



BERMUDA

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

SR&O 50 / 1952

[made under section 158 of the Public Health Act 1949 and brought into operation on 6 August 1952]

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THIRD SCHEDULE

FOURTH SCHEDULE

Citation

1 These regulations may be cited as the Public Health (Milk and Dairyfarm) Regulations 1952.

Interpretation and savings

2 (1) In these regulations—

“communicable animal disease” and “communicable human disease” have the meanings given in regulation 4;

“cream” means milk, or any part of any milk, which contains not less than 18% of milk fat;

“dairyfarm” means any premises in or upon which a cow is kept or two or more cows are kept, and upon or from which any milk produced by that cow or cows, or any product manufactured from that milk, is sold or offered for sale for human consumption or is delivered for manufacture or sale for human consumption;

“dairyfarm employee” has the meaning given in regulation 5(1);

“dairyfarmer” means any person who has for the time being the ownership, management or charge of a dairyfarm;

“heavy cream” means milk or any part thereof that contains not less than 36% of milk fat;

“manufactured milk” shall have the meaning assigned to it by the Public Health (Food) Regulations 1950 [*title 11 item 1(f)*];

“milk” shall not include manufactured milk;

“partially skimmed milk” means milk that contains more than 1%, but not more than 2.0% milk fat;

“pasteurization”, in relation to milk, means pasteurization in accordance with these regulations: and cognate expressions shall be construed accordingly;

“raw milk” means the normal mammary secretion from the cow which has not undergone any process of purification by heat treatment;

“skimmed milk” means milk that contains not more than 0.5% milk fat;

“sterilization” in relation to milk, means sterilization in accordance with these regulations, and cognate expressions shall be construed accordingly;

“ultra heat treated” in relation to milk means ultra heat treated in accordance with these regulations; and cognate expressions shall be construed accordingly;

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“ultra-pasteurized” in relation to milk means ultra-pasteurized treatment in accordance with these regulations; and cognate expressions shall be construed accordingly,

- (2) Nothing in these regulations shall derogate from—
- (a) any other regulations made under, or having effect by virtue of, the Public Health Act 1949 [*title 11 item 1*]; or
 - (b) any regulations relating to the prevention of animal diseases made under the Agriculture Act 1930 [*title 25 item 1*]; or
 - (c) any rules made under the Development and Planning Act 1974 [*title 20 item 1*].

Dairyfarm licences

3 (1) No person shall operate, or manage, or have charge of, a dairyfarm, or shall sell for human consumption any milk or milk products therefrom, unless there is in force, in respect of that dairyfarm, a licence granted under this regulation.

(2) Application for a licence as aforesaid (hereinafter in these regulations referred to as a “dairyfarm licence”) shall be made to the Chief Environmental Health Officer in Form A in the First Schedule.

(3) Where the Chief Environmental Health Officer is satisfied that the appropriate requirements of these regulations have been complied with, he shall grant a dairyfarm licence to the applicant.

(4) A dairyfarm licence shall be in Form B in the First Schedule; and shall, unless suspended or revoked, remain in force until the end of the thirty-first day of December next succeeding the date of its being granted.

(5) Subject as hereinafter provided, a dairyfarm licence may, upon written application made before the sixteenth day of December in each year, be renewed by the Chief Environmental Health Officer for a period of twelve months commencing on the first day of January next succeeding the date of application:

Provided that—

- (a) where the site of a dairyfarm is to be changed; or
- (b) where there is to be any substantial change in the use to which any premises used as a dairyfarm are to be put; or
- (c) where new premises for use as a dairyfarm are to be constructed,

any existing dairyfarm licence shall not be deemed to remain in force in respect of such change, re-arrangement or use as aforesaid unless the licence is renewed prior to, and in respect of, the change, re-arrangement or use in question.

(6) Where the Chief Environmental Health Officer refuses to grant or renew a dairyfarm licence under this regulation he shall forthwith refer the matter to the Minister; and the Minister shall, as soon as may be, decide whether or not a licence should be

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granted, or should be renewed; and if the Minister decides that the licence is to be granted or renewed, the Chief Environmental Health Officer shall issue or renew the licence accordingly.

(7) Where it appears expedient to the Chief Environmental Health Officer in the interests of the public health he may, as a condition of the grant or renewal of a dairyfarm licence, require the applicant therefor to submit adequate plans and specifications of the premises in question, and of any apparatus and equipment to be used thereon in connection with the operation of the dairyfarm.

[Regulation 3 amended by 2018 : 66 s.2 effective 10 January 2019]

Suspension; evocation of licence

4 (1) Where in connection with a dairyfarm, in respect of which a dairyfarm licence has been granted—

- (a) there occurs any contravention of, or failure to comply with, any of the provisions of regulations 5 to 10 inclusive or any order, requirement or condition lawfully made, given or imposed by any person thereunder; or
- (b) there occurs among any persons employed in or about the dairyfarm any human disease specified in the definition of a communicable disease of the first category in section 66(1) of the Public Health Act 1949 [*title 11 item 1*] or among any animals kept thereon any

animal disease specified in regulation 2 of the Agriculture (Control of Animal Diseases) Regulations 1947 [*title 25 item 1(d)*],

then in either such case the dairyfarm licence—

- (i) may be suspended by the Chief Environmental Health Officer for such period as, in the interests of the public health, he thinks fit; or
- (ii) may be revoked by the Minister:

Provided that no suspension of a dairyfarm licence shall continue to be effective for a period longer than twenty-one days from the date of the suspension unless, within that period, the suspension has been confirmed by the Minister and the Minister shall afford the person to whom the licence was granted an opportunity to be heard by the Minister before revoking the licence or, as the case may be, before confirming the suspension,

(2) Without prejudice to the foregoing paragraph the Chief Environmental Health Officer, instead of suspending a dairyfarm licence under that paragraph, may by order impose a condition requiring that at no milk from any particular cow or cows shall be sold for human consumption or used, or delivered for use, for manufacture into any product for human consumption; and, with respect to any such condition—

- (a) any dairyfarm licence in respect of the dairyfarm in connection with which the condition is imposed shall, for the purposes of regulation 3(1), be deemed to be valid only to the extent allowed by the condition; and

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- (b) the proviso to paragraph (1) shall have effect as though the imposition of the condition were a suspension of the licence.

(3) In any case where a dairyfarm licence has been suspended or revoked, or where a condition relating to the sale of milk has been imposed in respect of a dairyfarm licence under paragraph (2), then in either such case the person to whom the licence was granted may at any time—

- (a) represent to the Chief Environmental Health Officer in writing that the circumstances occasioning the suspension or revocation have been remedied; and
- (b) apply for the restoration of the licence,

and upon any such application the Chief Environmental Health Officer, if he is satisfied by such inspection or other investigation as he thinks expedient, that the circumstances occasioning the suspension or revocation have been remedied, may, with the approval of the Minister, or under any general authority delegated to him by the Minister in that behalf, restore the dairyfarm licence or revoke the condition accordingly.

