TITLE 365 CREAMERY EXAMINING BOARD

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Creamery and Cream Stations; Testing and Sampling (Repealed)

(Repealed by Creamery Examining Board; filed Nov 8, 1979, 10:45 am: 2 IR 1739)

Rule 1.1. Creamery and Cream Stations; Testing and Sampling (Repealed)

(Repealed by Creamery Examining Board; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3627)

ARTICLE 2. DAIRY PROCESSING PLANT AND RECEIVING STATIONS

Rule 1. Testing and Sampling

365 IAC 2-1-1 Applications

Authority: IC 15-6-1-21
Affected: IC 15-6-1-12; IC 15-6-1-13

Sec. 1. Application for the renewal of dairy processing plant licenses and receiving station licenses must be made on forms furnished by the creamery license division. The application form must be properly and completely filled out before a license will be issued. The application form, together with the annual license fee, must be sent to the creamery license division before the date of opening of plant or station. *(Creamery Examining Board; 365 IAC 2-1-1; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3621)*

365 IAC 2-1-2 Fees posting license

Authority: IC 15-6-1-21
Affected: IC 15-6-1-12; IC 15-6-1-13

Sec. 2. A new plant starting to operate after April 1 of any year shall pay the basic fee as prescribed in IC 15-6-1-12. Additional fees shall also be submitted as prescribed in IC 15-6-1-13(a). A receiving station or other dairy processing plant starting to operate after April 1 of any year shall pay the basic fee as prescribed in IC 15-6-1-12, plus additional fees as prescribed in IC 15-6-1-13(a). *(Creamery Examining Board; 365 IAC 2-1-2; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3621)*

365 IAC 2-1-3 Posting license

Authority: IC 15-6-1-21
Affected: IC 15-6-1-12; IC 15-6-1-13

Sec. 3. The dairy processing plant or receiving station license or other plant license must be posted in a conspicuous place in the testing room or office of the licensed plant or station. *(Creamery Examining Board; 365 IAC 2-1-3; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3621)*

365 IAC 2-1-4 Calibration inspection of testing glassware

Authority: IC 15-6-1-21
Affected: IC 15-6-1

Sec. 4. (a) All testing glassware used in performing Babcock tests under IC 15-6-1 must be inspected and permanently marked "SPG". As used in this subsection, "SPG" means Standard Glassware Purdue.

(b) The creamery license division can provide the address of a contractor approved to inspect and mark glassware. *(Creamery Examining Board; 365 IAC 2-1-4; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3622; errata filed Sep 26, 2001, 9:38 a.m.: 25 IR 384)*

365 IAC 2-1-5 Size of cream samples

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3

Sec. 5. All samples of cream shall be large enough to permit the operator to make tests in duplicate and leave enough for the inspector's check tests. *(Creamery Examining Board; 365 IAC 2-1-5; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3622)*

365 IAC 2-1-6 Cream testing procedure

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3; IC 15-6-1-4

Sec. 6. The following procedures must be used for testing cream:

(1) Warm samples to ninety-five (95) to one hundred (100) degrees Fahrenheit. Pour the sample from one (1) container to another or stir until well-blended.

(2) Using a cream pipette, weigh nine (9) grams of cream into a fifty percent (50%), nine (9) gram Standard Glassware Purdue (SPG) cream test bottle that has previously been balanced or tared on the balance or scale.

(3) After adjusting the temperature of the sample to seventy (70) to seventy-two (72) degrees Fahrenheit, add nine (9) milliliters of soft water at seventy (70) degrees Fahrenheit. Mix thoroughly. Add seventeen and five-tenths (17.5) milliliters of regular Babcock acid, specific gravity one and eighty-two hundredths (1.82) to one and eighty-three hundredths (1.83) in two (2) portions, with mixing between additions. Mix on mechanical shaker for at least one (1) minute.

(4) Centrifuge five (5) minutes in a centrifuge heated to one hundred twenty-six (126) degrees Fahrenheit.

(5) Add soft water at one hundred twenty-six (126) degrees Fahrenheit. Fill to the base of the neck of the bottle.

(6) Centrifuge for two (2) minutes in a centrifuge heated to one hundred twenty-six (126) degrees Fahrenheit.

(7) Add soft water at one hundred twenty-six (126) degrees Fahrenheit to bring the level of the sample to about the forty-five percent (45%) mark on the bottle neck.

(8) Centrifuge for one (1) minute in a centrifuge heated to one hundred twenty-six (126) degrees Fahrenheit.

