United States Department of Agriculture
Agricultural Marketing Service
Dairy Programs

Market Administrator
Federal Order No. 6 – Florida Marketing Area
Federal Order No. 7 – Southeast Marketing Area

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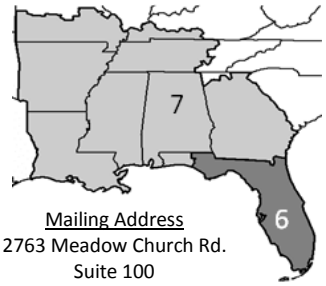

Mailing Address
2763 Meadow Church Rd.
Suite 100
Duluth, GA 30097

October 18, 2017

TO: Handlers and Interested Parties

FROM: Market Administrator, Duluth, GA

SUBJECT: Acceptance of Off-Quality Producer Milk as Determined by Bacterial Count

The Southeast and Florida Marketing Areas, Federal Orders 6 & 7, has a policy regarding the acceptance and handler payment responsibility for off-quality producer milk. This policy will follow the minimum milk quality standards set forth in Section 7 of the 2011 Pasteurized Milk Ordinance (PMO), "Standard for Grade A Raw Milk and Milk Products" – bacterial limits subsection. The provision specifies acceptable bacterial limits for Grade A raw milk and milk products for pasteurization, ultra-pasteurization, or aseptic processing as follows:

> **Bacterial Limits: Individual producer milk not to exceed 100,000 per ml prior to comingling with other producer milk. Not to exceed 300,000 per ml as comingled milk prior to pasteurization.**

The acceptable test to confirm the bacteria level of suspected off quality milk is the standard plate count (SPC), or alternative methods as described under the 2007 PMO Sections 1-7. Raw farm milk so tested and found to be in excess of these bacterial limits does not meet the PMO standards for Grade A milk and therefore will not be considered "*milk approved by a duly constituted regulatory agency for fluid consumption*", under §1006.12 (a) of the Florida Order and §1007.12 (a) of the Southeast Order.

Such milk shall not be pooled; is not subject to the minimum payment provisions of the Order; and milk from the offending producer is ineligible for pooling until the producer's milk meets the Grade A requirement for fluid consumption.

The pool status of producers with milk comingled on a farm pickup bulk tanker will not be affected. Such milk may be considered to be a receipt at the plant at which the load was rejected and the pooling handler is obligated to pay these producers the appropriate minimum order prices.

Responsibility for Damages

The offending producer also may be held responsible, by the handler, for damage done to comingled milk that is rendered non Grade A due to the excessive SPC count of the producer's milk, subject to the following conditions:

1. The handler may not deduct the value of damage to such other milk from the producer's milk check without written authorization from the producer.

2. Restitution to the handler by the responsible producer shall not exceed the value of the load of milk (excluding the responsible producer's milk) at the lowest class price for the month, plus actual and reasonable disposal costs, ***net of any salvage value that the handler may receive for the disposed milk***.

Handler Reporting Requirement

In order for a handler to be excused from a producer payment obligation, due to an incident of off-quality producer milk with bacterial counts above the Grade A milk limit, such occurrence must be reported on the Federal Order 6/7 ***"Report of Milk Products Dumped or Lost"*** form. The reported explanation should be "**Bacterial Contamination**" or some other self-evident explanation. A copy of the "Report of Milk Products Dumped or Lost" form is attached, and is available on the Market Administrator's website: www.fmmatlanta.com under the Handler Reporting Forms section. The completed form should be faxed to (770) 545-8850 or emailed to dumpedmilk@fmmatlanta.com, following the completion of a SPC test confirming non Grade A bacteria levels. To qualify for appropriate credit, notification must be made by the next business day.

Record Retention

A copy of the **SPC test** result pertaining to the load(s) that was tested at a lab certified by a governmental regulatory agency to perform such tests must be retained by the handler in accordance with the provisions under §1000.27 of the Southeast and Florida Orders, Handler Responsibility for Records and Facilities. The lack of a SPC test result for review by staff of the Market Administrator may reverse the non-payment obligation and result in underpayment and/or late payment charges levied against the handler for this incident.

Attachment:

Report of Milk Products Dumped or Lost Form

Form Approved, OMB No. 0581-0032

UNITED STATES DEPARTMENT of AGRICULTURE
AGRICULTURAL MARKETING SERVICE - DAIRY PROGRAMS
MARKET ADMINISTRATOR

Federal Orders 6 and 7
2763 Meadow Church Road, Suite 100, Duluth, GA 30097
(770) 682-2501 Fax (770) 545-8850
www.fmmatlanta.com email: dumpedmilk@fmmatlanta.com

REPORT OF MILK PRODUCTS DUMPED OR LOST

Instructions: To qualify for appropriate credit for dumped or lost product, notification must be made to the Market Administrator's office by telephone, fax, or email by the next business day. ***Please report dump or loss to one of the phone numbers, fax numbers or email addresses listed above.***

HANDLER NAME _____ LOCATION _____ (CITY/STATE)

DATE OF DUMP/LOSS _____ TIME _____ Where and how was product disposed?

Was dumped product used as animal feed? (Please indicate) Yes No

(Please check description, explain if necessary)

☐ Product dumped from batch tank, vat, silo or other measurable method.
Explain:

☐ Product loss was not contained (accidental loss, quantity estimated through other methods).
Explain:

Product Description	Units of Measure	Product Weight	Butterfat %	Butterfat Pounds
Handler Comments:				

Handler Representative:
Name: Date:

MA Representative Receiving Notification:
Name: Date:
Comments:

MA Use Only
Month
Auditor
Date

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