[Regulation 4 amended by 2018 : 66 s.2 effective 10 January 2019]

Health certificate for employee

5 (1) No person shall engage in any work in or about a dairy—

- (a) which involves the milking of cows, whether by hand or by any mechanical apparatus, or the handling of the udders of cows; or
- (b) which involves—
 - (i) the handling of milk; or
 - (ii) the handling of utensils or apparatus intended for the storage, cooling or delivery of milk, or otherwise coming into contact with milk, other than properly sealed containers containing milk for delivery,

unless that person (hereinafter in these regulations referred to as a “dairyfarm employee”) holds a valid certificate issued by the Chief Environmental Health Officer under regulation 7 of the Public Health (Food) Regulations 1950 [*title 11 item 1(f)*] certifying that he is free from communicable disease.

(2) The Chief Environmental Health Officer may by order direct periodical medical examinations of any dairyfarm employee; and notwithstanding anything in the Public Health (Food) Regulations 1950 [*title 11 item 1(f)*], a certificate issued under those regulations and held by a dairyfarm employee be revoked at any time by the Chief Environmental Health Officer—

- (a) if any examination as aforesaid discloses that the dairyfarm employee is suffering from, or is a carrier of, any disease liable to infect milk in the course of his work; or

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- (b) if the dairyfarm employee fails to attend for examination in accordance with any direction given by the Chief Environmental Health Officer under this paragraph, or refuses to submit to any such examination.

[Regulation 5 amended by 2018 : 66 s.2 effective 10 January 2019]

Reporting of disease

6 (1) Where a dairyfarm employee—

- (a) contracts any communicable human disease; or
- (b) shows any symptoms which give rise to a reasonable suspicion that he is suffering from any such disease; or (c) has recently been in contact with any person suffering from a communicable disease,

then—

- (i) the employee shall immediately notify the person for the time being managing the dairyfarm; and
- (ii) the person for the time being managing the dairyfarm shall immediately notify the Chief Medical Officer.

(2) Where a cow in or about any dairyfarm shows any symptoms which give rise to a reasonable suspicion that that cow is suffering from a communicable animal disease, then—

- (a) the person having charge of the cow shall immediately notify the person for the time being managing the dairyfarm; and
- (b) the person for the time being managing the dairyfarm shall immediately notify the Chief Medical Officer.

(3) The Chief Medical Officer may, as a result of notification under this regulation, by order direct such medical examination of a dairyfarm employee, or, as the case may be, such veterinary examination of an animal, as in the circumstances he thinks expedient.

Examination of cows

7 The Chief Environmental Health Officer, at any reasonable time when he thinks it expedient in the interests of the public health—

- (a) may require any cow on a dairyfarm to be examined by the Government Veterinary Officer or by any other veterinary surgeon at the expense of the Minister;
- (b) may require any cow on a dairyfarm to be milked in the presence of any person whom he nominates for that purpose;
- (c) may require any milk taken from a particular teat of any cow to be kept separate from other milk of that cow;

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- (d) may take away for examination and analysis any samples of milk taken as aforesaid.

[Regulation 7 amended by 2018 : 66 s.2 effective 10 January 2019]

Layout of dairyfarm

8 With respect to the layout and construction of a dairyfarm (whether or not the dairyfarm is licensed under these regulations) the following provisions shall have effect—

- (a) all cowsheds and stalls shall be constructed in such manner—
 - (i) as to provide adequate lighting, whether natural or artificial; and so as to ensure, where natural lighting is used, that there is at least three square feet of window area for each stall, reasonably distributed;
 - (ii) as to provide effective ventilation, and an air space of not less than 400 cubic feet in respect of each stall;
 - (iii) as to ensure that no stall is less than 3 feet 4 inches in width;
 - (iv) as to provide adequate protection against heat and cold;
- (b) all floors and gutters of cowsheds and stalls shall be made of concrete or other impermeable and easily cleaned material, and shall be adequately drained;
- (c) a cowshed or stall shall not communicate directly with any dwelling-house, closet, urinal, milk room or milk store;
- (d) any place used for milking—
 - (i) shall, if it has a second storey, have a tight ceiling; and
 - (ii) shall, if it adjoins a feed room or stable, be separated therefrom by a dust tight partition or door;
- (e) all cowsheds shall be provided with an adequate supply of clean fresh water;
- (f) adequate provision shall be made for the deposit of manure and rubbish;
- (g) a milk room shall be provided; and such milk room—
 - (i) shall be substantially constructed and of adequate size;
 - (ii) shall be well ventilated;
 - (iii) shall be well lighted both by natural and artificial light;
 - (iv) shall be provided with a self-closing door opening outwards;
 - (v) shall be so arranged and, if necessary, partitioned, that there is no risk of contamination of milk or clean utensils by any cleaning operations carried on in the milk room;

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- (vi) shall be finished, as respects its floors, walls and ceilings, in a smooth impermeable material of good quality which is without joints or depressions and which can be easily cleaned, and all woodwork shall be painted white;
- (vii) shall be floored in such manner that water will run off into convenient outlets;
- (viii) shall be provided with an adequate supply of clean fresh water;
- (h) a milk room or milk store shall not have therein, or communicating directly thereto, or ventilating thereinto, any closet, urinal, cesspool or drain.

Equipment of dairyfarm

9 With respect to the equipment of a dairyfarm (whether or not the dairyfarm is licensed under these regulations) the following provisions shall have effect—

- (a) all places in which milk or any milk product is kept in an open container shall be adequately screened;
- (b) an adequate number of utensils for keeping or distributing milk shall be provided and places for their storage free from contamination;
- (c) adequate wash and rinse vats shall be provided, each having not less than three compartments where chlorine is used as the principal bactericidal agent in sterilization and not less than two compartments, in other cases;
- (d) where chlorine is not used as the principal bactericidal agent in sterilization adequate provision shall be made for providing boiling water or steam for sterilizing milk utensils;
- (e) adequate hand washing facilities shall be provided, and, in conjunction with such facilities, there shall be provided—
 - (i) adequate bactericidal solution for rinsing; and
 - (ii) individual or single use towels;
- (f) there shall be provided or installed such other equipment as the Minister considers necessary for that dairyfarm, and which the Minister by order directs to be provided or installed therein.

