

# DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**18 AAC 32**

**Milk, Milk Products, and Reindeer Slaughtering and Processing**

**As amended through November 7, 2017**

**Bill Walker**  
Governor

**Larry Hartig**  
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 NOVEMBER 7, 2017, ARE IN REGISTER 224, AND WILL APPEAR IN OFFICIAL PUBLISHED FORM IN THE JANUARY 2018 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.

**Chapter 32. Milk, Milk Products, and Reindeer Slaughtering and Processing.**

**Article**

1. Milk and Milk Products (18 AAC 32.010 - 18 AAC 32.060)
2. Cheese (18 AAC 32.210 – 18 AAC 32.295)
3. Reindeer Slaughtering and Processing (18 AAC 32.600 – 18 AAC 32.695)
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
- 30. General operating and permit requirements
- 40. Labeling; milk processing plant code numbers
- 50. Ungraded milk
- 60. Raw milk and raw milk products

**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.

(Eff. 5/23/98, Register 146)

<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

**Article 2. Cheese.**

**Section**

- 210. Purpose and applicability
- 215. Requirements adopted by reference
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- 225. Water, wastewater, solid waste, and plumbing
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- 235. Personnel
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- 260. Records
- 265. Labeling and general identification
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- 275. Detention and destruction
- 280. Civil fines
- 285. Permit modification, suspension, or revocation
- 290. Right to appeal a decision
- 295. Fees

**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. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**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 X 10<sup>4</sup> or greater organisms per gram;
- (B) Enterotoxigenic *Escherichia coli* - 1 X 10<sup>3</sup> 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 \_\_/\_\_/\_\_\_\_, Register \_\_)

**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. Purpose and applicability
- 601. Requirements adopted by reference
- 605. Permit application requirements
- 610. Fees
- 615. Facility plan approval
- 620. Facility requirements
- 625. Water, wastewater, solid waste, and plumbing
- 630. Toilet and handsink requirements
- 635. Equipment and utensil design, location, and storage
- 640. Cleaning and sanitizing
- 645. Food condition and source
- 650. Personnel
- 655. Sanitation plan
- 660. Hazard analysis critical control point (HACCP) plan
- 665. Thermal processing
- 670. Humane slaughter
- 675. Ante-mortem and post-mortem inspection
- 680. Evisceration and handling of carcasses
- 685. Official mark of inspection and labeling
- 690. Inspections
- 693. Permit suspension and facility closure
- 695. Examination, detention, and destruction of food
- 699. Definitions for 18 AAC 32.600 – 18 AAC 32.699.

**18 AAC 32.600. Purpose and applicability.** (a) The purpose of 18 AAC 32.600 – 18 AAC 32.699 is to safeguard public health and to ensure that slaughtered or processed reindeer intended to be sold as part of commerce and intended for human consumption is safe and wholesome, is not adulterated, and is presented honestly within the state.

(b) Except as provided in (c) of this section, the requirements of 18 AAC 32.600 – 18 AAC 32.699 apply to facilities that slaughter or process reindeer intended to be sold as part of commerce and intended for human consumption.

(c) The requirements of 18 AAC 32.600 – 18 AAC 32.699 do not apply to reindeer meat

(1) donated in accordance with 18 AAC 31.205;

(2) sold in accordance with 18 AAC 31.820(a)(1) – (4); or

(3) processed in accordance with 18 AAC 31.820(b). (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196)

**Authority:** AS 03.05.011 AS 17.20.020 AS 17.20.180  
AS 17.20.005 AS 17.20.072 AS 44.46.020  
AS 17.20.010

**Editor's Note:** Words and phrases used in 18 AAC 32.600 – 18 AAC 32.699 are defined in 18 AAC 32.699 and 18 AAC 32.990. An operator who processes reindeer sausage that contains more than three percent skeletal muscle from, or more than 30 percent fat from, a species other than reindeer may also be subject to United States Department of Agriculture (USDA).

**18 AAC 32.601. Requirements adopted by reference.** (a) The following federal requirements are adopted by reference:

- (1) 9 C.F.R. Part 319, as revised as of January 1, 2003;
- (2) 21 C.F.R. Part 113, as revised as of April 1, 2003;
- (3) 21 C.F.R. Part 170 – 21 C.F.R. Part 186, as revised as of April 1, 2003;
- (4) 40 C.F.R. Part 180, as revised as of July 1, 2002.

(b) The *Hazard Analysis and Critical Control Point Principles and Application Guidelines*, revised as of August 14, 1997, by the National Advisory Committee on Microbiological Criteria for Foods, is adopted by reference. (Eff. 9/6/2003, Register 167)

**Authority:** AS 03.05.011 AS 17.20.020 AS 17.20.180  
AS 17.20.005 AS 17.20.072 AS 44.46.020  
AS 17.20.010

**18 AAC 32.605. Permit application requirements.** (a) Except as provided in (f) and (g) of this section, a person may operate a slaughtering or processing facility only if the department has issued a valid annual permit for that activity under this section.

(b) An applicant must apply for a permit to operate a slaughtering or processing facility using a form provided by the department. The completed application must

(1) include the permit fee required in 18 AAC 32.610; except as provided in (f)(4) of this section, the department will not review an application until the fee is received;

(2) identify the type of activity to be permitted;

(3) identify the types of products processed in the facility;

(4) include a statement that the operator of the slaughtering or processing facility

has

(A) conducted a hazard analysis and developed a hazard analysis critical control point (HACCP) plan as required by 18 AAC 32.660; and

(B) developed and implemented a sanitation plan as required by 18 AAC 32.655;

(5) for a new or extensively remodeled facility, include

(A) a copy of the plans as required under 18 AAC 32.615;

(B) the proposed volume and method of processing;

(C) if applicable, identification of

(i) the field ante-mortem inspection area where the department will view the health and condition of the reindeer during an ante-mortem inspection;

(ii) the stunning or slaughtering area; and

(iii) a vehicle that will protect the unskinned, uneviscerated reindeer from contamination when transporting the carcass to a permitted facility; and

(D) if applicable, a statement that plans have been submitted for department review and approval under

(i) 18 AAC 80 for the facility's public water system;

(ii) 18 AAC 72 for wastewater disposal; and

(iii) 18 AAC 60 for solid waste disposal; and

(6) for a facility that thermally processes low-acid food, include a copy of the

(A) food canning establishment registration (FDA form 2541) and the food canning establishment process filing form (FDA form 2541a) submitted to the FDA under 21 C.F.R. 108.25(c); and

(B) scheduled process from a recognized processing authority with expertise as described in 21 C.F.R. 113.83, adopted by reference in 18 AAC 32.601; for purposes of this subparagraph, recognized processing authorities include the National Food Processors Association and the food science department of an accredited university.

(c) Within 60 days after receiving a complete application, the department will

(1) issue or deny the permit, based on the department's determination as to whether the facility meets the requirements of 18 AAC 32.600 – 18 AAC 32.699; and

(2) assign a permit number to each facility that is permitted; the operator of the facility shall use the permit number to identify products that have been inspected and passed in accordance with 18 AAC 32.675 and 18 AAC 32.685; the department may assign the same permit number to two or more facilities by adding a letter identifying each separate facility to the facility number, if those facilities are operated by the same person.

