

# *The Milk Pasteurization Regulations*

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Chapter P-37.1 Reg 5 (effective January 1, 1997).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**CHAPTER P-37.1 REG 5**  
*The Public Health Act, 1994*

**Title**

**1** These regulations may be cited as *The Milk Pasteurization Regulations*.

**Interpretation**

**2(1)** In these regulations:

- (a) **“Act”** means *The Public Health Act, 1994*;
- (b) **“category I milk plant”** means any milk plant other than a category II milk plant;
- (c) **“category II milk plant”** means a milk plant that:
  - (i) is located on a farm;
  - (ii) is operated by the person who operates the farm; and
  - (iii) pasteurizes milk for sale;
- (d) **“commingled milk”** means the product realized by adding a supply of raw milk from one dairy farm to a supply of raw milk from one or more other dairy farms so that the milk included in the product that comes from any one dairy farm cannot be distinguished or separated from the milk from any of the other dairy farms;
- (e) **“cultured milk product”** means a product realized by inoculating milk with a starter culture, and includes yogurt, buttermilk, sour cream and cottage cheese;
- (f) **“H.T.S.T.”** means high temperature, short time;
- (g) **“manufactured milk product”** includes butter, frozen desserts, cheese, sterilized (UHT) milk, dried milk solids and any product made principally from dried milk solids, but does not include cottage cheese;
- (h) **“milk plant”** means a building where milk is pasteurized, and includes facilities where milk is received, processed, cooled, stored, packaged or otherwise prepared for sale for human consumption;
- (i) **“milk product”** includes vitamin-fortified milk, cultured milk products, flavoured milk products, ice cream mix, ice milk mix, reconstituted milk, concentrated milk and other products made wholly or principally from milk, but does not include manufactured milk products or milk for manufactured milk products;
- (j) **“pasteurize”** means to heat every particle of milk to a temperature and for a time that is sufficient to destroy pathogenic micro-organisms or to treat milk by any other process approved by the local authority that is equally effective in destroying pathogenic micro-organisms.

**P-37.1 REG 5****MILK PASTEURIZATION**

(2) In these regulations, in relation to a milk plant, a reference to a local authority is deemed to be a reference to the local authority that has jurisdiction in the area in which the milk plant is situated.

2 Aug 96 cP-37.1 Reg 5 s2.

**Approval for establishing, renovating, etc.**

3(1) No person shall establish, extend, renovate or alter a category I or category II milk plant unless the person has written approval from the local authority to do so.

(2) Subsection (1) does not apply to the routine maintenance of a milk plant.

2 Aug 96 cP-37.1 Reg 5 s3.

**Licence required**

4(1) No person shall operate a category I or category II milk plant unless the person holds a valid licence that authorizes the person to do so.

(2) For the purposes of subsection (1), a licence that is suspended pursuant to section 8 is, for the period of the suspension, deemed not to have been issued.

2 Aug 96 cP-37.1 Reg 5 s4.

**Application for licence**

5 An applicant for a licence must:

- (a) apply for a licence to the local authority; and
- (b) provide any information or material relevant to the application that is requested by the local authority.

2 Aug 96 cP-37.1 Reg 5 s5.

**Issuing or refusing licence**

6 Where an application for a licence that includes all information or material requested by the local authority is received pursuant to section 5, the local authority:

- (a) shall:
  - (i) issue a licence for the appropriate category of milk plant, subject to any terms and conditions that the local authority considers appropriate; or
  - (ii) refuse to issue a licence; and
- (b) shall notify the applicant of its decision.

2 Aug 96 cP-37.1 Reg 5 s6.

**Compliance with terms and conditions**

7 No person to whom a licence is issued pursuant to section 6 shall fail to comply with a term or condition contained in the licence.

2 Aug 96 cP-37.1 Reg 5 s7.

**Amending, suspending, cancelling licence**

**8** A local authority may amend, suspend or cancel a licence issued pursuant to section 6 where, in the opinion of the local authority, the licence holder:

- (a) contravenes the Act or these regulations; or
- (b) operates a milk plant in a manner that may endanger the health of a member of the public.