Management of dairyfarm

10 With respect to the operation and management of a dairyfarm (whether or not the dairyfarm is licensed under these regulations) the following provisions shall have effect, that is to say—

- (a) all parts of the premises used in connection with the production or storage of milk shall be kept in a clean condition and free from rubbish or cobwebs;
- (b) all cowsheds shall be whitewashed internally not less often than once each year, or painted not less often than once every two years;

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- (c) all cows shall be groomed daily and their hindquarters shall be clipped periodically and be kept free from accumulation of manure or mud;
- (d) no horses, pigs, dogs, cats, poultry or other animals shall be allowed to enter or remain in any part of a cowshed used for milking;
- (e) no manure shall be stored within fifty feet of any place where cows are milked, or of any milk room or milk store:

Provided that where the Chief Environmental Health Officer is satisfied that adequate safeguards are taken against windborne contamination of milk he may allow manure to be so stored at a lesser distance;
- (f) no pigs shall be kept within one hundred feet of any place where cows are milked, or of any milk room or milk store;
- (g) no grooming of cows, or feeding of cows with dusty forage, or sweeping out, shall be carried out in any place used for milking immediately before milking or while milking is in progress;
- (h) a person shall, before milking a cow, and after any interruption in milking a cow, and before performing any function in a milk room or milk store, thoroughly wash his hands, shall rinse them with bactericidal solution, and shall dry them with a clean towel, being a towel other than a common towel, provided for his personal use;
- (i) the udder of each cow shall, immediately before milking, be washed with clean water and a clean cloth used only for that udder, and shall be thoroughly dried by wiping with a clean towel;
- (j) the first few streams of milk from each teat of an udder shall be discarded;
- (k) in any case where any part of the milk yielded by a cow is bloody, stringy or unnatural in appearance, all milk yielded by that cow on that occasion shall be discarded;
- (l) in any case where a milking pail, or any milk therein, becomes dirty in any way, the pail shall be set aside and the milk discarded;
- (m) all milk pails and other milk containers (including their lids, if any) and all metal strainers and other implements used for measuring, stirring or any other purpose by reason of which they are brought into contact with milk shall, before use, be rinsed with cold water and cleansed with washing soda or alkaline powder and shall then be subjected to one of the processes specified in the Third Schedule, and shall then be placed in suitable racks for drying in the milk room;
- (n) where sterilized cotton discs are used for strainers, such discs shall be stored under sanitary conditions until immediately before use, and shall be used on one occasion only;
- (o) all utensils used for containing or distributing milk shall be used only for that purpose; shall as soon as possible after use be washed free of all

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residual milk with cold fresh water; and shall, when not in use, be kept thoroughly clean and in the milk room;

- (p) all utensils as aforesaid shall, immediately before use, be sterilized and shall be filled and topped in the milk room and shall, if delivered to any place, have a close fitting dustproof cover thereon;
- (q) where 5 or more cows are kept on a dairyfarm, the milk room provided in accordance with these regulations shall not be used for any purpose other than the handling of milk;
- (r) a milk room or milk store shall not be used by any person as a room for sleeping;
- (s) every person handling milk shall wear clean clothing and, without prejudice to paragraph (h), shall be clean as regards his person;
- (t) no child under the age of twelve years and no domestic animal shall be allowed to enter a milk room;
- (u) no person shall spit, smoke, or use tobacco, in any cowshed used for milking or in any milk room or other place where milk is handled in open containers.

[Regulation 10 amended by 2018 : 66 s.2 effective 10 January 2019]

Pasteurizing plants

11 (1) No person shall own, or manage, or have charge of, a pasteurizing plant unless there is in force in respect of that pasteurizing plant a valid licence granted in pursuance of these regulations.

(2) The provisions of regulations 3, 4, 5 and 6 shall have effect, with necessary modifications, in respect of a licence for a pasteurizing

plant and in respect of persons engaging in work therein, as those provisions apply in respect of dairyfarm licences and dairyfarm employees.

(3) The provisions of the Second Schedule shall, without prejudice to anything in paragraph (2), have effect in respect of a licence for a pasteurizing plant as though they were provisions of these regulations the breach of which involved a liability to the suspension or revocation of the licence under regulation 4.

(4) Notwithstanding anything in the foregoing provisions of this regulation, the Chief Environmental Health Officer may at any time impose, as a condition of the licence, any condition relating to the construction, mechanical equipment or operation of the pasteurizing plant as he thinks necessary in the interests of the public health; and with respect to any such condition—

- (a) the Chief Environmental Health Officer shall refer the matter to the Minister as though, for the purposes of paragraph (6) of regulation 3, the imposition of the condition were a refusal to grant or to renew a dairyfarm

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licence; and the provisions of that paragraph shall have effect accordingly in relation to a pasteurizing plant;

- (b) a breach of any such condition as aforesaid shall, for the purposes of these regulations, be deemed to be a contravention of, or failure to comply with, a provision thereof.

(5) In this regulation "pasteurizing plant" includes every place in which milk is pasteurized, and includes every building, machine, apparatus, equipment and appurtenance used in or necessary for the heating, cooling, storing, processing or bottling of milk in connection with its pasteurization; and, where only a part of any building is used for pasteurization, the whole building and any equipment therein shall, for the purposes of this regulation, be deemed to be a pasteurization plant.

[Regulation 11 amended by 2018 : 66 s.2 effective 10 January 2019]

Milk from diseased cow not to be supplied or used

12 No person shall supply (whether by sale or otherwise) or offer for sale, or cause or allow to be used, for human or animal consumption any milk which he knows, or has reasonable cause to suspect, is milk from a cow which is suffering or is suspected to be suffering from a communicable animal disease.

Milk from unhealthy cow not to be supplied or used

13 Without prejudice to regulation 12, no person shall supply (whether by sale or otherwise), or offer for sale, or cause or allow to be used, for human consumption any milk which he knows, or has reasonable cause to suspect—

- (a) is milk from a cow which is suffering or is suspected to be suffering from any febrile disturbance, retention of afterbirth, retention of dead foetus, or mastitis (inflammation of the udder) or is otherwise in ill health; or
- (b) is milk produced by any cow within the period extending from fifteen days before the anticipated date of her calving and five days after the date of her calving.

Restriction on sale of unpasteurized milk

14 (1) Without prejudice to regulations 12 and 13 no person shall sell or offer for sale for human consumption any milk unless it is milk produced by cows in a dairyfarm licensed under these regulations and it is pasteurized or ultra-pasteurized or sterilized or ultra heat treated milk.

(2) In this regulation "pasteurized milk" means milk which has been treated in a pasteurization plant licensed under these regulations in either of the following ways, that is to say—

- (a) it is milk—
 - (i) which has been heated to a temperature of not less than 145 degrees F (62.80 degrees C) and not more than 150 degrees F (65.56 degrees C); and

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- (ii) which has, immediately after heating as aforesaid, been held in such manner that all of the milk has been kept at a temperature of not less than 145 degrees F (62.80 degrees C) for not less than 30 minutes; and
 - (iii) which has, immediately thereafter, been cooled to a temperature of not more than 50 degrees F (10 degrees C); or
- (b) it is milk—
- (i) which has been heated to a temperature of not less than 161 degrees F (71.67 degrees C); and
 - (ii) which has, immediately after heating as aforesaid, been held in such manner that all of the milk has been kept at a temperature of not less than 161 degrees F (71.67 degrees C) for not less than 16 seconds; and
 - (iii) which has, immediately thereafter, been cooled to a temperature of not more than 50 degrees F (10 degrees C).

(3) In this regulation ultra-pasteurized or sterilized milk means milk which has been subject to treatment in accordance with paragraphs (4) and (5) of this regulation in a pasteurizing plant licensed under these regulations; and the pasteurizer's licence has been endorsed for the purpose by the Chief Environmental Health Officer.