(d) A permit issued under this section is valid for the calendar year in which the permit is issued. A permit may not be transferred. A person who seeks to be the new operator of a slaughtering or processing facility with an existing valid permit must apply for and be issued a new permit under this section. However, that person is not required to submit plans under 18 AAC 32.615 unless the facility is also proposed to be extensively remodeled.

(e) A permit must be conspicuously posted in public view in the facility. The operator shall post a copy of this chapter at the facility in an area freely and easily accessible by employees for review by employees.

(f) The department will issue a conditional permit under this section if the department determines that a conditional permit serves the interests of public health and consumer protection and if

(1) for a new or renovated slaughtering or processing facility, the initial inspection or plan review under 18 AAC 32.615 indicates

(A) the facility is not in compliance with this chapter;

(B) a critical violation or imminent health hazard does not exist; and

(C) the operator agrees to correct violations within the time period specified on the inspection form in 18 AAC 32.690(g);

(2) for an existing facility, a letter of agreement, negotiated order, compliance order, uniform summons and complaint, or other enforcement and compliance action has been issued by the department and signed by the operator of the slaughtering or processing facility for a violation of 18 AAC 60, 18 AAC 72, 18 AAC 80, or this chapter;

(3) drinking water, wastewater disposal, or solid waste plans have been submitted for department review, as required by (b)(5)(D) of this section, but have not been reviewed; or

(4) due to hardship, the operator makes a written request to the department to establish a fee payment schedule not to exceed six months for fees incurred under 18 AAC 32.610; a request submitted under this paragraph must include the



- (A) reason for the request; and
- (B) proposed fee payment schedule.

(g) In a conditional permit issued under (f) of this section, the department will specify

(1) each violation and the date by which that violation must be corrected in accordance with (f)(1) or (f)(2) of this section; or

(2) the fee payment schedule agreed upon under (f)(4) of this section. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196)

**Authority:** AS 03.05.011            AS 17.20.072            AS 44.46.020  
                  AS 03.05.040            AS 17.20.180            AS 44.46.025  
                  AS 17.20.005

**18 AAC 32.610. Fees.** (a) Except as provided in 18 AAC 32.605(f)(4), at the time of application for a new permit under 18 AAC 32.605 or within 30 days after receiving notice that a permit renewal fee is due under this section, the applicant shall pay to the department an annual permit fee as follows:

(1) for a reindeer slaughtering facility: \$300;

(2) for a reindeer processing facility: \$250;

(3) for a facility in which both reindeer slaughtering and processing are performed: \$500.

(b) The annual fee in (a) of this section includes one 10 consecutive day ante- and post-mortem inspection provided by the department and required under 18 AAC 32.675.

(c) In addition to the annual permit fee set out in (a) of this section, an operator who submits plans required in 18 AAC 32.615 shall pay to the department at the time of submission a plan review fee for each separate type of operation at the facility as follows:

(1) for a reindeer slaughtering facility: \$200;

(2) for a reindeer processing facility: \$200;

(3) for a facility in which both reindeer slaughtering and processing is performed: \$300.

(d) In addition to the annual permit fee required in (a) of this section, an operator who requests more than one ante- and post-mortem inspection required under 18 AAC 32.675 per calendar year shall pay to the department, before the inspection, a fee of \$1,000 for each 10 consecutive day ante- and post-mortem inspection service under 18 AAC 32.675.

(e) A person who disputes an invoice issued under this section may request a fee review under 18 AAC 15.190. (Eff. 9/6/2003, Register 167)

<b>Authority:</b>	AS 03.05.011	AS 17.20.072	AS 44.46.020
	AS 03.05.040	AS 17.20.180	AS 44.46.025
	AS 17.20.005		

**18 AAC 32.615. Facility plan approval.** (a) The operator of a slaughtering or processing facility shall submit to the department plans that comply with (b) of this section for approval before construction or commencing operation if the operator

- (1) is submitting an application to the department for the first time;
- (2) proposes to construct a new facility; or
- (3) proposes that existing facility be extensively remodeled.

(b) Plans submitted under (a) of this section must include

(1) the location of each slaughtering, processing, and storage building, and of each holding pen, road, alley, dock, and other area that is part of the facility location and that will be used to support the slaughtering, processing, packaging, storage, or transportation of reindeer products;

(2) a detailed to-scale drawing of the slaughtering or processing facility identifying the type and model of equipment and plumbing fixtures and accurately depicting the location or placement of equipment and plumbing fixtures such as sinks and toilets;

(3) a plumbing schematic that accurately depicts potable water lines, nonpotable water lines, wastewater lines, floor drains, and grease traps;

(4) the construction and design specifications for equipment;

(5) types and location specifications for lighting and ventilation;

(6) a description of the surface finish of walls, floors, and ceilings in slaughtering, processing, packaging, and storage areas; and

(7) the plan review fee required in 18 AAC 32.610.

(c) The department will approve plans submitted under this section if the plans meet the requirements of 18 AAC 32.600 – 18 AAC 32.699.

(d) The department will, if the department determines that an inspection serves the interests of public health and consumer protection, conduct an inspection of a facility to confirm compliance with this chapter and the plans approved under this section. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196)

**Authority:** AS 03.05.011                      AS 17.20.005                      AS 17.20.180  
AS 03.05.040                      AS 17.20.072                      AS 44.46.020

**18 AAC 32.620. Facility requirements.** (a) The operator of a slaughtering or processing facility shall ensure that

(1) the facility is of adequate size, design, and construction to

(A) accommodate slaughtering, processing, packaging, and storage of food products; and

(B) prevent contamination of food products, food ingredients, food-contact surfaces, and packaging materials;

(2) the vicinity immediately outside of the facility is

(A) free from litter, waste, refuse, uncut weeds, and uncut grass that might attract or harbor pests; and

(B) adequately drained to prevent contamination through seepage or footborne filth and to avoid creating a breeding place for insects or microorganisms;

(3) each opening to the outside is protected against the entrance of rodents, insects, and other pests; if screening material is used, the screening material must be tight fitting, free from breaks, and not less than 16 mesh to the inch;

(4) fixtures, ducts, and pipes are designed, or otherwise covered or protected, to prevent drippage or condensate in an area used for slaughtering, processing, or storage of food, food ingredients, or packaging materials;

(5) sleeping or living quarters are separated from slaughtering, processing, and food storage or packaging areas by a solid, stationary, floor-to-ceiling wall to prevent direct access from these areas to the sleeping or living quarters;

(6) light bulbs, glass fixtures, skylights, or other glass suspended over slaughtering, processing, packaging, or storage areas are shielded to protect the food product from broken glass;

(7) the facility has lighting of at least

(A) 50 footcandles, measured at the work surface, in areas where

(i) carcasses are eviscerated, skinned, trimmed, or inspected;

(ii) reindeer is processed; or

(iii) utensils are cleaned and sanitized; and

(B) 20 footcandles, evenly distributed to all other areas not described in (A) of this paragraph, including all food product holding and refrigerated and dry storage areas;