(9) Place the samples in a water bath maintained at one hundred eighteen (118) degrees Fahrenheit for five (5) minutes with the water level above the top of the fat column.

(10) Gently pour one (1) or two (2) drops of glymol down the side of the bottle and read the results immediately upon removal from the water using results using a sharp caliper and a good source of indirect light.

(Creamery Examining Board; 365 IAC 2-1-6; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3622; errata filed Sep 26, 2001, 9:38 a.m.: 25 IR 384)

365 IAC 2-1-7 Weigh tank; satisfactory mixing efficiency

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3; IC 15-6-1-4

Sec. 7. (a) The weigh tank shall be:

(1) of such size and shape as to accomplish complete mixing of all the milk added; and

(2) maintained in a satisfactory mechanical condition, free from dents or bulges which may prevent adequate draining.

The efficiency of the sampling procedure shall be determined by testing samples of the same lot of milk taken from five (5) different locations in the weigh tank. When the tests of these samples differ materially in butterfat content, the mixing efficiency shall be considered to be unsatisfactory.

(b) If the mixing efficiency is not satisfactory, as indicated by results secured in subsection (a), each can of milk must be stirred vigorously with a hand stirrer until the milk is homogeneous before being dumped into the weigh tank. *(Creamery Examining Board; 365 IAC 2-1-7; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3622)*

365 IAC 2-1-8 Transporting farm holding tank samples

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3; IC 15-6-1-4

Sec. 8. On the bulk pickup trucks, provision shall be made to keep samples cool and free from churning. The milk in a farm bulk tank shall be mixed until homogeneous before any sample is taken. *(Creamery Examining Board; 365 IAC 2-1-8; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3622)*

365 IAC 2-1-9 Milk testing procedure

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3

Sec. 9. The following procedures must be used for testing milk:

(1) Heat samples to one hundred (100) degrees Fahrenheit in a water bath thermostatically controlled at one hundred five (105) degrees Fahrenheit. Mix by gently shaking the container or by pouring from one (1) container to another.

(2) Carefully measure exactly seventeen and six-tenths (17.6) milliliters of milk into an eight percent (8%) Babcock test bottle marked Standard Glassware Purdue (SGP).

(3) Cool to fifty-eight (58) to seventy (70) degrees Fahrenheit.

(4) Add seventeen and five-tenths (17.5) milliliters of sulfuric acid at a temperature of fifty-eight (58) to seventy (70) degrees Fahrenheit and specific gravity of one and eighty-two hundredths (1.82) to one and eighty-three hundredths (1.83).

(5) Immediately after adding acid to milk, shake for at least one (1) minute.

(6) Centrifuge for five (5) minutes in a centrifuge heated to one hundred twenty-six (126) degrees Fahrenheit.

(7) Add soft water at one hundred twenty-six (126) degrees Fahrenheit. Fill to the base of the bottle neck.

(8) Centrifuge for two (2) minutes in a centrifuge heated to one hundred twenty-six (126) degrees Fahrenheit.

(9) Add soft water at one hundred twenty-six (126) degrees Fahrenheit to bring the fat column to near the top of the graduated neck of the bottle.

(10) Centrifuge for one (1) minute in a centrifuge heated to one hundred twenty-six (126) degrees Fahrenheit.

(11) Place sample bottles in a water bath maintained at one hundred eighteen (118) degrees Fahrenheit for five (5) minutes with the water level above the top of the fat columns.

(12) Read to the nearest one-tenth percent (0.1%) immediately after removal from the water using a good source of indirect light.

(Creamery Examining Board; 365 IAC 2-1-9; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3622)

365 IAC 2-1-10 Retention and inspection of test records; initials on daily sheets

Authority: IC 15-6-1-21
Affected: IC 15-6-1

Sec. 10. The original test record of the total composition of the components of milk made for the purpose of determining the basis of payment for milk or cream received must be kept and made available for inspection by the creamery license division, for each calendar month, and for ninety (90) days thereafter. *(Creamery Examining Board; 365 IAC 2-1-10; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3623)*

365 IAC 2-1-11 Notice of appearance before creamery examining board

Authority: IC 15-6-1-21
Affected: IC 15-6-1-21

Sec. 11. Persons cited to appear before the creamery examining board (board) shall receive written notice at least two (2) weeks in advance of the date set for the meeting of the board. The notice shall state the reason or reasons why the person is being called before the board. *(Creamery Examining Board; 365 IAC 2-1-11; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3623)*

365 IAC 2-1-12 Production reports to creamery license division; use and confidentiality

Authority: IC 15-6-1-21
Affected: IC 4-1-6; IC 15-6-1-17

Sec. 12. In order to obtain statistics on the purchase of milk and cream and its use, all plants shall be requested to furnish the creamery license division with the following information:

(1) The total amount of milk received from Indiana producers.