(4) "ultra-pasteurized milk" means milk which has been retained at a temperature of not less than 280 degrees F (138 degrees C) for not less than 2 seconds either before or after being placed in containers in which it is to be supplied to the consumer, that have been filled and sealed at the premises at which the treatment has been carried out with such aseptic precautions as will ensure the protection of the milk from risk of contamination. Every container in which the milk is sold shall be so closed and securely fastened that it is airtight.

(4A) In this regulation "ultra heat treated or sterilized milk" means milk which has been subject to treatment in accordance with paragraph (4b) or (5) of this regulation in a plant licensed under these regulations; and the pasteurizer's licence has been endorsed for the purpose by the Chief Environmental Health Officer.

(4B) "ultra heat treated milk" means milk which has been treated by the "Ultra High Temperature Method", namely by heating the milk to a temperature of not less than 270 degrees F (132.2 degrees C) and retaining it at that temperature for not less than one second to ensure that it complies with the bacterial limits specified in the Fourth Schedule, and thereafter putting it immediately into the sterilized containers in which it is to be supplied to the consumer, which shall be filled and sealed at the premises at which the treatment has been carried out with such aseptic precautions as will ensure the protection of the milk from risk of contamination. Every container in which the milk is sold shall be so closed and securely fastened that it is airtight.

(5) "sterilized milk" means milk which has been filtered or clarified and (except in the case of skimmed milk) homogenized and thereafter in accordance with the subparagraph (a) or (b), heated to and maintained at a temperature of not less than 212 degrees F (100 degrees C) for such period as to ensure that it will comply with an approved turbidity

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test or the bacterial limits specified in the Fourth Schedule for the purpose of this regulation—

- (a) the milk shall be placed in containers in which it is to be supplied to the consumers and in such manner that on or before completion of the heat treatment the containers shall be sealed with an airtight seal; or
- (b) the milk shall by a continuous flow method and after heat treatment be put into the sterile containers in which it is to be supplied to the consumers. Such containers shall be filled and sealed with an airtight seal at the premises at which the heat treatment has been carried out with such aseptic precautions as will ensure the protection of the milk from risk of contamination.

(6) For the purpose of this regulation “container” means any container which is of a capacity, type and material approved in writing by the Chief Environmental Health Officer.

(7) There shall be installed in suitable places in the apparatus used for the ultra-pasteurization and ultra heat treatment and sterilization of milk indicating and recording thermometers, pressure gauges and automatic flow diversion devices (capable of diverting the flow of milk not raised to the authorized temperature) as required.

(8) All records of recording thermometers shall be dated and preserved for a period of not less than 3 months.

(9) Notwithstanding regulation 14(1) cream that has been imported into Bermuda may be sold or offered for sale if—

- (i) it is not imported in contravention of regulation 3 of the Public Health (Food) Regulations 1950 [*title 11 item 1(f)*];
- (ii) it is cream as defined in regulation 2 and has been subjected to a heat treatment process of pasteurization or sterilization in compliance with the requirements of these regulations for the heat treatment pasteurized or sterilized milk as contained in the Fourth Schedule;
- (iii) the source of the cream and the methods of heat treatment and packing operations conform to—
 - (a) all requirements of the regulating authority of the country of export; and
 - (b) to such other conditions as may be imposed by the Chief Environmental Health Officer;
- (iv) it is transported in such a manner and in containers of a capacity, type and material approved by the Chief Environmental Health Officer; and
- (v) it complies with the requirements of regulations 15, 16 and 21.

[Regulation 14 amended by 2018 : 66 s.2 effective 10 January 2019]

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Adulterated milk

15 (1) Without prejudice to regulations 12, 13 and 14 no person shall sell or offer for sale for human consumption any milk—

- (a) which is pasteurized, ultra-pasteurized, ultra heat treated or sterilized milk if such milk contains less than 3.25% milkfat or less than 8.25% milk solids other than fat; or
- (b) from which any of the component parts have been abstracted or reduced; or
- (c) to which has been added any substance or liquid including—
 - (i) plastic or synthetic milk, dried or condensed milk or liquid reconstituted therefrom; or
 - (ii) separated milk; or
 - (iii) subject to sub-paragraph 2(d), mixtures of cream or butter for the purposes of thickening, diluting or colouring the milk; and any milk as aforesaid is hereafter in this regulation referred to as “adulterated milk”.

(2) Nothing in paragraph (1)—

- (a) shall be construed so as to prevent the sale of skimmed milk or partially skimmed milk as such where regulation 17(5) is duly complied with;
- (b) shall apply in relation to the sale of dried milk powder or of milk solids or of condensed or evaporated milk where such powder, milk solid or milk is sold in sealed metal containers or in other sealed containers approved by the Chief Environmental Health Officer;
- (c) shall have effect so as to prevent the sale for human consumption of manufactured milk—
 - (i) of a type and which has the specification set out in the Fourth Schedule to the Public Health (Food) Regulations 1950 [*title 11 item 1(f)*], by any person; or
 - (ii) of a type or specification other than that set out in the Fourth Schedule to the Public Health (Food) Regulations 1950, by any person other than a person who holds a valid dairyfarm licence or a valid pasteurizer's licence; or
- (d) shall prevent the operator of a pasteurizing plant, or any person employed therein, from adding milkfat to the milk sold therefrom in order to achieve the legally required milkfat level.

(3) No dairy farmer or person in charge of a pasteurizing plant or person employed in a dairyfarm or pasteurizing plant shall treat any milk which is intended for sale for human consumption in such a way that after treatment it becomes adulterated milk:

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Provided that nothing in this paragraph shall be construed so as to prevent the skimming of milk for the purpose of sale for human consumption where regulation 17(4) is duly complied with.

(4) No person shall upon any premises which constitute or include a dairyfarm or pasteurizing plant keep or have in his possession or under his control any plastic or synthetic milk, or any dried or condensed milk or liquid reconstituted therefrom, with intent that such substances or liquid may be used for treating milk.

(5) In any legal proceedings taken under this section—

- (a) it shall be presumed, until the contrary is proved, that any milk treated in such a way as to become adulterated milk is intended for human consumption;
- (b) it shall be presumed, until the contrary is proved, that any substance or liquid mentioned in paragraph (4) which is proved to be upon any premises mentioned therein is intended for the treatment of milk; and
- (c) it shall be conclusively presumed that any sample of cow's milk is adulterated milk if it is proved that the freezing point of that milk is above -0.530 degrees H (-0.512 degrees C) or below -0.566 degrees H (-0.547 degrees C).

[Regulation 15(5)(c) substituted by BR 15/2000 effective 17 March 2000; Regulation 15 para (2)(b) amended by 2018 : 66 s.2 effective 10 January 2019]

Imported milk to be of approved type

16 (1) Notwithstanding anything contained in these regulations, no milk shall be imported into Bermuda or if imported sold or offered for sale for human consumption unless it is milk of a type which has been approved in writing by the Chief Environmental Health Officer.