(8) odors, noxious fumes, and excessive dust or vapors, including steam, are minimized and controlled to protect food, packaging materials, and food-contact surfaces of equipment from contamination;

(9) the inside walls in

(A) any area that may be splashed with water or other processing wastes during processing and cleaning is made of a solid material that is nonabsorbent, durable, smooth, easily cleanable, and sealed to the floor; if the solid material is less than the full height of the wall, the top of the solid material must be sealed to the wall;

(B) eviscerating, skinning, trimming, processing, and other areas where water is used to flush or spray clean the walls are made of tile, sealed or noncorrosive metal, fiberglass, or another nonabsorbent, durable, smooth, and easily cleanable material designed for its intended use; and

(C) dry storage areas are easily cleanable;

(10) floors in

(A) all areas except those described in (C) of this paragraph are smooth, easily cleanable, durable, and nonabsorbent;

(B) eviscerating, skinning, trimming, processing, and other areas where water is used to flush or spray clean the floors are

(i) made of sealed concrete, sealed or noncorrosive metal, fiberglass, or another nonabsorbent, durable, smooth, and easily cleanable material designed for its intended use; and

(ii) designed to slope uniformly at a minimum of one-quarter vertical inch per two horizontal feet; and

(C) warehouse and storage rooms used for dry storage are made of a material that is durable and easily cleanable;

(11) overhead rails

(A) are located so that any exposed carcass, viscera, or meat does not come in contact with support posts, walls, or other fixed parts of the building or equipment when hanging or when moved along the rail; and

(B) provide at least two feet of clearance between the floor and the bottom of the carcass;

(12) hanging plastic strip partitions are not used to separate areas where exposed product or personnel handling raw product must move in between the areas;

(13) an area for department employees to prepare paperwork and store equipment and tools is provided;

(14) only those poisonous or toxic materials that are necessary to clean the facility, clean and sanitize equipment and utensils, maintain facility equipment and vehicles, and control insects and rodents, or that are used in laboratory testing procedures are on the premises;

(15) poisonous and toxic materials are labeled in accordance with state and federal law and are used in accordance with the label; and

(16) poisonous and toxic materials are not stored with food products, food ingredients, packaging materials, equipment, or utensils, except that utensil and equipment cleaning and sanitizing materials may be stored in the warewashing area.

(b) The operator of a slaughtering or processing facility shall ensure that insects, rodents, and other pests are eliminated from the premises. The department may require the operator to hire a commercial pest control applicator certified under 18 AAC 90 to control an insect, rodent, or other pest problem if the operator does not demonstrate to the department's satisfaction that the operator has adequately controlled the problem with pesticides and traps, or if the department determines that an imminent health hazard exists. If the department requires a certified commercial pest control applicator under this subsection, the operator shall provide documentation to the department detailing the actions taken by the applicator. (Eff. 9/6/2003, Register 167)

**Authority:** AS 03.05.011      AS 17.20.005      AS 17.20.180  
AS 03.05.040      AS 17.20.072      AS 44.46.020

**18 AAC 32.625. Water, wastewater, solid waste, and plumbing.** (a) The operator of a slaughtering or processing facility shall ensure that

- (1) an adequate supply of potable water from a public water system constructed and operated as required by 18 AAC 80 is provided;
- (2) wastewater from the facility is discharged into a public sewer or a wastewater system built and operated as required by 18 AAC 72;
- (3) hide, viscera, and other solid waste is disposed of
  - (A) often enough to prevent odors or attraction of insects, rodents, or other pests; and
  - (B) in compliance with 18 AAC 60;
- (4) plumbing is sized, installed, and maintained as required by the state plumbing code as developed under AS 18.60.705, and by applicable municipal plumbing codes, and is consistent with good public health practices;
- (5) plumbing does not create an unsanitary condition and is not a source of contamination to
  - (A) food products;
  - (B) food ingredients;
  - (C) packaging materials;
  - (D) water supplies;
  - (E) equipment; or
  - (F) utensils;
- (6) any nonpotable water system is used only for
  - (A) fire protection;
  - (B) air conditioning;

(C) heating; or

(D) flushing toilets;

(7) each outlet on a nonpotable water line is posted: “DANGER-UNSAFE WATER”;

(8) except as required in (b)(3) and (c) of this section and unless the department has approved an alternate water storage and dispensing system as consistent with good public health practices, hot and cold running water under pressure is provided to each plumbing fixture with faucets, including handsinks, warewashing sinks, sinks used for preparation or processing, and janitorial sinks;

(9) the potable water system is equipped with devices to prevent backflow and back-siphonage at fixtures and equipment unless a permanent air gap at least twice the diameter of the water supply inlet separates the water supply inlet and the equipment or fixture’s flood level rim;

(10) grease traps, if used, are accessible for cleaning and kept clean; and

(11) drain lines from equipment, except from sterilizers and splitting saws, do not discharge wastewater directly on a floor.

(b) To assist with cleaning, the operator of a slaughtering or processing facility shall ensure that

(1) hose connections are installed in areas where normal operations cause contamination of the floors, walls, or equipment; these areas include the processing, gutting, and trimming areas;

(2) racks or reels are installed for storage of the hoses and prevent the hoses from contacting the floor; and

(3) water at or above 180° F is provided to clean equipment, floors, and walls that are subject to contamination through the dressing or handling of diseased reindeer, fecal material, or other sources of contamination.

(c) For facilities constructed or extensively remodeled after September 6, 2003 and where 180° F water is required for cleaning, the operator shall ensure that inline thermometers are installed where the hose attaches to the faucet to show the temperature of the water. (Eff. 9/6/2003, Register 167)

<b>Authority:</b>	AS 03.05.011	AS 17.20.005	AS 17.20.180
	AS 03.05.040	AS 17.20.072	AS 44.46.020

**18 AAC 32.630. Toilet and handsink requirements.** The operator of a slaughtering or processing facility shall ensure that

(1) each toilet room

(A) is equipped with

(i) the number of toilet fixtures, urinals, and handsinks required by the state plumbing code as developed under AS 18.60.705; and

(ii) a sign directing employees to wash hands with soap or detergent before returning to work stations; the signs must be printed in English and in other languages or pictures if necessary for employee understanding;

(iii) toilet paper in a dispenser; and

(iv) easily cleanable refuse receptacles that are kept clean;

(B) is kept clean;

(C) is constructed so that the floor, the surface of the wall within four feet of the floor, and the intersection between the floor and the wall are covered with materials impervious to water and are kept clean; the intersection between the wall and the floor must be covered;

(D) has a self-closing door; in addition, each entrance to the toilet room must be located so that access by the public, if any, does not require passing through a slaughtering or processing area; and

(E) is ventilated to the outside of the building by a mechanical fan;

(2) a handsink is also located in the processing area and

(A) in an area central to the inspector's station, blood pit, heading station, evisceration station, and trimming station, if the department determines that the location of the handsink serves the interest of public health and consumer protection; or

(B) at the

(i) inspector's station;