2 Aug 96 cP-37.1 Reg 5 s8.

**No transfer of licence**

**9** A licence issued pursuant to section 6 is not transferable.

2 Aug 96 cP-37.1 Reg 5 s9.

**General operating standards**

**10** No person shall operate a milk plant:

- (a) in an unsanitary manner or under unsanitary conditions; or
- (b) in a manner that endangers the health of a member of the public.

2 Aug 96 cP-37.1 Reg 5 s10.

**Prohibited sources of milk**

**11** No person shall sell, offer for sale, give or exchange milk that is:

- (a) obtained from an animal that is affected by a disease or condition that may render the milk unfit for human consumption; or
- (b) obtained from an animal within the period that begins 15 days before the animal gives birth and ends five days after the animal gives birth.

2 Aug 96 cP-37.1 Reg 5 s11.

**Quality of milk to be pasteurized**

**12** No person who operates a milk plant shall pasteurize, for the purpose of sale or offering for sale for human consumption, milk that:

- (a) has a bacterial content of 300,000 colony-forming units or greater per millilitre; or
- (b) contains an antibiotic at a level that exceeds 0.01 International Units per millilitre.

2 Aug 96 cP-37.1 Reg 5 s12.

**Quality of milk and milk products to be sold**

**13** No person who operates a milk plant shall cause or permit milk or a milk product to be offered for sale, sold or distributed for human consumption that:

- (a) has a bacterial content greater than 30,000 colony-forming units per millilitre;
- (b) has a bacterial content greater than three coliform bacteria per millilitre;

- (c) has been subjected to the phosphatase test and has a positive reaction to the test; or
- (d) has been adulterated with a product or substance that renders the milk or milk product unsafe for human consumption.

2 Aug 96 cP-37.1 Reg 5 s13.

**Pasteurization in category I milk plant**

**14** A person who operates a category I milk plant shall ensure that:

- (a) all milk and milk products intended for human consumption that contain less than 10% milk fat are pasteurized:
  - (i) by the batch method, where every particle of milk or milk product is heated to a temperature of not less than 63°C for at least 30 minutes and then immediately cooled; or
  - (ii) by the H.T.S.T. method, where every particle of milk or milk product is heated to temperature of not less than 72°C for at least 16 seconds and then immediately cooled;
- (b) all milk and milk products intended for human consumption that contain 10% or more milk fat and all flavoured milk products other than egg nog are pasteurized:
  - (i) by the batch method, where every particle of the milk or milk product is heated to a temperature of not less than 66°C for at least 30 minutes and then immediately cooled; or
  - (ii) by the H.T.S.T. method, where every particle of the milk or milk product is heated to a temperature of not less than 75°C for at least 16 seconds and then immediately cooled; and
- (c) all ice cream mix, ice milk mix and egg nog are pasteurized:
  - (i) by the batch method, where every particle of the milk product is heated to a temperature of not less than 69°C for at least 30 minutes and then immediately cooled; or
  - (ii) by the H.T.S.T method, where every particle of the milk product is heated to a temperature of not less than 80°C for at least 25 seconds and then immediately cooled.

2 Aug 96 cP-37.1 Reg 5 s14.

**Equipment in category I milk plant**

**15** A person who operates a category I milk plant shall ensure that:

- (a) all equipment used in pasteurizing, processing and storing milk or milk products is designed, fabricated, installed and maintained in a manner that will prevent contamination of the milk or milk products;
- (b) all instruments used to measure pasteurization temperatures and times are maintained and periodically tested and recalibrated to ensure their accuracy; and

(c) the milk plant is provided with product-cooling equipment that has sufficient capacity to cool milk or milk products to a temperature of 4°C or less prior to processing and during storage.

2 Aug 96 cP-37.1 Reg 5 s15.

**Testing by laboratory**

**16** For the purpose of determining whether the standards for the quality of milk set out in sections 12 and 13 are being met, a person who operates a category I milk plant shall:

- (a) submit for testing samples of each type of milk or milk product regularly processed by the milk plant to a laboratory approved by the local authority at weekly intervals or as directed by the local authority; and
- (b) submit for testing samples of commingled milk to a laboratory approved by the local authority at monthly intervals or as directed by the local authority.