(2) No such approval shall be granted unless the Chief Environmental Health Officer is satisfied—

- (a) as to the source and quality of the milk;
- (b) as to the methods of heat treatment of the milk and the packing operations in respect thereof;
- (c) as to the chemical and bacteriological standard of the milk;
- (d) as to the manner and conditions under which the milk is transported to Bermuda and the distribution thereof within Bermuda;
- (e) as to the capacity, type and material of the container in which the milk is packed and that the capacity of any such container does not exceed the capacity specified in writing by the Chief Environmental Health Officer.

[Regulation 16 amended by 2018 : 66 s.2 effective 10 January 2019]

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

Labelling of container

17 (1) No person shall sell, or offer for sale, for human consumption any milk unless the bottle or other container is labelled or designated in accordance with this regulation.

(2) Pasteurized, ultra-pasteurized, ultra heat treated or sterilized milk shall clearly and legibly be described as such and the label or designation on the container shall include the name or business designation of the operator of the plant where the milk was heat treated.

(3) Where cream has been imported in accordance with regulation 14(9) and is subsequently repacked for sale, the container shall be clearly labelled to show the name and address of the packer, the country of origin of the cream and the words "Imported Cream".

(4) Where ultra heat treated or sterilized milk has been imported in accordance with regulation 16 the container shall also state the country of origin of the milk.

(5) Without prejudice to any of the foregoing provisions of this regulation—

(a) no milk shall be labelled or designated for the purpose of being sold or offered for sale as cream or heavy cream unless all the milk has the characteristics of cream or heavy cream as defined in regulation 2;

(b) no milk which is skimmed milk or partially skimmed milk by virtue of the definition of skimmed milk or partially skimmed milk in regulation 2 shall be sold or offered for sale unless it is labelled and designated as skimmed milk or partially skimmed milk, as the case may be, and in either such case the name or business designation of the person owning the pasteurizing plant, or of the pasteurizing plant, from which the cream or heavy cream or the skimmed milk, or partially skimmed milk, as the case may be, is supplied, shall be added to the label or designation;

(c) containers of pasteurized ultra heat treated or sterilized milk and cream shall be marked in a conspicuous manner with a "use by" date or code in a readily understood form approved by the Chief Environmental Health Officer and such containers shall, pending the sale of the milk or cream contained therein, be subject to storage conditions approved by the Chief Environmental Health Officer so that the milk or cream shall be of an acceptable quality and freshness at the expiration of the "use by" date or code.

[Regulation 17 para (5)(c) amended by 2018 : 66 s.2 effective 10 January 2019]

Cleaning of containers

18 (1) No person shall use any multi-use container of milk for any purpose other than the storage or transportation of milk unless the permission of the Chief Environmental Health Officer has been previously obtained.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

(2) Any person to whom any milk is supplied in multi-use containers shall, before returning the container to the supplier, ensure that the container is thoroughly cleaned.

[Regulation 18 para (1) amended by 2018 : 66 s.2 effective 10 January 2019]

Disinfection of containers

19 Without prejudice to anything in the foregoing provisions of these regulations, all multi-use containers, equipment, apparatus and other utensils and articles used in the handling, storage or transportation of milk or milk products shall between each usage be cleaned and sterilized by subjection to one of the bactericidal processes specified in the Third Schedule.

Delivery from dairyfarms

20 With respect to the distribution or delivery of milk for human consumption from dairyfarms the following provisions shall have effect—

- (a) any vehicle used for distributing or delivering milk from a dairyfarm (hereinafter in this regulation referred to as a “delivery truck”) shall be so constructed that the milk is adequately protected from contamination by flies, dust or dirt and is in addition adequately protected from heat, and shall be kept clean;
- (b) nothing liable to contaminate milk shall be carried in a delivery truck, and any empty container for milk shall be kept separate from full containers;
- (c) no person other than the driver of a delivery truck or any other dairyfarm employee holding a valid certificate of health granted under regulation 5, shall be allowed to be on any delivery truck while it is being used for the delivery of milk;
- (d) no milk shall be loaded in bulk on any vehicle unless the tank of that vehicle is of a design, construction and material approved by the Chief Environmental Health Officer; the tank and all ancillary fixtures and fittings which come into contact with the milk shall be clean and disinfected by a method approved by the Chief Environmental Health Officer before and after such use;
- (e) for the purposes of these regulations, milk is loaded in bulk on a vehicle when, instead of being loaded thereon in bottles, churns or other containers, it is discharged directly into the tank of the vehicle in a manner approved by the Chief Environmental Health Officer.

[Regulation 20 amended by 2018 : 66 s.2 effective 10 January 2019]

Prohibition against supplying certain milk

21 No person shall supply (whether by sale or otherwise), or cause or allow to be used for human consumption any milk that he knows, or has reasonable cause to suspect, is milk of the description set out in the Fourth Schedule that fails to meet the standards respecting that milk set out in the Fourth Schedule.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

Offences

22 (1) Any person who contravenes any of the foregoing provisions of these regulations or of any order, instruction or requirement lawfully made, given or imposed by an person under the authority thereof, commits an offence against these regulations:

Provided that where a person engaged or employed in the administration of these regulations omits to perform any duty imposed upon him as such the omission shall not constitute an offence against these regulations.

(2) Where a person commits an offence under these regulations:

Punishment on summary conviction: a fine of \$168 in respect of each offence; and in the case of a second or subsequent conviction: imprisonment for 3 months or a fine of \$840 or both such imprisonment and fine; and where any such offence as aforesaid is a continuing offence, the person guilty of the offence shall, in addition to any punishment provided in this regulation, be liable in respect of each day during which the offence continues to a fine of \$84.

(3) Notwithstanding anything in the foregoing provisions of this regulation, where, in respect of the operation of a dairyfarm, pasteurizing plant or other premises, there is proved to be a contravention of failure to comply with any provision of these regulations or of any order, instruction or requirement lawfully made, given or imposed thereunder, then in any such case—

- (a) the person (if any) to whom the licence has been granted under these regulations in respect of the dairyfarm, or, as the case may be, the pasteurizing plant; or
- (b) the person for the time being acting as the manager or person in charge of the dairyfarm, or, as the case may be, the pasteurizing plant or other premises,

shall, without prejudice to any proceedings which may be taken against any other person, and subject as hereinafter provided, be deemed to be guilty of an offence against these regulations:

Provided that in any case where a licence holder, manager or person in charge of a dairyfarm, or a pasteurizing plant or other premises as aforesaid is charged with an offence against these regulations in pursuance of this paragraph it shall be a defence for him to prove—

- (i) that the offence occurred without his consent; and
- (ii) that the offence was not due to any act or omission on his part; and
- (iii) that he had taken reasonable steps to prevent the commission of the offence.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

FIRST SCHEDULE

(Regs. 3 and 4)

Forms

FORM A

Application for Grant of Dairyfarm Licence or Licence for Pasteurizing Plant

I, of, hereby make application for the grant of a licence in respect of the* operation/management/charge of a* dairyfarm/pasteurizing plant situated at

.....

.....

Dated this

day of

Signature of applicant

*Delete if not applicable.