(ii) blood pit;

(iii) heading station;



(iv) evisceration station; and

(v) trimming station; and

(3) each handsink has

(A) if self-dispensing or metering faucets are used, self-dispensing or metering faucets that provide a flow of water for at least 10 seconds;

(B) sanitary paper towels in a dispenser; and

(C) hand-cleaning soap or detergent dispensed from a dispenser; and

(D) either knee or foot controls, if the handsink is located in a processing, gutting, or trimming area. (Eff. 9/6/2003, Register 167)

**Authority:** AS 03.05.011      AS 17.20.005      AS 17.20.180  
AS 03.05.040      AS 17.20.072      AS 44.46.020

**18 AAC 32.635. Equipment and utensil design, location, and storage.** The operator of a slaughtering or processing facility shall ensure that

(1) each material used in the construction of utensils and food-contact surfaces of equipment is

(A) safe, durable, corrosion resistant, and nonabsorbent;

(B) sufficient in weight and thickness to withstand repeated washing;

(C) finished to have a smooth and easily cleanable surface; and

(D) resistant to pitting, chipping, scoring, distortion, and decomposition;

(2) solder is lead-free and corrosion resistant;

(3) each substance or material that comes in contact with food is of food-grade quality and may be used for the intended purpose;

(4) equipment and utensils are adequate for the intended use, and are designed, installed, and maintained to permit equipment, utensils, and adjacent spaces to be easily cleaned;

(5) a stainless steel inspection table is installed adjacent to the evisceration area for use by department employees;

(6) knife sterilizers

(A) are located at the inspection table described in (5) of this section and at locations in the plant where the carcasses are eviscerated, split, or trimmed;

(B) are constructed of stainless steel and are of sufficient size for complete immersion of knives, cleavers, saws, and other implements in 180° F water; and

(C) have a means to be filled with water, to maintain the water at 180° F or above, and to be completely emptied of water;

(7) sheaths and similar devices for the temporary storage of a knives, sharpening tools, and other implements are constructed of impervious materials that are easily cleanable; and

(8) hoses used to wash or sanitize the facility and equipment are not longer than 50 feet. (Eff. 9/6/2003, Register 167)

<b>Authority:</b>	AS 03.05.011	AS 17.20.005	AS 17.20.180
	AS 03.05.040	AS 17.20.072	AS 44.46.020

**18 AAC 32.640. Cleaning and sanitizing.** (a) The operator of a slaughtering or processing facility shall ensure that

(1) utensils and food-contact surfaces of equipment are

(A) cleaned, rinsed, and sanitized according to the frequency in the sanitation plan required by 18 AAC 32.655; and

(B) stored in a location and manner to protect surfaces from contamination, including splash and dust; and

(2) nonfood contact equipment, utensils, surfaces, and areas around equipment and utensils that are near food products, food ingredients, food-contact surfaces, or packaging materials, are kept free from contaminants, including excessive dust, dirt, food particles, and other debris.

(b) The operator of a slaughtering or processing facility must use the following sanitizing and testing methods:

(1) immersion for at least 30 seconds in clean water at a temperature of 180° F or above;

(2) immersion for at least 30 seconds in one of the following clean sanitizing solutions at a temperature of 75° F or above:

(A) 50 ppm of available chlorine as hypochlorite;

(B) 12.5 - 25 ppm available iodine with a pH of 5.0 or less;

(C) quaternary ammonium compound at a concentration specified by the manufacturer and included on the label, with a pH of 6.0 or more and water hardness no more than 500 ppm, following the manufacturer's instructions regarding use of a final rinse after sanitization;

(3) for equipment that is not able to be immersed, rinsing, spraying, or swabbing with a clean sanitizing solution described in (2) of this subsection. (Eff. 9/6/2003, Register 167)

**Authority:** AS 03.05.011            AS 17.20.005            AS 17.20.180  
AS 03.05.040            AS 17.20.072            AS 44.46.020

**18 AAC 32.645. Food condition and source.** (a) The operator of a processing facility shall ensure that food processed in the facility is wholesome, not adulterated, and safe for human consumption. For purposes of 18 AAC 32.600 – 18 AAC 32.699, “adulterated” has the meaning given in AS 17.20.020 and AS 17.20.030. In addition, a food is adulterated if it contains

(1) an unapproved food additive or an additive in an amount that exceeds an amount allowed in 21 C.F.R. Part 170 - 21 C.F.R. Part 180, adopted by reference in 18 AAC 32.601;

(2) a substance sanctioned by the FDA, or a substance generally recognized as safe by FDA, in an amount that exceeds an amount allowed in 21 C.F.R. Part 181 - 21 C.F.R. Part 186, adopted by reference in 18 AAC 32.601; or

(3) a pesticide residue in an amount that exceeds an amount allowed in 40 C.F.R. Part 180, adopted by reference in 18 AAC 32.601.

(b) The operator of a slaughtering or processing facility shall take measures to prevent the contamination of food products, food ingredients, utensils, equipment, and packaging materials and shall

(1) inspect food products and food ingredients upon receipt to ensure they are

(A) in sound condition, and are free from spoilage, filth, or other contamination; and

(B) received at 41° F or below, if they are potentially hazardous foods;

(2) segregate food products and food ingredients that are

- (A) not in sound condition;
- (B) have not been held at 41° F or below, if they are potentially hazardous foods; or
- (C) are spoiled, filthy, or otherwise contaminated; and

(3) ensure that

(A) meat and other food ingredients and food products are handled and processed in accordance with the HACCP plan under 18 AAC 32.660;

(B) ready-to-eat food products are protected from cross-contamination from food requiring additional processing;

(C) food is prepared with the least possible hand contact by the proper use of utensils or single-use gloves; and

(D) food is covered during storage except during necessary cooling periods; quarters, sides, or large cuts of meat may be hung uncovered on clean hooks if no part of the meat touches any part of the surroundings, including the walls, floors, boxes, or shelving, and if other food is not stored under the meat.

(c) The operator of a processing facility shall provide to the department, at least 30 days before processing, a copy of a letter from each manufacturer of each spice or other compound that comes in contact with or is added to the meat during the processing that verifies that the spice or compound is of food-grade quality and may be used by the processor for the intended purpose. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196)

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

**18 AAC 32.650. Personnel.** (a) The operator of a slaughtering or processing facility shall ensure that an individual with an infected wound or a disease communicable by food, including an employee with persistent sneezing or coughing or with a persistent runny nose, does not work in any capacity that might contaminate food products, food ingredients, food-contact surfaces of clean equipment or utensils, or packaging materials with an infectious or toxigenic microorganism, or that might transmit disease to others. The operator of a slaughtering or processing facility shall instruct employees to report any adverse health condition to their supervisor.