(2) The total amount of milk received from another plant or bargaining agent.

(3) The total amount of milk received from out-of-state.

(4) The total amount of milk sold to other plants.
(5) The total amount of milk separated and sold as cream.
(6) The total amount of milk used for manufacturing purposes.

All information shall be considered confidential and used only in compiling state dairy statistics. *(Creamery Examining Board; 365 IAC 2-1-12; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3623)*

365 IAC 2-1-13 Payment for milk based on fresh milk samples; approval of agreement

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3; IC 15-6-1-9

Sec. 13. (a) Payment for milk on the basis of butterfat determinations made on fresh milk samples or component determinations on fresh milk samples may be made when agreed to between a check testing agency representing the producers shipping to a licensed dairy processing plant and the licensed dairy processing plant. Approval for such procedure must be obtained from the creamery license division thirty (30) days prior to start of the procedure.

(b) The following provisions must be observed in the operation of an agreement as established in subsection (a):

(1) Samples will be collected from each bulk tank on each producer's farm prior to loading the milk each time milk is picked up.

(2) At least one (1) sample will be analyzed every seven (7) or eight (8) days for all components that will be used to determine pay test. No less than four (4) tests will be run on each producer's milk shipments in a calendar month.

(3) Samples must be collected in a container that is clean, sanitized, and dry. The sample must be large enough to run at least two (2) tests (forty (40) milliliters or larger). Samples must be transported at a temperature between thirty-two (32) degrees Fahrenheit and forty (40) degrees Fahrenheit.

(4) Individual tank truck samples must be taken from each load delivered to a plant or station.

(5) When testing butterfat as a component for pay, this is the retesting procedure. When an individual producer's test varies more than three-tenths percent (0.3%) from the previous test, that producer's milk must be retested on the earliest possible shipment. The first test obtained will be used unless the variation exceeds one-tenth percent (0.1%). If the variation exceeds one-tenth percent (0.1%), the two (2) tests will be averaged and adjusted to the nearest one-tenth percent (0.1%). When the average of the two (2) tests is an even five-hundredths percent (0.05%), the test will be adjusted to the nearest one-tenth percent (0.1%) in the direction of the previous pay test. If samples must be retested for butterfat and payment is on components in addition to butterfat, analyses of all components used in calculating pay must be retested.

(Creamery Examining Board; 365 IAC 2-1-13; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3623; errata filed Sep 26, 2001, 9:38 a.m.: 25 IR 384)

365 IAC 2-1-14 Farm bulk tanks; measuring milk level

Authority: IC 15-6-1-21
Affected: IC 15-6-1

Sec. 14. (a) The milk may be measured immediately if the bulk tank agitator is not running and the milk is motionless using the following methods:

(1) Gently move any foam away from the area of measurement with the measuring rod.

(2) Rinse the measuring rod with water at room temperature and wipe it dry with a single service towel.

(3) Insert the measuring rod slowly into the milk and allow it to seat itself naturally into its base.

(4) Remove the rod and read to the nearest graduation mark while holding at eye level in a well-lighted area. A second check reading is advisable.

(5) Record both the gauge reading and weight from the conversion chart on the farm weight sheet.

(6) Start the agitator and agitate for at least five (5) minutes (ten (10) minutes for bulk tanks of one thousand (1,000) gallons or more) before sampling.

(b) If the bulk tank agitator is running, continue agitation for at least five (5) minutes (ten (10) minutes for bulk tanks of one thousand (1,000) gallons or more).

(1) Sample the milk. Take a sample from each tank when more than one (1) bulk tank is in use.

(2) Turn off the agitator and allow the milk to become absolutely motionless and measure as described in subsection (a)(1)

through (a)(5).

(Creamery Examining Board; 365 IAC 2-1-14; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3624; errata filed Sep 26, 2001, 9:38 a.m.: 25 IR 384)

365 IAC 2-1-15 Farm bulk tanks; sample size and frequency of sampling

Authority: IC 15-6-1-21
Affected: IC 15-6-1

Sec. 15. Representative samples must be taken from each delivery of milk after blending and before any milk is drawn from the bulk tank as follows:

(1) The sample size must not be less than forty (40) milliliters.