FORM B

Dairyfarm Licence

Licence for Pasteurizing Plant

I,, Chief Environmental Health Officer acting in pursuance of the Public Health (Milk and Dairyfarm) Regulations 1952, hereby grant a licence to of to* operate/manage/have charge of a* dairyfarm/pasteurizing plant situated at until 31 December 19....

This licence is granted subject to the Public Health (Milk and Dairyfarm) Regulations 1952, and also subject to the following special conditions—

.....

Date

.....

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

Chief Environmental Health Officer

*Delete if not applicable.

RENEWALS

The above licence is renewed as follows

From..... 19 to 19

Chief Environmental Health Officer

From..... 19 to 19

Chief Environmental Health Officer

From..... 19 to 19

Chief Environmental Health Officer

[First Schedule, Form B amended by 2018 : 66 s.2 effective 10 January 2019]

SECOND SCHEDULE

(Reg. 11)

Provisions Relating to Operation, etc., of Pasteurizing Plants

1 A pasteurizing plant shall be so sited so as to be free of any conditions which might injuriously affect milk pasteurized in the plant, including smoke, fumes, dust, odours and flies.

2 (1) A pasteurizing plant shall not be operated if stables or cow houses are in such proximity thereto as adversely to affect milk pasteurized in the plant.

(2) A pasteurizing plant shall not be operated unless manure and garbage in its vicinity is so treated as to control the breeding of flies.

3 (1) The buildings comprising a pasteurizing plant shall be of adequate size and of substantial construction, and shall be well lighted and ventilated.

(2) No toilet room shall open directly into any room in which milk or milk products are handled, processed or stored, or in which any equipment is operated or stored.

4 Every pasteurization plant shall have provided in connection therewith a catchment for rain water and a tank for storing rain water filling on the catchment; and with respect to the area of the catchment and the capacity of the tank so provided the following provisions shall have effect—

(a) where the quantity of milk undergoing pasteurization at the plant does not exceed 250 quarts a day, then the minimum area of the catchment shall be 2,500 square feet and minimum capacity of the tank shall be 20,000 gallons;

(b) where the quantity of milk undergoing pasteurization at the plant exceeds 250 quarts a day but does not exceed 500 quarts a day, then—

(i) the minimum area of the catchment shall be 2,500 square feet with in addition 6 square feet in respect of each quart pasteurized in excess of 250 quarts a day; and

(ii) the minimum capacity of the tank shall be 20,000 gallons with in addition 60 gallons in respect of each quart pasteurized in excess of 250 quarts a day;

(c) where the quantity of milk undergoing pasteurization at the plant exceeds 500 quarts a day, then—

(i) the minimum area of the catchment shall be 3,500 square feet with in addition 5 square feet in respect of each quart pasteurized in excess of 500 quarts a day; and

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

- (ii) the minimum capacity of the tank shall be 35,000 gallons with in addition 50 gallons in respect of each quart pasteurized in excess of 500 quarts a day:

Provided that the Chief Environmental Health Officer, where he is satisfied that there is an adequate supply of water of sufficient purity available to the pasteurizing plant, may by notice to the owner or operator of the plant authorize the pasteurization at the plant of quantities of milk in excess of the quantities permitted by the foregoing provisions of this paragraph.

5 (1) All outside openings in buildings forming part of a pasteurizing plant shall be effectively screened or otherwise protected against the entrance of flies; and, without prejudice to the foregoing provision—

- (a) window and door screens shall be tight fitting and kept in good repair;
- (b) doors shall, when possible, be fitted with self-closing devices;
- (c) openings through which cans, crates or other articles are passed shall be equipped with flaps, fans or similar devices for the exclusion of flies.

(2) The Chief Environmental Health Officer, where he thinks it necessary for the adequate exclusion of flies from a pasteurizing plant, may require the provision of additional equipment or the taking of further precautions for that purpose.

6 Every room in which milk or milk products are handled, processed, or stored or in which machinery is operated, shall be adequately lighted either by natural or by artificial light, or by both.

7 Every room in which milk or milk products are handled, processed or stored shall be adequately ventilated; and such ventilation shall be sufficient to prevent the condensation of water on the walls or ceiling of the room, or on equipment contained therein.

8 (1) The floor of every room in which milk or milk products are handled, processed or stored shall be constructed of concrete, tile, brick or other impervious material of good quality, and the surface of the floor shall be smooth, readily cleaned, sloped to convenient outlets, and free from joints or depressions in which water or dirt may collect, and the joints between walls and floor shall be covered.

(2) Floors shall be kept clean and free from articles or equipment not regularly used in the room.

(3) Suitably trapped drains of sufficient size shall be provided so located as to remove rapidly all drainage.

(4) The walls and ceilings of rooms in which milk or milk products are handled, processed or stored shall have smooth surfaces of impervious and washable material, light in colour, and such surfaces shall be kept clean.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

- 9 (1) Separate rooms shall be provided in every pasteurization plant for—
- (a) pasteurization, cooling and bottling apparatus;
 - (b) washing and bactericidal treatment of containers and miscellaneous equipment.
- (2) Self-closing doors shall as far as possible, be provided in the pasteurizing room, and such doors shall not open directly into any stable, or living quarters.
- 10 Every pasteurization plant shall, for the use of the employees, be equipped with—
- (a) washing facilities which shall be conveniently located but shall not be used in any way in the operation of the pasteurization plant or the handling of milk;
 - (b) adequate soap and hot and cold water;
 - (c) clean towels or towels of such kind and quantity that not more than one employee shall use the same towel;
 - (d) such number of toilet rooms, as is reasonably necessary, which shall be properly built and equipped and which shall be kept in good repair and in a sanitary condition.
- 11 All rooms in which milk, or milk products are handled, processed or stored, or in which containers are washed, shall be provided with an adequate number of water outlets.
- 12 (1) All waste and drainage arising out of the operation of a pasteurization plant shall be disposed of in a sanitary manner.
- (2) Refuse shall not be allowed to accumulate in the building or on or near the premises except in properly covered containers or receptacles, which shall be regularly emptied.
- 13 The equipment and containers used in the handling, processing or storage of milk and milk products shall be so constructed and kept in repair as to facilitate cleaning and bactericidal treatment, and any surfaces of such equipment and containers with which milk and milk products come in contact shall be of smooth, non-corroding metal or vitreous material, self-draining and readily accessible for cleaning, and every joint in any such equipment or container shall be made flush with the surface or otherwise constructed so as to avoid open seams; and shall be kept free from accumulation of milk solids and other foreign substances.
- 14 (1) Any equipment used for processing or storing milk or milk products shall be constructed of such material and so maintained as not adversely to affect the quality or taste of the milk or of the milk products
- (2) Holding vats shall be adequately insulated to prevent undue heat losses.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

(3) Tight fitting covers shall be provided for the equipment, and shall be so constructed and fitted as to prevent the entrance of drainage or water of condensation from the outside into the milk or the milk products when in either the open or closed position.

(4) Milk receiving vats shall be so placed and protected as to prevent contamination of the milk.