(b) The operator of a slaughtering or processing facility shall ensure that each employee who works in direct contact with food products, food ingredients, food-contact surfaces, or packaging materials

(1) wears clean outer garments, maintains a high degree of personal cleanliness, and uses good hygienic practices while on duty to prevent contamination of food products, food ingredients, food-contact surfaces, or packaging materials;

(2) removes jewelry, watches, and other objects during processing that might fall into food products, food ingredients, equipment, or containers;

(3) uses a hair net, including a beard net if applicable, or another effective hair restraint; the hair restraint must

(A) prevent hair from falling into or contacting food; and

(B) minimize hand contact with hair;

(4) washes hands thoroughly

(A) before starting work;

(B) after each absence from the work station; and

(C) at other times when hands are soiled or contaminated;

(5) keeps gloves and outer garments that are worn while handling food in a clean and sanitary condition; gloves and outer garments

(A) must be changed frequently to prevent contamination of food products, food ingredients, food-contact surfaces, or packaging materials; and

(B) worn while slaughtering must be changed before processing food; and

(6) does not store street clothing or other personal belongings, eat food, drink beverages, or use tobacco in a slaughtering or processing area or an area where food products, food ingredients, food-contact surfaces, or packaging materials are stored.

(c) The operator of a slaughtering or processing facility shall ensure that whenever food products are being processed, an individual who has the education and experience necessary for the production of unadulterated food products is responsible for identifying sanitation problems and potential food contamination and is present in the processing facility.

(d) The operator of a slaughtering or processing facility shall ensure that food handlers and supervisors receive training in slaughtering procedures, processing methods and controls, cleaning and sanitizing practices, and hygienic practices. (Eff. 9/6/2003, Register 167)

<b>Authority:</b>	AS 03.05.011	AS 17.20.005	AS 17.20.180
	AS 03.05.040	AS 17.20.072	AS 44.46.020

**18 AAC 32.655. Sanitation plan.** (a) The operator of a slaughtering or processing facility shall develop, implement, maintain, and make available to the department a written sanitation plan that describes the sanitation procedures to be followed in each area of the facility including slaughtering areas, processing areas, and dry and cold storage areas. The sanitation plan must describe

(1) how the operator intends to meet the sanitation requirements of 18 AAC 32.600 – 18 AAC 32.699, including the monitoring required by (b) of this section; and

(2) the frequency with which

(A) surfaces and areas other than food-contact surfaces are to be cleaned; and

(B) food-contact surfaces are to be cleaned and sanitized before, during, and after processing.

(b) The operator of a slaughtering or processing facility shall monitor the conditions and practices during slaughtering or processing with adequate frequency to ensure compliance with all sanitation procedures to be implemented to prevent contamination or adulteration of food products, including

(1) if a food product is condemned or considered inedible under 18 AAC 32.675, how that food product is to be removed and disposed of;

(2) pest control procedures used, as required by 18 AAC 32.620(b), including a list of rodenticides, insecticides, and herbicides used and procedures followed to ensure that use is restricted to knowledgeable persons to prevent misuse;

(3) proper labeling, storage, and use of poisonous and toxic materials, as required by 18 AAC 32.620(a)(14) – (16);

(4) the type and concentration level of each sanitizer used as required by 18 AAC 32.640, cleanliness of equipment and utensils, including containers, pans, and tubs that are used to store and transport food, and areas around equipment and utensils including the walls, floors, and drains; monitoring for compliance must include the oversight of, and keeping of records for, the

(A) cleaning frequency for surfaces and areas other than food-contact surfaces; and

(B) cleaning and sanitizing frequency for food-contact surfaces before, during, and after processing; monitoring under this subparagraph must include the length of time between each cleaning and sanitizing during each 24-hour period;

(5) the prevention of cross-contamination, as required by 18 AAC 32.645; and

(6) instructions given to employees to ensure that, as required by 18 AAC 32.650, good hygienic practices are followed, and employee health conditions are controlled.

(c) The operator of a slaughtering or processing facility shall maintain records that document

(1) the name and position of each individual responsible for the implementation and maintenance of the sanitation procedures;

(2) the signature and date of signature of the operator upon initial implementation and upon any modifications to the sanitation plan;

(3) the monitoring required by (b) of this section; and

(4) each instance of nonconformance with the sanitation plan or a requirement set out in (b) of this section, including

(A) a description of the nonconformance;

(B) the action taken by the operator to correct the nonconformance; and

(C) the length of time between the observation of the nonconformance and the initiation of the action taken to correct it.

(d) Sanitation plan monitoring records must be

(1) kept for a minimum of six months at the facility; and

(2) available for department review.

(e) The department may require the operator of a slaughtering or processing facility with repeated or multiple incidents of nonconformance with the operator’s sanitation plan or a requirement set out in (b) of this section to submit the written sanitation plan to the department for review and approval. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196)

<b>Authority:</b>	AS 03.05.011	AS 17.20.005	AS 17.20.180
	AS 03.05.040	AS 17.20.072	AS 44.46.020

**18 AAC 32.660. Hazard analysis critical control point (HACCP) plan.** (a) The operator of a slaughtering or processing facility where smoking, curing, dehydrating, thermally processing low-acid food, reduced oxygen packaging, or other processes are used that allow the rapid and progressive growth of infectious or toxigenic microorganisms, or the slower growth of Clostridium botulinum, shall develop, implement, maintain, and make available to the department a HACCP plan that includes

(1) the name and position of each person with primary responsibility for food safety, including the name and position of each person who decides whether a deviation from the HACCP plan has occurred;

(2) the signature and date of signature of the operator upon initial implementation and upon any modifications to the HACCP plan;

(3) a process flow diagram that outlines each step in the

(A) slaughtering, evisceration, skinning, and trimming operations; and

(B) processing operation for each food product;

(4) the written hazard analysis used to determine when a food safety hazard is likely to occur; and

(5) specific critical control points in the operations, and processes for each critical control point where monitoring of practices or physical parameters must occur, including

(A) the schedule for monitoring;

(B) the monitoring procedures and records;

(C) corrective action; and

(D) verification procedures.

(b) In addition to reviewing a HACCP plan under 18 AAC 32.690, the department may require the operator of a slaughtering or processing facility with a critical violation at a point in the slaughtering or processing that has not already been identified in the operator's HACCP plan as a critical control point to submit the HACCP plan to the department for review and comment. (Eff. 9/6/2003, Register 167)

**Authority:** AS 03.05.011      AS 17.20.005      AS 17.20.180  
AS 03.05.040      AS 17.20.072      AS 44.46.020

**18 AAC 32.665. Thermal processing.** An operator of a facility that thermally processes low-acid foods packaged in hermetically sealed containers shall, in addition to the requirements of 18 AAC 32.600 – 18 AAC 32.699,

(1) meet the requirements of 21 C.F.R. Part 113, adopted by reference in 18 AAC 32.601; and



(2) ensure that water used to cool a product thermally processed in a retort is chlorinated or otherwise sanitized, using a sanitizing solution to provide a measurable residual of free available chlorine or the equivalent at the discharge of the cooling system. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196)

**Authority:** AS 03.05.011            AS 17.20.005            AS 17.20.180  
AS 03.05.040            AS 17.20.072            AS 44.46.020

**18 AAC 32.670. Humane slaughter.** The operator of a slaughtering facility shall ensure that reindeer are

(1) shot using a single shot to the head or neck by mechanical means, so that the reindeer will be immediately rendered unconscious with a minimum of excitement and discomfort before being shackled, hoisted, cast, or cut; for purposes of this paragraph, mechanical means includes captive bolt or gunshot; and

(2) bled immediately after being stunned or killed. (Eff. 9/6/2003, Register 167)

**Authority:** AS 03.05.011            AS 17.20.005            AS 17.20.180  
AS 03.05.040            AS 17.20.072            AS 44.46.020

**18 AAC 32.675. Ante-mortem and post-mortem inspection.** (a) A reindeer that is slaughtered for human consumption must have an ante- and post- mortem inspection conducted by the department.