2 Aug 96 cP-37.1 Reg 5 s16.

**Testing by category I milk plant**

**17** A person who operates a category I milk plant shall:

- (a) conduct tests on each batch of milk or milk product pasteurized or to be pasteurized by the plant to ensure that the standards set out in sections 12 and 13 are met;
- (b) maintain a record of the test results for a period of one year; and
- (c) make the test results available to the local authority on request.

2 Aug 96 cP-37.1 Reg 5 s17.

**Test methods**

**18** Tests required for the purposes of sections 16 and 17 must be conducted in accordance with the latest edition of *Standard Methods for the Examination of Dairy Products* published by the American Public Health Association.

2 Aug 96 cP-37.1 Reg 5 s18.

**Operating restrictions for category II milk plant**

**19(1)** A person who operates a category II milk plant is subject to the following restrictions:

- (a) only fluid milk shall be processed and sold;
- (b) the volume of milk sold from the plant must not exceed:
  - (i) 25 litres per day in the case of cow's milk; and
  - (ii) 100 litres per day in the case of milk from any animal other than a cow; and
- (c) subject to subsection (2), milk shall be sold only at the category II milk plant and only to a consumer for consumption by the consumer or the consumer's immediate family.

**P-37.1 REG 5****MILK PASTEURIZATION**

(2) Nothing in clause (1)(c) prohibits a person who operates a category II milk plant from delivering milk pasteurized at the plant to a consumer for consumption by the consumer or the consumer's immediate family if the milk is being stored at the plant when the agreement to purchase the milk is made.

2 Aug 96 cP-37.1 Reg 5 s19.

**Pasteurization of milk in category II milk plant**

**20** A person who operates a category II milk plant shall ensure that all milk intended for human consumption is pasteurized:

- (a) by the batch method, where every particle of milk is heated to a temperature of not less than 63°C for at least 30 minutes and then immediately cooled; or
- (b) by any other method approved by the local authority.

2 Aug 96 cP-37.1 Reg 5 s20.

**Operating standards for category II milk plant**

**21** A person who operates a category II milk plant shall:

- (a) submit samples of water used in the milk plant to a laboratory approved by the local authority for bacteriological and chemical analysis at regular intervals as required by the local authority;
- (b) measure with accurate instruments to ensure that the pasteurization temperatures and times are reached;
- (c) record pasteurization temperatures in a log;
- (d) record refrigeration temperatures in a log;
- (e) record in a log each customer's name and address, the volume of milk sold and the date of the sale;
- (f) submit to the local authority a self-evaluation on a form approved by the local authority at intervals determined by the local authority; and
- (g) retain the logs mentioned in clauses (c), (d) and (e) and copies of the self-evaluations mentioned in clause (f) for a period of one year and make them available to the local authority on request.

2 Aug 96 cP-37.1 Reg 5 s21.

**Testing of milk – category II milk plant**

**22(1)** A person who operates a category II milk plant shall submit samples of raw and pasteurized milk to the local authority for testing at intervals determined by the local authority.

(2) The local authority shall investigate the operation of a category II milk plant where the testing mentioned in subsection (1) indicates that:

- (a) the quality of the raw milk does not meet the standards set out in section 12; and
- (b) the quality of the pasteurized milk does not meet the standards set out in section 13.

2 Aug 96 cP-37.1 Reg 5 s22.



**Storing and transporting milk**

**23(1)** A person who operates a milk plant shall ensure that milk and milk products, while in the person's possession, are stored and transported at a temperature of 4°C or lower.

(2) A person who operates a milk plant shall ensure that vehicles used for transporting milk or milk products:

- (a) are constructed and operated to protect the contents from exposure to excessive heat, cold or contamination; and
- (b) are kept clean.

2 Aug 96 cP-37.1 Reg 5 s23.

**Recall from market**

**24** A person who operates a milk plant shall develop a plan to recall milk or milk products from the retail market effectively and quickly, and implement the plan:

- (a) where required to do so by the local authority; or
- (b) where the person who operates the plant has reason to believe that the milk or milk product does not meet the standards for the quality of milk or milk products set out in section 13.

2 Aug 96 cP-37.1 Reg 5 s24.

**Sask. Regs. 193/70 and 120/79 repealed**

**25(1)** Saskatchewan Regulations 193/70 are repealed.

(2) Saskatchewan Regulations 120/79 are repealed.

2 Aug 96 cP-37.1 Reg 5 s25.