(2) The sample dipper must be stainless steel and not hold more than one-half (½) the quantity of milk required for a sample. Two (2) or more dips to obtain a sample will decrease the chance of sampling error.

(3) The sample container shall be of a size and design that will minimize churning and meet the requirements of the dairy division of the Indiana state board of animal health. The container must not be filled to the top in order to allow thorough mixing of the sample.

(Creamery Examining Board; 365 IAC 2-1-15; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3624)

365 IAC 2-1-16 Farm bulk tanks; sampling procedure and sample care

Authority: IC 15-6-1-21
Affected: IC 15-6-1

Sec. 16. All sampling must be done by or at least be directly supervised by a licensed sampler as follows:

(1) Sample the milk only after at least five (5) minutes (ten (10) minutes for bulk tanks of one thousand (1,000) gallons or larger) of agitation.

(2) Drain the sanitized dipper and rinse it at least twice with milk before sampling. Take care to avoid bacteriological contamination of the milk when transferring the samples to the sample containers.

(3) Transfer at least two (2) dips of milk to a plainly labeled sample container.

(4) Place the sample in a refrigerated sample case and maintain a temperature of between thirty-two (32) degrees Fahrenheit and forty (40) degrees Fahrenheit during transit.

(5) A load sample must be taken immediately after pumping on the last producer's milk or at the destination point. Proper tank truck agitation or an approved in-line sampler is required at the plant.

(6) Rinse the sample dipper after each use and store it in a solution containing one hundred (100) to two hundred (200) P.P.M. chlorine until used again.

(Creamery Examining Board; 365 IAC 2-1-16; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3624)

365 IAC 2-1-17 Farm bulk tanks; precautions

Authority: IC 15-6-1-21
Affected: IC 15-6-1

Sec. 17. (a) Any evidence of misalignment of farm bulk tanks must be immediately brought to the attention of the farm operator, the field person, and the plant management to ensure prompt corrective action.

(b) If there are indications that a bulk tank is not blending properly within five (5) minutes (ten (10) minutes for bulk tanks of one thousand (1,000) gallons or more), longer agitation is necessary. To check blending efficiency, duplicate samples must be taken at opposite ends of the bulk tank at as nearly the same time as possible. The duplicate samples of properly blended milk will test the same.

(c) Frozen or churned milk must not be sampled. The producer and the field person must be notified promptly and requested to correct the problem. *(Creamery Examining Board; 365 IAC 2-1-17; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3624)*

365 IAC 2-1-18 Farm bulk tanks; check of sampler's work

Authority: IC 15-6-1-21
Affected: IC 15-6-1-10

Sec. 18. (a) All persons sampling farm bulk milk in Indiana must obtain a sampler's license as provided in IC 15-6-1-10.

(b) Applicants must receive a score of not less than seventy percent (70%) on the written examination and must receive a satisfactory proficiency check as determined by the creamery license division weighted average producer test to the test of the bulk tank truck.

(c) Failure to collect representative samples and weights daily (each pick-up) may result in the loss of sampler's license. The bulk tank truck operator (licensed sampler) is responsible for ensuring the good condition of the milk samples upon arrival at the plant.

(d) A sampler whose license has been revoked must appear before the creamery examining board and obtain their permission to apply for another license. *(Creamery Examining Board; 365 IAC 2-1-18; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3625)*

365 IAC 2-1-19 Check tests; adjustments of pay tests

Authority: IC 15-6-1-21
Affected: IC 15-6-1

Sec. 19. (a) Payment for producer milk is based upon the results of tests performed on four (4) or more fresh daily samples taken from each producer's shipments of milk for that month. Samples for testing shall be taken on differing days of the week, not more than eight (8) days apart, in such a manner that no recognizable pattern is noticeable. In order to ensure that tests are as nearly as possible to the true percentage of butterfat or other components contained in the milk being handled, dated records verified by a licensed tester must be kept on file of *[sic.]* for a period of ninety (90) days after payment is made so that adjustments made can be verified by the creamery license division.

(b) Individual variations greater in number than considered due to be chance and average differences greater than considered due to be the type of samples used require an examination of procedures used and the making of changes necessary to correct procedures so that representative samples are obtained.