(b) The department will

(1) conduct an ante-mortem inspection only on the day of the slaughter; and

(2) withhold a reindeer from slaughter if that reindeer shows signs of disease or other conditions that would make that reindeer unfit for human consumption on ante-mortem inspection.

(c) During the post-mortem inspection and until the post-mortem examination is completed, the operator of a slaughtering facility shall ensure that all viscera of each slaughtered reindeer are kept with the rest of the carcass to identify the viscera as being derived from the same reindeer.

(d) If the department condemns only a portion of a carcass due to bruising or contamination that can be trimmed, the operator may remove the bruised or contaminated portion immediately so that the uncondemned portion may be reinspected.

(e) If the department determines the carcass and parts are sound, healthful, wholesome, and otherwise not adulterated, the department will mark the carcass and parts as inspected and passed.

(f) The department will not mark a carcass and parts as inspected and passed if

(1) the department determines that the carcass or part is adulterated or contaminated, has a foul or sexual odor, or is diseased, and if the state veterinarian concurs with the determination made by the department; if the carcass or part is not marked as inspected and passed, the department may condemn and require the destruction of the carcass or part; or

(2) a reindeer is shot in a place other than the head or neck; if a reindeer is shot in the body, the carcass must be removed from the premises and is not eligible for inspection.

(g) The operator shall ensure that each field stunned reindeer is transported to the facility for post-mortem inspection in the shortest length of time practicable after being shot to minimize the changes in the carcass that can affect the post-mortem examination, disposition, and wholesomeness of the carcass and parts. Those changes include bloating or souring due to increased meat temperature. (Eff. 9/6/2003, Register 167)

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

**18 AAC 32.680. Evisceration and handling of carcasses.** (a) Except as provided in 18 AAC 31.820, skinning, evisceration, splitting, and trimming of reindeer must be conducted within a permitted slaughtering or processing facility.

(b) When skinning the carcass, the operator of a slaughtering or processing facility shall ensure that

(1) the esophagus is rodded and tied before evisceration or skinning to prevent escape of rumen contents and carcass-viscera contamination;

(2) feet are removed before the carcass is otherwise cut;

(3) skinning is performed using either a bed system or an on-the-rail system;

(4) except for sticking the reindeer to bleed it and starting the skinning, the skin is cut from inside outward to prevent carcass contamination with cut hair or dirt;

(5) the hair side of the hide is carefully rolled or reflected away from the carcass during skinning to prevent contamination to the flesh and muscle from the hide; if an on-the-rail system is used, skinning must begin with hind shanks and proceed downward;

(6) exposed meat does not contact floors, walls, or equipment when the carcass is moved;

(7) floors, walls, and equipment in the skinning area are kept clean and, if contaminated by gut or fecal material, the floor, wall, or equipment is washed immediately and sanitized using care not to splash a carcass or processed meat;

(8) the hide is pulled down or the carcass pulled up to prevent hair contamination if a mechanical hide puller is used;

(9) lactating udders are removed to prevent soilage of carcasses, facilities, or equipment; however, if an area of a carcass is contaminated from lactating udders, the contaminated portion of the carcass must be trimmed immediately, contaminated facilities or equipment must be washed and sanitized immediately;

(10) the penis is removed to prevent carcass contamination due to urine spillage; if a bed system is used, the penis shall be removed while the carcass is at half-hoist;

(11) the brisket is opened to facilitate removal of thoracic viscera;

(12) the bung is dropped as a final part of rumping;

(13) the perineal skin is pulled laterally over the anus leaving the sphincter intact;

(14) the cut around the bung and into the pelvic cavity is done with a clean knife;  
and

(15) the rectum is tied to include the bladder's neck and to prevent urine and fecal leakage before evisceration.

(c) When eviscerating the carcass, the operator of a slaughtering or processing facility shall ensure that

(1) before carcass opening, contaminants are trimmed from the midline area of the front of the reindeer before opening the abdominal cavity; opening the abdominal cavity may not result in carcass or viscera contamination;

(2) to minimize contamination, viscera removal is performed to pull or cut free abdominal viscera from the carcass without cutting or breaking the stomach or intestine; and

(3) urinary bladder removal is performed without urine spillage on the carcass, viscera, or equipment.

(d) When splitting the carcass, the operator of a slaughtering or processing facility shall ensure that

(1) bruises, insect larvae, and other contamination are removed from the midline area of the back before splitting to prevent spreading contamination; and

(2) the neck and foreshanks do not contact the floor.

(e) When trimming the carcass, the operator of a slaughtering or processing facility shall ensure that large blood clots and bruised tissue are removed.

(f) The operator of a slaughtering facility shall ensure that all carcasses are washed

(1) to remove hair, dirt, and other contaminants so that the contaminant does not contact other carcasses; and

(2) from the top downward to eliminate possible contamination to clean areas of the carcass.

(g) After trimming, and after the department marks the carcasses and parts as inspected and passed under 18 AAC 32.685, the carcass must be immediately removed to an area that is refrigerated to 41° F or below. The carcasses must be spaced to facilitate rapid chilling depending on the refrigeration method. (Eff. 9/6/2003, Register 167)

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

**18 AAC 32.685. Official mark of inspection and labeling.** (a) The department will place the official inspection legend brand upon carcasses and parts of carcasses that have been inspected and passed. The department will keep custody of the official inspection legend brand.

(b) The department will use an official inspection legend brand that

(1) is 1 ¾ inches wide by 1 ¼ inches tall; and

(2) consists of the permit number issued by the department under 18 AAC 32.605 and the words "Alaska" and "Inspected & Passed," as shown in the following illustration:



(c) The operator shall provide ink of food-grade quality for the application of the department's official inspection legend brand.

(d) The operator of a slaughtering or processing facility shall ensure that

(1) each shipping container and package of food product is labeled with a reduced-size reproduction of the official inspection legend brand; the reduced-size reproduction must be legible and in proportion to the official inspection legend brand as described in (b) of this section; however if the whole carcass is shipped, and if the department has placed the official inspection legend brand on the carcass, the carcass may be considered the shipping container for purposes of this paragraph, and the operator is not required to label the carcass with the reduced-size reproduction; and

(2) each packaged food is additionally labeled with

(A) the word, "reindeer," the common name of the product, and the net weight of the product;

(B) the name and address of the operator;

(C) the net contents of the package by weight or measure;

(D) the common and usual name of each food ingredient in order of that food ingredient's preponderance by weight in the product; spices, flavorings, and colorings may be designated without naming each one, but each artificial flavoring or chemical preservative must be specifically identified; and

(E) one of the following product holding statements as necessary:

(i) "KEEP FROZEN," if keeping the product frozen is required to prevent growth of infectious or toxigenic microorganisms or deterioration of the product;

(ii) “KEEP REFRIGERATED,” if keeping the product refrigerated is required to prevent growth of infectious or toxigenic microorganisms or deterioration of the product.

