

**MODIFICATION #1 TO REGULATORY PROPOSAL REGARDING RAW MILK:**

1. The proposed regulation is amended by striking all bold faced language in the title paragraph of Section 2 and there is substituted for it the following: **AND PROVISION FOR COW SHARES.**
2. The proposed regulation is amended by striking subsection 3.e of the proposed regulation.
3. The proposed regulation is amended by striking Section 6 of the proposed regulation and substituting for it the following:
  6. **COW SHARES: OWNERSHIP OF UNDIVIDED SHARES OR INTERESTS IN A DAIRY COW OR DAIRY HERD AND THE RIGHT OF THE OWNER OF A SHARE OR INTEREST TO OBTAIN MILK FROM THE COWS OR HERD IN WHICH THE SHARES OR INTERESTS EXIST SHALL NOT BE PROHIBITED IN THIS STATE PROVIDED THAT THE COWS AND FACILITIES IN WHICH THEY ARE MAINTAINED ARE MAINTAINED IN ACCORDANCE WITH THE FOLLOWING STANDARDS.**

**HERD HEALTH PROGRAM AND OPERATING STANDARDS**

*[Guidestone Farm believes that regulations providing for a self-funded (paid for by the regulated parties) program of inspection of the cow herd and milking facilities should be established. The program should be based on "best demonstrated practices in the industry." The following which consists of the current Guidestone Herd Health Program and Operating Standards is **not recommended for adoption "as is."** It is intended to serve as an example and a starting point for developing appropriate regulations. Some terms in it would require greater definition for general regulatory application. Much of Guidestone Farm's material is based on Grade "A" Dairy Standards modified for application to a cow share program. The regulation could also require registration of any person or entity which is operating a facility which dispenses raw milk in any form.]*

**SECTION 1. THE HERD**

1. **THE COW HERD SHALL NOT EXCEED 25 COWS.**
2. **THE COW HERD SHALL BE LOCATED ENTIRELY WITHIN THE STATE OF COLORADO.**
3. **OWNERS OF COW SHARES SHALL BE RESIDENTS OF THE STATE OF COLORADO CAPABLE OF ARRANGING FOR**

**MILK FROM THEIR COW SHARES TO BE OBTAINED AT THE FARM WHERE THE HERD IS LOCATED.**

- 4. NO MILK OR CREAM FROM THE HERD SHALL BE PERMITTED TO BE TRANSPORTED TO POINTS OUTSIDE THE STATE OF COLORADO.**

## **SECTION 2. VACCINATIONS AND PARASITE CONTROL**

- 1. CALVES WILL BE KEPT WITH THEIR MOTHERS OR A FOSTER MOTHER COW FOR THE FIRST DAYS.  
CALVES WILL RECEIVE A 7-WAY CLOSTRIDIUM TOXOID AT 4 TO 6 WEEKS OF AGE.  
CALVES WILL RECEIVE A 7-WAY CLOSTRIDIUM TOXOID AT 4 TO 6 MONTHS OF AGE.  
CALVES WILL BE WORMED FOR INTERNAL PARASITES AT 5 AND 10 WEEKS OF AGE.**
- 2. REPLACEMENT HEIFERS WILL COME FROM CALVES RAISED ON THE FARM  
HEIFERS WILL BE VACCINATED WITH A 7-WAY CLOSTRIDIUM TOXOID ON A YEARLY BASIS.  
HEIFERS WILL BE TREATED FOR INTERNAL PARASITES YEARLY.**
- 3. ADULT COWS WILL BE ON THE SAME SCHEDULE AS HEIFERS. ADDITIONAL VACCINES AND PARASITE CONTROL WILL BE ADDED IF DETERMINED NECESSARY.**

## **SECTION 3. TESTING PROTOCOL**

- 1. ALL REPLACEMENT HEIFERS WILL BE TESTED FOR TUBERCULOSIS AND BRUCELLOSIS BEFORE ENTERING THE MILKING HERD.**
- 2. ALL MILKING COWS WILL BE TESTED ANNUALLY FOR TUBERCULOSIS AND BRUCELLOSIS.**