15 Every inlet and outlet valve and pipe connection to pasteurization holders shall conform to the following requirements—

(a) every valve and pipe line used in inlet and outlet connections on pasteurizers or holders shall be of metal not affected by milk to the extent of corroding or pitting the metal, and not affecting the flavour of milk by electrolysis or otherwise;

(b) every surface in contact with milk shall be smooth and free from pits, crevices, cracks, open seams or threads;

(c) passages shall be so constructed as to prevent pocketing;

(d) every part shall be so fitted as to be readily disassembled for cleaning;

(e) every inlet valve shall be of a leak-protector type and every inlet valve and connection shall be so constructed and located as to prevent leakage or short circuiting of unpasteurized milk into the pasteurizer, or into a pasteurizer or holder other than that being filled;

(f) every groove on an inlet valve for diverting leakage shall be of ample dimensions and so arranged as to prevent free drainage;

(g) every pipe line between any inlet valve and pasteurizer or holder shall be as short as possible and shall be so sloped or otherwise arranged as to drain freely;

(h) every outlet shall be of a leak-protector type and shall have the valve seat either flush with the inner wall of the pasteurizer or so closely coupled that all milk in the valve pocket is within the influence of the agitation created by the stirring equipment;

(i) every outlet valve shall prevent leakage past the valve seat into the milk outlet and grooves for diverting leakage shall be of ample dimensions and so arranged to permit free drainage;

(j) sterilizing connections shall be provided where the construction of the outlet valve makes this necessary and such connections shall be of a non-clogging type and shall not terminate in a channel through which milk is flowing;

(k) valves shall be provided with the necessary stops and guides to insure proper operation.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

16 Piping and connections carrying milk shall conform to the following requirements—

- (a) the piping and connections shall be of such size and material that they may be readily cleaned;
- (b) the piping and connections shall be smooth, free from corrosion and all joints shall be soldered flush;
- (c) the length of piping shall be reduced to minimum;
- (d) no piping, connections, pumps or equipment shall be used for both unpasteurized and pasteurized milk.

17 (1) Both indicating and recording thermometers of satisfactory type shall be installed and used on each holder in which the holding time is not automatically controlled and in both inlet and outlet manifolds of vat, pocket or continuous flow installations in which the milk is brought to the final pasteurization temperature before entering the holder and in which the time is automatically controlled.

(2) The bulbs of the indicating thermometer and the recording thermometer shall be as close together as practicable.

(3) Indicating thermometers shall be easily read and shall be accurate to 1/2 degrees F (0.28 degrees C).

(4) Recording thermometers shall be moisture-proof, easily read, with scale divisions of not less than one-sixteenth of one inch for each degree between 140 degrees and 145 degrees F (60 degrees C and 62.78 degrees C) and 160 degrees and 163 degrees F (71.11 degrees C and 72.88 C) and the smallest time-scale divisions shall not exceed ten minutes and every chart shall be graduated for and shall make one revolution in twelve hours.

18 The equipment used in milk processing shall be such as to preclude as far as possible the formation of foam in pasteurizers or holders and where foam collects in milk holders, means shall be employed to keep the atmosphere above the milk at a temperature at least 5 degrees F (2.78 degrees C) higher than the pasteurizing temperature.

19 (1) Milk shall be filtered or strained before pasteurization only.

(2) No filters, other than metal screens, shall be placed on the outlet side of the pasteurizer and no filters shall be used on milk after pasteurization.

20 (1) Milk cooling equipment shall be provided of such construction and of such capacity as to cool the milk from each pasteurizer or holding vat in a period not exceeding one and one-half hours.

(2) The temperature of the pasteurized milk shall not be reduced below 120 degrees F (48.89 degrees C) before passing through the cooling equipment.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

(3) The milk shall be cooled to 50 degrees F (10 degrees C) or lower and held at or below this temperature until delivery.

(4) Surface coolers of suitable material shall be provided and such coolers shall be so constructed as to afford ready access for cleaning, and so as to prevent condensed water coming in contact with the milk or the cooling surfaces.

(5) Surface coolers shall be located in well-ventilated rooms, free from any source of contamination and shall be provided with tight fitting covers or shields, and such covers or shields, shall be so arranged as to afford ready access for cleaning the cooler.

(6) Regenerative heater-coolers shall be so constructed and maintained as to prevent unpasteurized milk mixing with pasteurized milk.

(7) Solder shall not be used on any metal separating pasteurized from unpasteurized milk.

21 (1) The operation of the pasteurizer or holding vat shall be such that the variation in temperature between the hottest and coldest sections of the milk shall not exceed 1 degree F (0.56 degrees C).

(2) The temperature of the milk in the pasteurizer at any time shall be taken to be that shown on the indicating thermometer and not the temperature on the recording thermometer.

(3) The temperature shown on the recording thermometer shall be checked daily by the operator against the temperature shown on the indicating thermometer and the recording thermometer shall be adjusted so as to show a temperature no higher than that shown on the indicating thermometer.

(4) The bulbs of the indicating and the recording thermometers shall be placed as close together as practicable and at the point of lowest temperature in the pasteurizer or holder.

22 Adequate cooling facilities and cold storage shall be provided in the pasteurization plant for the pasteurized milk as well as for milk held in storage prior to processing.

23 Clean utensils and containers shall be stored in a room or compartment which is kept free from flies, dust, odours and other contamination.

24 (1) Every person employed in a pasteurization plant shall be clean in his habits, shall wear clean, washable outer garments, and shall keep his hands clean while engaged in work.

(2) No person shall spit, smoke, or use tobacco in any form in any part of the pasteurization plant in which milk is processed or handled.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

25 Every pasteurizing and processing operation shall be under the direct supervision of a person having an adequate knowledge of such operations, and who is authorized by the Chief Environmental Health Officer to undertake such supervision.

26 No raw milk shall be received at any pasteurizing plant except milk produced at a dairyfarm licensed under these regulations.

27 (1) No raw milk shall be received unless it complies with the standards laid down in the Fourth Schedule.

(2) If the milk is not delivered within 2 hours of the time of milking it shall be cooled in a manner approved by the Chief Environmental Health Officer to not more than 50 degrees F (10 degrees C) within 2 hours and maintained at that temperature until delivered, which in no instance shall be more than 24 hours.

(3) Farm bulk tank milk shall be cooled to not more than 45 degrees F (7.22 degrees C) and such tanks shall be completely emptied at least once in every 24 hours.

28 Any milk which on arrival is tainted, soured, unpalatable or otherwise unsatisfactory shall be rejected at the pasteurization plant.

29 (1) Cans of unpasteurized milk shall not be unloaded directly into or stored in the pasteurizing room.

(2) Milk which is to be stored prior to pasteurization shall be strained and placed in sterilized cans.

30 All multi-use containers and equipment shall be constructed in such manner as to be easily cleaned and shall be kept in good repair. Single service containers, caps, gaskets and similar articles shall be kept in a sanitary manner.

31 (1) No recording chart shall be used for a period which will interfere with the clarity of the record or which will permit overlapping of graphs.