(e) The operator of a slaughtering or processing facility may not label a food product as “reindeer sausage” unless at least 51 percent of the meat ingredients is reindeer meat. A food product that contains at least five percent, but less than 51 percent reindeer meat must be labeled as “[product name] with reindeer meat.” A food product that contains less than five percent reindeer meat may not be labeled as containing reindeer meat except in the list of ingredients. (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		

**Editor’s Note:** An operator who processes reindeer sausage that contains more than three percent skeletal muscle from, or more than 30 percent fat from, a species other than reindeer may also be subject to United States Department of Agriculture (USDA) inspection and that operator should contact USDA.

**18 AAC 32.690. Inspections.** (a) The department will conduct inspections to determine compliance with 18 AAC 32.600 – 18 AAC 32.699 during usual business hours unless the department determines that conducting that inspection at a different time serves the interest of public health and consumer protection.

(b) The operator of a slaughtering or processing facility shall allow a department employee or the department's agent to inspect all portions of the facility, food products, food ingredients, processing equipment, labels, plans, and records relating to critical control points and sanitation, and all other records needed to determine compliance with 18 AAC 32.600 – 18 AAC 32.699.

(c) A person may not obstruct an inspector during an inspection.

(d) The operator of a slaughtering or processing facility may accompany the inspector during the inspection.

(e) The operator of a slaughtering or processing facility shall allow the department to take photographs.

(f) During an inspection conducted under this section, the inspector shall record the findings on a form developed by the department. On the form, the inspector shall include a statement of the specific problem and required correction, and a time period for the correction of

the violation. After reviewing the inspection results with the operator, the inspector shall leave a copy of the inspection results with the operator.

(g) After an inspection in which a violation is noted, the operator of a slaughtering or processing facility shall correct each violation as follows:

(1) a critical violation must be corrected immediately; the operator shall cease operations until corrections have been made;

(2) a violation other than a critical violation must be corrected immediately, unless the department agrees that immediate correction is not possible and that interim measures can be initiated to satisfy the purpose of the requirement and protection of public health; the department may designate a correction period of up to 30 days after the inspection on the form.

(h) The operator of a slaughtering or processing facility shall notify the department, in writing, when the operator has corrected violations noted on the inspection form. The department may conduct an inspection to confirm correction.

(i) The department will suspend or withdraw inspection services or will require an inspection under 18 AAC 32.675, if the department determines that suspension or withdrawal of inspection services, or requiring an inspection serves the interests of public health and consumer protection. If the operator disputes a department determination under this subsection, the operator may request a hearing under 18 AAC 32.693(c). The department may resume inspections upon satisfactory compliance with 18 AAC 32.600 – 18 AAC 32.699. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196)

<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 32.693. Permit suspension and facility closure.** (a) The department may, without prior warning, notice, or hearing, suspend a permit and require that a slaughtering or processing facility immediately stop operating if

(1) an imminent health hazard exists;

(2) the same type of critical violation is noted in three or more critical violation categories during a second inspection of the establishment during a 12-month period;

(3) the operator or an employee interferes with a department employee in the performance of official duties;

(4) a facility is placed under a boil water notice under 18 AAC 80.635 because of violations of the maximum contaminant level for coliform bacteria, and if the operator fails to take actions necessary to remedy the situation;

(5) the department advises under 18 AAC 80 that one or more samples of the facility's public drinking water supply are positive for fecal coliforms;

(6) the operator fails to comply with the terms of a conditional permit issued under 18 AAC 32.605(f) – (g); or

(7) critical and repeated violations of a requirement of 18 AAC 32.600 – 18 AAC 32.699 occur.

(b) The department may, without prior warning, notice, or hearing, issue a notice of closure to a slaughtering or processing facility and require that the facility immediately stop operating if the operator is operating without a valid permit issued by the department.

(c) After suspending a permit or issuing a notice of closure, the department will provide an opportunity for a hearing as follows:

(1) the operator may, in writing, request a hearing under this subsection by serving a request on the commissioner and the office of administrative hearings (AS 44.64.010) not later than 10 days after receiving a notice of

(A) suspension under (a) of this section; or

(B) closure under (b) of this section;

(2) if the office of administrative hearings receives a timely request for a hearing under (1) of this subsection, the office of administrative hearings will hold, not later than 14 days after receipt of the request by the office of administrative hearings, an adjudicatory hearing and make a recommended decision under AS 44.62 ( Administrative Procedure Act) and 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;

(3) a hearing under this subsection is before an administrative law judge of the office of administrative hearings who will hear the matter and prepare a recommended decision for review by the commissioner or the commissioner's designee;

(4) in conducting the hearing under this subsection, the burden of proof and of going forward with the evidence is upon the division assigned to environmental health within the department;

(5) after a hearing under this subsection, the commissioner or the commissioner's designee will affirm, modify, or set aside the suspension or closure.



(d) The department may suspend a conditional permit issued under 18 AAC 32.605(f) – (g) if

(1) the department determines that a suspension would serve the interests of public health or consumer protection;

(2) each violation specified under 18 AAC 32.605(g)(1) is not corrected by the date indicated on the conditional permit;

(3) the owner or operator does not make fee payments in compliance with a fee schedule established under 18 AAC 32.605(g)(2); or

(4) drinking water plans, wastewater plans, or solid waste plans submitted as required under 18 AAC 32.605(b)(5)(D) are not approved.

(e) Repealed 11/7/2017. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; am 11/7/2017, Register 224)

<b>Authority:</b>	AS 03.05.011	AS 17.20.070	AS 17.20.250
	AS 17.20.005	AS 17.20.072	AS 17.20.270
	AS 17.20.010	AS 17.20.180	AS 17.20.290
	AS 17.20.020	AS 17.20.200	AS 44.46.020
	AS 17.20.040	AS 17.20.230	

**18 AAC 32.695. Examination, detention, and destruction of food.** (a) The department may examine and obtain samples of food offered or displayed for sale to the public to determine compliance with 18 AAC 32.600 – 18 AAC 32.695.