## **SECTION 4. MISCELLANEOUS QUALITY MATTERS**

- 1. LOTS AND PENS WILL BE KEPT IN A CLEAN AND DRY CONDITION WITH ADEQUATE DRAINAGE. THE COWS WILL HAVE ADEQUATE ACCESS TO GOOD QUALITY PASTURE.**

2. **INDIVIDUAL UDDERS WILL BE WASHED IN THE PARLOR AND COMPLETELY DRIED WITH INDIVIDUAL SINGLE SERVICE TOWELS. TEATS WILL BE DIPPED WITH AN APPROPRIATE TEAT DIP FOLLOWING MILKING.**
3. **THE INDIVIDUALS THAT MILK THE COWS WILL HAVE ADEQUATE TRAINING. COWS WILL BE CHECKED FOR ANY SIGNS OF MASTITIS BY CLOSE INSPECTION AND BY HAND STRIPPING FOREMILK BEFORE EACH MILKING.**
4. **THE MILKING MACHINERY WILL BE INSPECTED BY QUALIFIED PERSONNEL ON A ROUTINE BASIS.**
5. **BULK TANK CULTURES AND SOMATIC CELL COUNTS WILL BE DONE ON A MONTHLY BASIS.**

#### **SECTION 5. ANIMAL CONFINEMENT AREA**

1. **COW YARD WILL BE OF SUFFICIENT SIZE TO PREVENT OVERCROWDING.**
2. **COW YARD WILL BE GRADED TO DRAIN TO PREVENT ANY STANDING WATER.**
3. **THE COW YARD WILL BE KEPT CLEAN. THERE WILL BE NO EXCESSIVE ACCUMULATION OF ANIMAL DROPPINGS OR SOILED BEDDING MATERIAL.**
4. **CONCRETE SLABS ARE TO BE PROVIDED AROUND THE FEEDING AREAS AND THE ENTRANCE AND EXIT AREAS FROM THE MILKING BARN.**
5. **WASTE FROM THE MILKING BARN AND MILKHOUSE IS NOT TO BE ALLOWED TO DRAIN INTO COW YARD.**

#### **SECTION 6. MILKING PARLOR**

1. **GUTTERS, FLOORS AND FEED TROUGHS ARE TO BE CONSTRUCTED OF GOOD QUALITY CONCRETE. THE FLOORS AND GUTTERS ARE TO BE GRADED TO DRAIN**
2. **WALLS WILL BE FINISHED WITH INDUSTRIAL-APPROVED GLASSBOARD (OR OTHER ACCEPTABLE SUBSTANCE) THAT IS EASILY CLEANED. THE CEILINGS WILL BE CONSTRUCTED WITH A SUITABLY IMPERVIOUS**

**LIGHT-COLORED MATERIAL THAT ALSO IS EASY TO CLEAN.**

- 3. THE MILKING PARLOR WILL BE PROVIDED WITH NATURAL AND ARTIFICIAL LIGHT TO INSURE THAT ALL WORKING AREAS ARE PROVIDED WITH AT LEAST 10-FOOT CANDLES OF LIGHT.**
- 4. VENTILATION FANS ARE TO BE PROVIDED TO MINIMIZE ODORS AND TO PREVENT CONDENSATION UPON WALLS AND CEILINGS.**
- 5. THE FEED STORAGE AREA WILL BE SEPARATED FROM THE MILKING PARLOR BY DUST-TIGHT PARTITIONS AND DOORS.**
- 6. THE INTERIOR OF THE MILKING BARN AND ALL EQUIPMENT IN THE BARN SHALL BE KEPT CLEAN.**

#### **SECTION 7. MILKHOUSE**

- 1. SEPARATE MILKHOUSE OF SUFFICIENT SIZE WILL BE PROVIDED FOR THE COOLING, HANDLING AND STORING OF MILK AND THE WASHING, SANITIZING AND STORING OF MILK CONTAINERS AND UTENSILS.**
- 2. THERE WILL BE NO DIRECT OPENING INTO THE MILKING BARN EXCEPT FOR A SOLID, SELF-CLOSING DOOR.**
- 3. THE MILKHOUSE FLOOR WILL BE CONSTRUCTED OF AN INDUSTRIAL TILE APPROVED FOR COMMERCIAL KITCHENS. THE JOINTS BETWEEN THE FLOOR AND WALL ARE WATERTIGHT.**
- 4. THE LIQUID WASTE FROM THE MILKHOUSE WILL BE DISPOSED OF IN A SANITARY MANNER.**
- 5. WALLS AND CEILING OF THE MILKHOUSE WILL BE CONSTRUCTED MATERIAL PROPERLY SUITED FOR MAINTAINING CLEAN AND SANITARY CONDITIONS, SUCH AS GLASSBOARD.**
- 6. A MINIMUM OF 20 FOOT-CANDLES OF LIGHT WILL BE PROVIDED ABOVE ALL WORK AREAS.**