(2) The person in charge of the recording thermometer shall sign every chart and shall ensure that the following information is recorded thereon—

(a) the date of each operation of the pasteurizer or holder;

(b) the number of the pasteurizer or holder, if more than one is in use, to which the recording thermometer was attached;

(c) a recording of the indicating thermometer at some time corresponding with a marked point in the holding period;

(d) in the case of a plant lawfully combined with a manufactory producing manufactured milk, the substance being processed,

(3) Where more than one recording thermometer is in use, the chart shall be numbered in such a manner as to indicate the recording thermometer which was used for such chart.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

(4) The person in charge of the pasteurizing plant shall keep every chart for a period of three months after the date thereof.

32 The cover of the pasteurizer shall be kept closed, during the holding period and until the milk is removed, except in case of emergency.

33 (1) Any milk which has been contaminated subsequent to pasteurization shall be repasteurized, but milk which has come into contact with contaminated machinery or has overflowed from the processing operations shall not be used for human consumption.

(2) If any milk accidentally passes through equipment without proper treatment such equipment shall be sterilized before it is used again.

34 (1) Any equipment used for pasteurization and for the subsequent storage of milk shall be subjected to effective bactericidal treatment by steam, hot water or other suitable sterilizing agent when assembled immediately prior to the day's operations.

(2) Every container and any equipment which comes into contact with or is used in the handling of milk or milk products shall be thoroughly cleaned and subjected to effective bactericidal treatment after each use, and at least once each day.

(3) All apparatus which can be disconnected including valves and pipe fittings shall be taken down daily for cleaning, and after cleaning shall be stored on racks or other places protected from contamination.

(4) Every can, tank and other container for transporting milk to a pasteurization plant shall be thoroughly cleaned and subjected to effective bactericidal treatment before leaving the plant, and such can, tank and other container shall not be used for transporting milk or other products from the pasteurization plant.

35 Every valve and pipe connection to or from a pasteurizer or holder shall be disconnected during the holding period, and when not in actual use.

36 No products other than milk products and products of which milk is a substantial component shall be handled or processed in a pasteurization plant unless equipment entirely separate from the equipment of pasteurization is used and the handling or processing is carried on in a separate room.

37 Where a pasteurizer is used for the pasteurization of manufactured milk, that pasteurizer shall not be used subsequently for the pasteurization of milk unless prior to that use it has been sterilized in accordance with paragraph 34.

38 (1) All bottles, cans, containers and equipment shall be stored, after cleaning, in such manner as to protect them against drainage, dust, flies and other contamination.

(2) During storage and when in use the interior of every container and any surface thereof exposed to milk shall be protected against manual contact and other sources of contamination.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

39 All bottle caps and other paper or parchment which comes into contact with milk shall be purchased and stored in sanitary tubes or cartons and shall be kept free from contamination and in a clean dry place until used.

40 Milk shall be bottled and capped at the plant where pasteurization takes place and in accordance with the following conditions—

(a) bottling shall be carried out by mechanical equipment which can be readily cleaned and which does not expose the milk to contamination during the operation;

(b) the equipment and its operation shall be such that a uniform mixture of the milk is added to each bottle;

(c) no unpasteurized milk shall be bottled or shall be allowed to come into direct contact with bottling equipment used for pasteurized milk.

41 Bottles shall be capped only by mechanical equipment.

42 All milk, except that sold in wholesale quantities, shall be delivered in glass bottles, so capped that the lip is covered, or in other containers satisfactory to the Chief Environmental Health Officer, and every such container shall be labelled with the word "pasteurized" and with the name of the pasteurizer.

[Second Schedule amended by 2018 : 66 s.2 effective 10 January 2019]

THIRD SCHEDULE

Bactericidal and Sterilizing Processes

- 1 Exposure in a steam cabinet—
 - (a) to a temperature of not less than 170 degrees F (76.67 degrees C) for not less than 15 minutes; or
 - (b) to a temperature of not less than 200 degrees F (93.33 degrees C) for not less than 5 minutes,

where the steam cabinet is equipped with an indicating thermometer placed in the coolest zone.

- 2 Exposure in an oven or hot air cabinet to a temperature of not less than 180 degrees F (82.22 degrees C) for not less than 20 minutes, where the oven or hot air cabinet is equipped with an indicating thermometer placed in the coolest zone.

- 3 Exposure to a jet of live steam of not less than 1 minute.

- 4 Immersion in hot water having a temperature of not less than 170 degrees F (76.67 degrees C) for not less than 2 minutes.

- 5 Exposure to a flow of hot water having a temperature of not less than 170 degrees F (76.67 degrees C) at the outlet for not less than 5 minutes.

- 6 Immersion in a lukewarm chlorine rinse containing—
 - (a) not less than 200 p.p.m. of available chlorine if hydrochlorides are used; or
 - (b) a concentration of equal bactericidal efficiency approved by the Chief Environmental Health Officer if other compounds of chlorine are used,

for not less than 2 minutes, followed by immersion in a lukewarm chlorine rinse containing not less than 50 p.p.m. of chlorine, followed by standing to dry under sterile conditions, where any chlorine solution so used on any day is not used for any bactericidal process on any succeeding day.

[Third Schedule amended by 2018 : 66 s.2 effective 10 January 2019]

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

FOURTH SCHEDULE

(Reg. 21)

Description of product: RAW MILK PRIOR TO PASTEURIZATION

Standards respecting that milk:

Bacterial Limits: not exceeding 100,000 per ml. from an individual dairyfarm.
Not exceeding 300,000 per ml. as commingled milk from more than one dairyfarm.

Antibiotics: no detectable antibiotic residue.

Somatic Cell Count: not to equal or exceed the following levels expressed in somatic cells per millilitre of milk during the period indicated opposite each such level:

750,000 April 1, 2000 to March 31, 2001

700,000 April 1, 2001 to March 31, 2002

650,000 April 1, 2002 to March 31, 2003

600,000 April 1, 2003 to March 31, 2004

550,000 April 1, 2004 to March 31, 2005

500,000 April 1, 2005 and thereafter.

Description of product: PASTEURIZED MILK AND CREAM

Standards respecting that milk:

Bacterial Limits: not exceeding 20,000 per ml.

Coliform Limits: not exceeding 10 per ml.

Phosphatase Test: less than 1 microgram per ml. by the Sharer Rapid Method or equivalent.

Description of product: ULTRA HEAT TREATED MILK STERILIZED MILK AND CREAM

Standards respecting that milk:

Bacterial Limits: less than 10 colonies per ml.

Description of product: STERILIZED MILK

Standards respecting that milk:

Turbidity Test: the test shall be deemed to be satisfied when a sample of milk treated as in regulation 15(5) gives a filtrate showing no sign of turbidity when the test is conducted in a manner approved by the Chief Environmental Health Officer.

PUBLIC HEALTH (MILK AND DAIRYFARM) REGULATIONS 1952

[4th Schedule, "Somatic cell count" requirement substituted by BR15/2000 effective 17 March 2000]

[Fourth Schedule amended by 2018 : 66 s.2 effective 10 January 2019]

[Amended by:

1970 : 390

SR&O 90 / 1968

BR 53 / 1981

BR 35 / 1984

BR 15 / 2000

2018 : 66]