(b) The department may detain a food product or food ingredient if the department determines, or has reasonable cause to believe, that the food product or food ingredient is adulterated, misbranded, processed or slaughtered harvested in violation of 18 AAC 32.600 – 18 AAC 32.699. Detention under this subsection is subject to the following procedures:

(1) the department will

(A) order affixed in a conspicuous place to the food product or food ingredient a "detained" tag or other appropriate marking that gives notice that the food product or food ingredient has been detained, and that warns against the removal or disposal of the food product or food ingredient without permission from the department or a court; a person may not move, reprocess, relabel, destroy, or otherwise terminate detention of the food product or food ingredient without the department's written consent;

(B) issue a notice of detention and inform the immediate custodian or owner of conditions under which the detention can be terminated; and

(C) notify the immediate custodian or owner of the results of any laboratory analysis conducted by the department;

(2) the immediate custodian or owner may request an expedited hearing in writing by serving the request on the commissioner and the office of administrative hearings (AS 44.46.010) not later than 30 days after receipt of the notice of detention; not later than seven days after receipt of a timely request for an expedited hearing, the office of administrative hearings will hold an expedited hearing and make a recommended decision under AS 44.62 (Administrative Procedure Act) and 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 notice of detention. The commissioner or the commissioner’s designee will issue a final decision not later than seven days after the expedited hearing, or not later than 35 days after the date of the notice of detention, whichever is later;

(3) if, after issuing a notice of detention, the department determines that the food product or food ingredient is not adulterated, misbranded, processed or slaughtered in violation of 18 AAC 32.600 – 18 AAC 32.699, the department will notify the immediate custodian or owner and order the detention terminated; and

(4) if the department determines that the food product or food ingredient is adulterated, misbranded, processed, or slaughtered in violation of 18 AAC 32.600 – 18 AAC 32.699, the department will notify the immediate custodian or owner by personal service or certified mail of the corrective action necessary, which may include destruction of the food product or food ingredient. (Eff. 9/6/2003, Register 167; am 12/3/2010, Register 196; am 11/7/2017, Register 224)

<b>Authority:</b>	AS 03.05.011	AS 17.20.070	AS 17.20.240
	AS 17.20.005	AS 17.20.072	AS 17.20.250
	AS 17.20.010	AS 17.20.180	AS 17.20.270
	AS 17.20.020	AS 17.20.200	AS 17.20.290
	AS 17.20.040	AS 17.20.230	AS 44.46.020

**18 AAC 32.699. Definitions for 18 AAC 32.600 - 18 AAC 32.699.** In 18 AAC 32.600 - 18 AAC 32.699, unless the context requires otherwise,

(1) "bed system" means a cradle used to support the reindeer carcass during the skinning process;

(2) "brisket" means the anterior lower portion of the chest of the reindeer;

(3) "bung" means the rectum or terminal portion of the intestine of the reindeer;

(4) "carcass" means all parts, including viscera, of slaughtered reindeer;

(5) "critical control point" means a point, step, or procedure in a slaughtering or processing facility at which control can be applied, and a food safety hazard can, as a result, be prevented, eliminated, or reduced to acceptable levels;

(6) "critical violation" means

(A) food unfit for human consumption;

(B) potentially hazardous food that is not kept at required temperatures during storage, preparation, processing, display, service, and transportation;

(C) insufficient facilities and equipment to maintain product temperatures;

(D) a person working as a food handler who has a disease communicable by food;

(E) employee conduct in violation of 18 AAC 32.650(a) - (b), the results of which might be a disease communicable by food;

(F) food-contact surfaces of equipment or utensils that are not washed, rinsed, and sanitized effectively and that might contaminate food;

(G) a water supply that

(i) is not in compliance with 18 AAC 32.625; or

(ii) has a cross-connection with a nonpotable supply or a back siphonage potential;

(H) sewage or liquid waste not disposed of in an approved manner;

(I) toilets or handsinks not installed or inaccessible;

(J) insects, rodents, or other pests that are on the premises;

(K) poisonous or toxic material that is improperly labeled, stored, or used;

(L) a violation of a critical control point in a HACCP plan described under 18 AAC 32.660;

(M) a foodborne illness associated with operation of the facility; or

(N) a condition or practice that affects the wholesomeness or safety of

food;

(7) "easily cleanable" means readily accessible and designed so that residue may be effectively removed by normal cleaning methods;

(8) "evisceration" means the process of removing viscera from a carcass;

(9) "extensively remodeled" means modified or improved at an expense equal to or exceeding 25 percent of the taxable value of the facility before initiation of the modification or improvement;

(10) "food-contact surface" means the surface of equipment and utensils with which food or food ingredients normally comes in contact, or from which drippage, drainage, or splashback onto a surface that contacts food might occur;

(11) "HACCP plan" means a written document that delineates the formal procedures for following the *Hazard Analysis and Critical Control Point Principles and Application Guidelines*, by the National Advisory Committee on Microbiological Criteria for Foods; the *Hazard Analysis and Critical Control Point Principles and Application Guidelines* are adopted by reference in 18 AAC 32.601;

(12) "hazard," with respect to food, food products, and food ingredients, has the meaning given in 18 AAC 31.990;

(13) "hermetically sealed" has the meaning given in 18 AAC 31.990;

(14) "inspected and passed" means determined by the department to be unadulterated, at the time a product was inspected under 18 AAC 32.600 - 18 AAC 32.699;

(15) "low-acid food" has the meaning given in 18 AAC 31.990;

(16) "meat" means the flesh and organs of a reindeer;

(17) "midline" means the median line of the carcass;

(18) "on-the-rail system" means an overhead rail from which carcasses are hung during the skinning process;

(19) "potentially hazardous food" means food described in 18 AAC 31.985;

(20) "ready-to-eat," with respect to food, food products, and food ingredients, has the meaning given in 18 AAC 31.990;

(21) "reduced oxygen packaging" has the meaning given in 18 AAC 31.990;

(22) "rodding" means positioning the looped end of a metal rod around the

esophagus and pushing it through the thoracic cavity up to the diaphragm, to separate the esophagus from the trachea and lungs and permit its removal, through the diaphragm and thoracic cavity, without breaking during evisceration;

(23) "rumping" means the stage in dressing a reindeer carcass on half-hoist

(A) where the hide is removed from the hind legs, rump, and tail, and the bung is cut out and tied; and

(B) that takes place between the skinning and the gutting operation;

(24) "slaughtering or processing facility" means a facility where reindeer intended to be sold as part of commerce and intended for human consumption is slaughtered or processed; "slaughtering or processing facility" does not include a

(A) food service described in 18 AAC 31.205 that accepts and processes a donation of reindeer in compliance with 18 AAC 31.205(1) - (6);

(B) site described in 18 AAC 31.820(a)(1) where reindeer are slaughtered and dressed for purposes of sales in compliance with 18 AAC 31.820(a)(1) - (4); or

(C) retail meat market that is permitted under 18 AAC 31 and that processes reindeer in accordance with 18 AAC 31.820(b);

(25) "splitting" means to separate, cut, or divide into two or more parts;

(26) "stunned" means rendered unconscious;

(27) "thermally process" means to perform thermal processing as defined in 18 AAC 31.990 of food, food products, or food ingredients. (Eff. 12/3/2010, Register 196)

<b>Authority:</b>	AS 03.05.011	AS 17.20.070	AS 17.20.240
	AS 17.20.005	AS 17.20.072	AS 17.20.250
	AS 17.20.010	AS 17.20.180	AS 17.20.270
	AS 17.20.020	AS 17.20.200	AS 17.20.290
	AS 17.20.040	AS 17.20.230	AS 44.46.020

**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)

**Authority:** 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)

Authority:	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