7. A VENTILATION FAN WILL BE PROVIDED TO MINIMIZE ODORS AND PREVENT CONDENSATION ON THE SURFACES OF THE WALLS, CEILING AND CLEAN UTENSILS.
8. THE MILKHOUSE WILL BE USED FOR NO OTHER PURPOSES THAN MILKHOUSE OPERATIONS.
9. A HOSE PORT OF APPROVED TYPE WILL BE PROVIDED FOR HOSING DOWN THE MILKHOUSE.
10. WATER UNDER PRESSURE WILL BE PIPED INTO THE MILKHOUSE. A BOILER CAPABLE OF PRODUCING HOT WATER AT 180 DEGREES FAHRENHEIT WILL BE INSTALLED TO PROVIDE AN ADEQUATE MEANS FOR THE CLEANING AND SANITIZING OF MILKHOUSE UTENSILS AND EQUIPMENT.
11. THE MILKHOUSE WILL BE EQUIPPED WITH A THREE-COMPARTMENT STAINLESS STEEL SINK.
12. A SEPARATE HAND WASHING FACILITY EQUIPPED WITH DISPOSABLE TOWELS (OR AIR DRYING EQUIPMENT) AND HAND SOAP WILL BE PROVIDED FOR PERSONNEL.
13. ALL MILKROOM EQUIPMENT WILL BE KEPT CLEAN. THE MILKROOM AND MILK PARLOR WILL BE KEPT FREE OF TRASH. DOGS, CATS AND FOWL ARE TO BE PROHIBITED FROM ENTERING THE DAIRY BARN, MILKHOUSE OR MILK PARLOR.
14. A SEPARATE ENTRY ROOM INTO THE MILKHOUSE WILL BE PROVIDED FOR BOOTS, APRONS, AND STORAGE OF MILKHOUSE SUPPLIES.
15. COMPRESSORS, VACUUM PUMPS, AND HOT WATER HEATERS ARE TO BE HOUSED IN A SEPARATE ROOM

#### **SECTION 8. TOILET**

1. A TOILET FACILITY WILL BE PROVIDED SEPARATE FROM THE MILKHOUSE AND MILKROOM WHICH WILL BE OPERATED AND MAINTAINED IN A SANITARY MANNER.

#### **SECTION 9. WATER SUPPLY**

1. THE WATER SUPPLY FOR THE DAIRY OPERATION WILL COME FROM A STATE-LICENSED PLANT WITH AN APPROVED LABORATORY FOR PERIODICALLY ANALYZING WATER SAMPLES.
2. THERE WILL BE NO CROSS CONNECTIONS BETWEEN THE APPROVED WATER SOURCE AND ANY FARM WELL-WATER SUPPLY THAT MAY BE USED TO HOSE DOWN THE FLOOR OF THE MILKING PARLOR HOLDING PEN AND BARN EXITS.

#### **SECTION 10. UTENSILS AND EQUIPMENT FOR HANDLING MILK**

1. CONSTRUCTION: ALL CONTAINERS FOR HOLDING AND STORING OF MILK WILL BE MADE OF STAINLESS STEEL; THEY WILL BE SEAMLESS WITH TIGHT-FITTING LIDS. ALL UTENSILS FOR HANDLING OF MILK WILL BE MADE OF SMOOTH NON-ABSORBENT, CORROSION-RESISTANT, NON-TOXIC MATERIALS, AND WILL BE EASILY CLEANED. ALL MILK PAILS USED FOR HAND MILKING WILL BE MADE OF SMOOTH, NON-ABSORBENT, CORROSION-RESISTANT, NON-TOXIC MATERIALS, AND WILL BE EASILY CLEANED. ALL MILK PAILS USED FOR HAND MILKING AND STRIPPING WILL BE SEAMLESS AND OF THE HOODED TYPE.
2. CLEANING: THE MILK-CONTACT SURFACES OF ALL MULTI-USE CONTAINERS, EQUIPMENT, AND UTENSILS USED IN THE HANDLING AND STORAGE OF MILK WILL BE CLEANED AND SANITIZED BEFORE AND AFTER EACH USAGE.

