	AS 17.20.230
	AS 03.05.020	AS 17.20.070	AS 17.20.250
	AS 03.05.040	AS 17.20.072	AS 17.20.270
	AS 03.05.050	AS 17.20.190	AS 17.20.290
	AS 17.20.010	AS 17.20.200	AS 44.46.020
	AS 17.20.020		

**18 AAC 32.920. Enforcement and compliance.** Repealed. (Eff. 5/23/98, Register 146; am 7/11/2002, Register 163; repealed 9/6/2003, Register 167)

**18 AAC 32.925. Confidentiality of trade secrets.** (a) If it determines that disclosure is in the interests of public health and consumer protection, the department will require a person subject to this chapter to disclose a trade secret to the department to assist the department in evaluating a permit application or in determining compliance with this chapter. If the person disclosing the required information certifies in writing that public disclosure of the information, including information contained in a photograph taken by a department employee, would reveal a trade secret as defined in AS 45.50.940, the department will keep the information confidential while it determines if the public interest that would be served by the disclosure is outweighed by the person’s privacy interest. The department will continue to keep the information confidential if it finds the information is entitled to protection. If the department finds that the information is not entitled to protection, the department will notify the person disclosing the information in writing that the information will be subject to disclosure after 10 days. Unless ordered by a court to disclose the information, the department will keep the information confidential through the 10-day period, any administrative appeal of the department’s finding initiated during the 10-day period, and any judicial appeal of the final agency decision.

(b) If it determines that disclosure is in the interests of public health and consumer protection, the department will disclose information that is confidential under this section under a continuing restriction of confidentiality to other department of the state or United States or to a court

(1) to protect against an imminent threat to public health or safety;

(2) in a proceeding to deny, modify, or suspend a permit required under this chapter; or

(3) in pursuit of an enforcement activity.

(c) This section does not limit the department's authority to release confidential information during an emergency. (Eff. 9/6/2003, Register 167)

<b>Authority:</b>	AS 03.05.011	AS 17.20.005	AS 17.20.072
	AS 03.05.020	AS 17.20.010	AS 17.20.180
	AS 03.05.040	AS 17.20.020	AS 44.46.020
	AS 03.05.050		

**18 AAC 32.990. Definitions.** In this chapter, unless the context otherwise requires,

(1) “adulterated” has the meaning given “adulterated food” in AS 17.20.020;

(2) “approved” means approved in writing by the department;

(3) “adequate” means necessary to accomplish the intended purpose in keeping with good public health practices;

(4) “bulk milk tanker” means a vehicle, including the truck, tank, and those appurtenances necessary for the vehicle's use, used by a milk hauler to transport bulk, raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station;

(5) “cheese”

(A) means a dairy product prepared from the pressed curd of milk;

(B) includes styles of soft, semi-soft, soft-ripened, and hard cheeses identified in *Domestic and Imported Cheese and Cheese Products*, adopted by reference in 18 AAC 32.215;

(6) “cheese production facility” means a place, premises, or facility where cheese or cheese products are collected, handled, processed, stored or prepared;

(7) “cheese producer” means a person who owns or operates a cheese production facility and provides, sells, or offers cheese for human consumption;

(8) “cheese product” means a product made from cheese that is intended for human consumption;

(9) “clean” or “cleaned” means, with regard to equipment or utensils, made free of soil, or to make free of soil, product, or other contaminants, by

(A) washing in warm, soapy water and rinsing; or

(B) using another approved method if using water is inappropriate for the equipment or utensil being cleaned;

(10) “commissioner” means the commissioner of environmental conservation;

(11) “dairy plant”

(A) means a place where dairy product is manufactured or processed for sale or distribution as human food;

(B) includes a receiving station or transfer station;

(12) “dairy product” means

(A) raw or processed milk;

(B) a milk product or byproduct, including all dairy or nondairy ingredients incorporated into that milk product or byproduct; or

(C) a commodity in which milk or any milk product or byproduct is the principal ingredient;

(13) “department” means the Department of Environmental Conservation;

(14) “equipment” means

(A) machinery, apparatus, and appurtenances used in connection with the operation of a facility;

(B) includes fixtures, containers, vessels, tools, devices, implements, storage areas, and sinks;

(15) “facility” means the premises used to conduct activities described in this chapter;

(16) “FDA” means the United States Food and Drug Administration;

(17) “food” or “food product” means a product made wholly or in part from an animal that is intended for human consumption;

(18) “food additive” or “food ingredient” means a substance, the intended use of which results or might result, directly or indirectly, in its becoming a part of or otherwise affecting the characteristics of a food product;

(19) “footcandles” means the illumination

(A) on a surface one square foot in area on which a flux of one lumen is uniformly distributed; or

(B) produced on a surface all points of which are at a distance of one foot from a directionally uniform point on one candela;

(20) “formula” means each ingredient used, the amount of each ingredient used, and the process used to make the milk or milk products;

(21) “gloves” means items that are

(A) made of natural rubber, vinyl, or synthetic material, including neoprene, polyvinyl chloride, and styrene butadiene; and

(B) worn on the hands to prevent contamination between food and an operator or employee;

(22) “handsink” means a lavatory

(A) equipped with hot and cold running water under pressure that can be tempered to a temperature between 100° F - 120° F by a mixing valve or combination faucet; and

(B) used solely for washing hands, arms, or other portions of the body;