(c) Numerous adjustments must not be necessary. *(Creamery Examining Board; 365 IAC 2-1-19; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3625; errata filed Sep 26, 2001, 9:38 a.m.: 25 IR 384)*

365 IAC 2-1-20 Payment for milk based on tests other than the Babcock test; approval of agreement

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3; IC 15-6-1-6

Sec. 20. Whenever considering new equipment for testing for butterfat or other components in milk, the testing agency must notify the creamery license division at least ninety (90) days prior to beginning use of the new equipment and must obtain permission from the creamery license division to use the new equipment for pay testing of milk of Indiana producers. The following provisions must be observed in using equipment other than the Babcock test:

(1) At the beginning of each testing day, the following items must be checked and recorded:

(A) Check the machine for zero (0) setting as prescribed in the operator's manual.

(B) For infrared and similar testing equipment, at least four (4) standards of the components being used for pay purposes must be tested to check calibration daily. When butterfat is the only component used as the basis for payment, the calibration check of the instrument must include butterfat and protein. The average variation between the test result of the testing instrument and the known values of the standards must not exceed three-hundredths percent (0.03%). The four (4) standard samples must cover at least the lowest and highest tests expected on the producer milk.

(C) During the use of the milk testing instruments, on a daily basis, a sample of homogenized milk shall be tested on the instruments at least once each hour of operation and the results shall be recorded on the permanent record of tests. If at any time during the testing day there is variation of more than three-hundredths percent (0.03%) from the original test on the homogenized milk sample, the testing instrument must be thoroughly rinsed and checked for zero (0) setting. At least three (3) standard samples must then be tested, and, if tests vary more than three-hundredths percent (0.03%) from the standards, the testing instrument must be recalibrated or repaired if recalibration cannot bring the instrument

into compliance.

(D) If at any time the testing instrument is recalibrated, the procedures from clauses (A) and (B) must be repeated.

(2) A record of all tests run (where payment to producer is involved) and all adjustments made on the milk testing equipment must be held for ninety (90) days. The records must indicate the licensed tester performing the tests and adjustments made.

(3) It is the responsibility of the licensed tester to determine that the milk testing instrument is operating correctly. If at any time the licensed tester believes the results obtained are not accurate, all further testing must be stopped and corrective measures taken.

(4) All samples to be tested must be tempered to one hundred (100) degrees Fahrenheit.

(Creamery Examining Board; 365 IAC 2-1-20; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3625)

365 IAC 2-1-21 Producer receipts; copy forwarded to creamery license division

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3; IC 15-6-1-6

Sec. 21. Any laboratory testing milk for the determination of pay to producers shall forward a copy of producer receipts to the creamery license division upon request to provide information to verify proficiency of sampling procedures. The copy shall provide the following:

(1) Producer number.

(2) Date.

(3) Milk weight per producer.

(4) Laboratory test results of individual producers represented in the tanker.

(5) Truck net milk weight and test results on representative sample from the truck tank.

(Creamery Examining Board; 365 IAC 2-1-21; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3626)

365 IAC 2-1-22 Evaluation of testing procedures

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3; IC 15-6-1-6

Sec. 22. It is required that all laboratories testing for pay purposes comply with the following:

(1) On a weekly basis, milk testing instruments used to determine the components in milk, for pay purposes, shall be checked against a set of at least twelve (12) standards representing a range of at least two and one-half percent (2.5%) through five percent (5%) butterfat.

(2) When variances are greater than those stated in this subdivision, they are excessive and the laboratory shall immediately take corrective action. These variances apply to all components being used to determine the payment price for milk from Indiana producers. For:

(A) butterfat, protein, or lactose:

(i) the standard deviation of duplicate samples must be less than two-hundredths percent (0.02%);

(ii) the mean deviation of duplicate samples must be less than two-hundredths percent (0.02%);

(iii) the standard deviation between machine readings and standard reference readings must be less than six-hundredths percent (0.06%); and

(iv) the mean deviation between instrument readings and standard reference readings must be less than five-hundredths percent (0.05%); and

(B) total solids:

(i) the standard deviation of duplicate samples must be less than four-hundredths percent (0.04%);

(ii) the mean deviation of duplicate samples must be less than three-hundredths percent (0.03%);

(iii) the standard deviation between instrument readings and standard reference readings must be less than twelve-hundredths percent (0.12%); and

(iv) the mean deviation between instrument readings and standard reference readings must be less than nine-hundredths percent (0.09%).

(3) The testing instruments must be adjusted to these accuracies before testing for pay determination is begun. Samples analyzed for pay purposes during periods in which excessive deviation occurred (as defined in subdivision (2)) shall not be

used for pay determination. In those instances, use the next samples collected after the variation in the instrument has been corrected to determine the proper component tests to use for payment of the previous milk shipment.