#### **SECTION 11. MILKING PROCEDURES**

1. THE FLANKS, UDDERS, BELLIES, AND TAILS OF ALL MILKING COWS ARE TO BE KEPT FREE FROM VISIBLE DIRT. ALL BRUSHING IS TO BE COMPLETED PRIOR TO THE TIME OF MILKING, AND ARE DRY BEFORE MILKING.
2. THE FORE MILK IN EACH TEAT WILL BE REMOVED AND TESTED IN A STRIP CUP TO DETECT MASTITIS. MILK FROM A COW WITH MASTITIS WILL BE ROUTED A THROUGH COLOSTRUM BUCKET TO PREVENT MILK

**FROM ENTERING THE MAIN MILKLINE. ALL COWS SHOWING EVIDENCE OF ABNORMAL MILK IN ONE OR MORE QUARTERS ARE TO BE MILKED LAST, AND THE MILK DISCARDED.**

- 3. SURCINGLES, MILK STOOLS, AND ANTIKICKERS WILL BE KEPT CLEAN AND STORED ABOVE THE FLOOR.**

## **SECTION 12. MILKING EQUIPMENT**

- 1. THE MILKING PARLOR WILL BE EQUIPPED WITH AN OVERHEAD MILKLINE AND A VACUUM PUMP AND CONTROLLER TO PROVIDE A CONSISTENT VACUUM LEVEL OF 14.5 INCHES.**
- 2. MILKING INFLATIONS WILL BE CHANGED EVERY 1,200 COW MILKINGS.**
- 3. PULSATING UNITS ARE TO BE CHECKED AND CLEANED AT LEAST ONCE A MONTH.**
- 4. THE VACUUM LINE IS TO BE CLEANED REGULARLY.**
- 5. ALL EQUIPMENT IS TO BE MAINTAINED AND CLEANED ON A ROUTINE BASIS, INSIDE AND OUT.**

## **SECTION 13. PROTECTION FROM CONTAMINATION**

- 1. EQUIPMENT AND OPERATIONS SHALL BE LOCATED WITHIN THE MILKING PARLOR AND MILKHOUSE TO PREVENT OVERCROWDING AND CONTAMINATION OF CLEANED AND SANITIZED CONTAINERS, EQUIPMENT AND UTENSILS BY SPLASH, CONDENSATION OR MANUAL CONTACT.**
- 2. ALL PERSONNEL INVOLVED WITH MILKING OR MILK HANDLING ARE REQUIRED TO WEAR APRONS TO BE SUPPLIED BY THE HANDLER. THESE GARMENTS ARE TO BE WASHED AND CLEANED ON A REGULAR BASIS.**
- 3. NO PERSONNEL SHALL BE PERMITTED TO MILK COWS OR HANDLE MILK FOR HUMAN CONSUMPTION WHEN THE PERSON IS ILL. ALL PERSONNEL WILL BE**

**REQUIRED TO REPORT IMMEDIATELY ANY ILLNESS TO THE MANAGERS OF THE DAIRY SO THEY MAY BE REPLACED FOR SCHEDULED DUTY IN THE MILK BARN.**