(23) “imminent health hazard”

(A) means a condition with the potential to affect public health adversely;

(B) includes

(i) the extended loss of a potable water supply;

(ii) an extended power outage;

(iii) a sewage backup into the facility or onto the grounds;

(iv) a natural disaster;

(v) an employee sick with a disease communicable by food; and

(vi) a major insect or rodent infestation;

(24) “milk”

(A) means the normal lacteal secretion, practically free of colostrums, obtained by milking a cow, goat, or sheep, or other ruminant;

(B) includes skim milk and cream;

(25) “milk distributor” means a person who sells or offers to sell milk or milk products for wholesale;

(26) “milk hauler” means a person who transports raw milk or raw milk products to or from a milk processing plant, receiving station, or transfer station;

(27) “milk processing plant” means a place, premise, or facility where milk or milk products are collected, handled, processed, stored, pasteurized, processed, bottled, or prepared for wholesale distribution;

(28) “milk producer” means a person who owns or operates a dairy farm and provides, sells, or offers milk for sale to a milk processing plant, receiving station, or transfer station;

(29) “milk product”

(A) has the meaning given in *Grade “A” Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.020 and 18 AAC 32.215;

(B) includes cheese, butter, ice cream, and other frozen desserts;

(30) “milk quality test” means a bacteria count, somatic cell count, durg residue test, milk component test, or other analytical test that is used to determine compliance with milk quality standards;

(31) “multi-use package” means a returnable bottle or other package that is designated for repeated use;

(32) “operation” means the premises, practices, and procedures associated with a specific type of activity within a facility subject to this chapter;

(33) “operator” means a person who controls, operates, manages, or conducts an activity described in this chapter;

(34) “package”

(A) means a container or wrapping, having one or more product-contact surfaces, that is designed or used to enclose a dairy product sold or shipped from a dairy plant;

(B) includes

- (i) package covers and other package components;
  - (ii) a returnable bottle or other multi-use package;
  - (iii) a bulk or shipping container that has one or more product-contact surfaces and is used for the sale or shipment of a dairy product from a dairy plant; in this sub-paragraph, “bulk or shipping container” does not include a bulk milk tanker;
- (35) “packaging” means canning, cartoning, or tightly wrapping;
- (36) “pasteurize” has the meaning given in the *Grade “A” Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.020 and 18 AAC 32.215;
- (37) “person” has the meaning given in AS 01.10.060;
- (38) “pest” has the meaning given in 18 AAC 31.990;
- (39) “pesticide” has the meaning given in 18 AAC 90.990;
- (40) “PMO” means the *Grade “A” Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.020 and 18 AAC 32.215;
- (41) "potable water" means water that is
- (A) bacteriologically and chemically safe to drink;
  - (B) free from harmful parasites; and
  - (C) from a supply properly located, protected, and operated by the owner of the dairy plant;
- (42) “ppm” means parts per million;
- (43) “premises”
- (A) means a place or location used in conjunction with the activities of a facility described in this chapter;
  - (B) includes all or portions of structures, land, vehicles, equipment, a water supply, a wastewater system, and plumbing;
- (44) “processing”
- (A) means an activity that changes the physical condition of a food or

dairy product;

(B) includes butchering, cutting, slicing, grinding, cooking, dehydrating, freezing, packaging, smoking, pasteurizing, blending, manufacturing, or thermal processing;

(45) “processing plant” means a plant at which food products are processed;

(46) “product-contact surface” means a surface of equipment or a surface of a utensil or package, which a dairy or food product normally comes in a direct contact, or from which materials may drain, drip, or be drawn into a product;

(47) “public water system” has the meaning given in 18 AAC 80.1990;

(48) “raw milk” or “raw milk product” means milk or a milk product that has not been pasteurized or processed;

(49) “receiving station” means a place, premise, or facility where , before being prepared for further transport, raw milk is received, collected, handled, stored, or cooled;

(50) “safe” with respect to food, food products, and food ingredients, has the meaning given in 18 AAC 31.990;

(51) “sanitize” means to apply cumulative heat or a chemical on a cleaned product-contact surface that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance;

(52) “shipping container” means a box, carton, or similar container in which packaged dairy or food products are shipped in bulk from a plant;

(53) “single-service package” means a package that is designed to be used only once before disposal;

(54) “thermal processing” has the meaning given in 18 AAC 31.990;

(55) “transfer station” means a place, premises, or facility where milk or milk products are transferred directly from one milk tank truck to another;

(56) “utensil” means a handheld or other similarly portable implement used to prepare, transport, or store food, food products, or food ingredients;

(57) “warewashing” means the washing, rinsing, and sanitizing of product-contact surfaces;

(65) “wholesome” has the meaning given in 18 AAC 31.990. (Eff. 5/23/98, Register 146; am 1/14/2001, Register 157; am 9/6/2003, Register 167; am 12/3/2010, Register



196)

<b>Authority:</b>	AS 03.05.011	AS 17.20.030	AS 17.20.200
	AS 03.05.020	AS 17.20.040	AS 17.20.230
	AS 03.05.040	AS 17.20.070	AS 17.20.250
	AS 03.05.050	AS 17.20.072	AS 17.20.270
	AS 17.20.010	AS 17.20.075	AS 17.20.290
	AS 17.20.020	AS 17.20.190	AS 44.46.020