(Creamery Examining Board; 365 IAC 2-1-22; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3626; errata filed Sep 26, 2001, 9:38 a.m.: 25 IR 384)

365 IAC 2-1-23 Inaccurate bulk tank checks

Authority: IC 15-6-1-21
Affected: IC 15-6-1-3; IC 15-6-1-6

Sec. 23. (a) In all instances in which a licensed bulk milk hauler receives an unsatisfactory bulk tank check, a second bulk tank check must be performed at a later, unannounced date.

(b) If the results of the second bulk tank check are also unsatisfactory, a meeting must be scheduled to include the bulk milk hauler, the manager of the creamery license division, the field person for the affected area, and a representative of the plant to which the hauler delivers. The purpose of this meeting is to determine the reason or reasons causing the bulk tank checks to be unsatisfactory.

(c) A short time after the meeting, a third bulk tank check must be performed to determine whether the cause of the unsatisfactory checks has been corrected. If the results are still unsatisfactory, a hearing with the bulk milk hauler must be scheduled before the creamery examining board to resolve the matter. Options range up to withdrawing the sampler's license. *(Creamery Examining Board; 365 IAC 2-1-23; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3626)*

Rule 2. Testers and Samplers

365 IAC 2-2-1 Testers' licenses; examinations; renewal; reexamination after revocation; posting license

Authority: IC 15-6-1-21
Affected: IC 15-6-1-9

Sec. 1. (a) A candidate for a tester's license must pass an examination given by the creamery license division. Two (2) kinds of testers' licenses shall be issued:

(1) milk tester's license; and

(2) cream tester's license.

(b) The milk tester's license practical examination consists of demonstrating proficiency of testing by one (1) or more of the following testing methods, and the tester will be licensed only for those tests in which proficiency has been demonstrated:

(1) Testing for butterfat by automated methods approved by the Association of Analytical Chemists (AOAC) or the creamery examining board, or both.

(2) Testing for butterfat, protein, or other components of milk by infrared milk analyses approved by the AOAC or creamery examining board, or both.

(3) Testing for butterfat by the Babcock method approved by the AOAC or the creamery examining board, or both.

(4) Testing for somatic cell counts by automated methods approved by the AOAC or the creamery examining board, or both.

(5) Testing for butterfat using the Mojonnier method approved by the AOAC or the creamery examining board, or both.

(c) The cream tester's license consists of demonstrating proficiency of testing the butterfat content of cream in one (1) or more of the following testing methods:

(1) Testing for butterfat using the Babcock method approved by the AOAC or the creamery examining board, or both.

(2) Testing for butterfat infrared analysis approved by the AOAC or the creamery examining board, or both.

(3) Testing for butterfat by Mojonnier analysis approved by the AOAC or the creamery examining board, or both.

(d) A tester's license must be renewed annually by completion of the tester's renewal form and payment of the appropriate fee. If an applicant applies for a testers' license after two (2) years from the expiration date of the last license held by the applicant, the applicant must pass the tester's written and practical examination and pay the new applicant fee in order to obtain a license.

(e) A tester whose license has been revoked must appear before the creamery examining board and obtain their permission to file a new application.

(f) The tester's license must be displayed in plain view in the room in which testing is done. *(Creamery Examining Board; 365 IAC 2-2-1; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3627; errata filed Sep 26, 2001, 9:38 a.m.: 25 IR 384)*

365 IAC 2-2-2 Passing grade in testers' examination

Authority: IC 15-6-1-21
Affected: IC 15-6-1-9

Sec. 2. In order to pass the testers' examination and receive a license, an applicant must receive a grade of not less than seventy percent (70%) on the written examination and must successfully demonstrate proficiency on the practical examination. *(Creamery Examining Board; 365 IAC 2-2-2; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3627)*

365 IAC 2-2-3 Trainees; limitation of duties; supervision

Authority: IC 15-6-1-21
Affected: IC 15-6-1-9; IC 15-6-1-10

Sec. 3. (a) All persons sampling or testing milk or cream must have a license, except those training under the direction of a licensed sampler or tester. The trainee cannot perform sampling or analyses unless direct supervision of the testing or sampling procedures occurs. Not longer than a six (6) month training period is allowed prior to the application for a tester's or sampler's license.

(b) Direct supervision includes being present when the work is done. *(Creamery Examining Board; 365 IAC 2-2-3; filed Jun 20, 2001, 3:50 p.m.: 24 IR 3627)*

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