**SECTION 14. MILK HANDLING PROCEDURES**

- 1. MILK WILL BE PLACED IN A WATER COOLER AND COOLED TO 40 DEGREES FAHRENHEIT WITHIN ONE HOUR AFTER COMPLETION OF MILKING, AND MAINTAINED AT THIS TEMPERATURE UNTIL COW SHARE OWNERS PICK UP THEIR SHARE OF THE MILK.**
- 2. ON THE DAY OF PICK-UP, MILK WILL BE REMOVED FROM THE COOLER AND HAND-POURED INTO ½ GALLON STERILIZED GLASS JARS THAT HAVE BEEN PROPERLY SANITIZED IN THE MILKHOUSE. JARS WILL BE PLACED ON A STAINLESS STEEL CART AND FILLED BY HAND, USING CARE NOT TO CONTAMINATE MILK. ALL PERSONNEL HANDLING THE MILK WILL FOLLOW PERSONNEL REQUIREMENTS WHEN HANDLING MILK.**
- 3. THE MILK CONTAINERS WILL BE IMMEDIATELY PLACED IN REFRIGERATION UNITS THAT WILL HOLD THE MILK AT 38-40 DEGREES FAHRENHEIT, MONITORED WITH AN APPROPRIATE THERMOMETER.**
- 4. ANY MILK THAT HAS BEEN EXPOSED TO IMPROPER HANDLING AND REFRIGERATION IS DISCARDED.**
- 5. MILK MUST BE PICKED UP WITHIN THREE DAYS OF TRANSFERAL TO GLASS JARS, AFTER WHICH IT WILL BE DISCARDED.**
- 6. ALL COW SHARE OWNERS WILL BE REQUIRED TO SUPPLY THEIR OWN CONTAINERS (HALF-GALLON GLASS JARS), WHICH MUST BE RETURNED CLEAN. THE DAIRY IS TO BE RESPONSIBLE FOR STERILIZING AND SANITIZING THE GLASS CONTAINERS BEFORE REUSE. THESE CONTAINERS WILL BE STORED IN THE MILKHOUSE ABOVE THE FLOOR IN CARTONS UNTIL READY FOR USE.**
- 7. THE DAIRY IS TO REQUIRE ALL MILK TO BE PICKED UP AT THE FARM ON A WEEKLY BASIS, AND WILL PROVIDE A MINIMUM OF TWO PICK-UP DAYS A WEEK TO INSURE MAXIMUM FRESHNESS OF MILK.**

**SECTION 15. CONSENT FORM**

**THE CUSTODIAN OF A HERD SHALL HAVE ON FILE A SIGNED INFORMED CONSUMER CONSENT FORM FROM EACH OWNER OF A COW SHARE IN THE HERD. THE CONSENT FORM SHALL SUPPLY TO THE OWNER, AT A MINIMUM, THE FOLLOWING INFORMATION:**

- **RAW MILK MAY CONTAIN SERIOUS HUMAN DISEASE PATHOGENS THAT CAN CAUSE ILLNESS NO MATTER HOW CAREFULLY IT IS PRODUCED.**
- **THE CONSUMPTION OF RAW MILK AND RAW MILK PRODUCTS INCREASES THE CONSUMER'S RISK TO DISEASE, ESPECIALLY IN RESPECT TO INFANTS AND CHILDREN, THE ELDERLY, PREGNANT WOMEN, AND/OR OTHER IMMUNOCOMPROMISED INDIVIDUALS.**
- **RAW MILK AND RAW MILK PRODUCT CONSUMPTION HAS BEEN ASSOCIATED WITH *CAMPYLOBACTERIOSIS, SALMONELLOSIS, E. COLI 0157:H7, YERSINIOSIS, LISTEROSIS, AND BRUCELLOSIS.***
- **PROFESSIONAL HEALTH ORGANIZATIONS INCLUDING BUT NOT LIMITED TO: THE AMERICAN MEDICAL ASSOCIATION, ASSOCIATION OF FOOD AND DRUG OFFICIALS, AMERICAN ACADEMY OF PEDIATRICS, NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERANS, NATIONAL ACADEMY OF SCIENCES, AND THE INSTITUTE OF MEDICINE HAVE ISSUED POLICY STATEMENTS STATING THAT MILK FOR HUMAN CONSUMPTION SHOULD BE PASTEURIZED.**

**SECTION 16. NO DISTRIBUTION**

**MILK OR CREAM OBTAINED BY AN OWNER OF A SHARE IN A COW HERD SHALL BE USED BY THE OWNER SOLELY FOR THE OWNER AND THE OWNER'S IMMEDIATE FAMILY AND SHALL NOT BE DISTRIBUTED TO THIRD PARTIES UNDER ANY CIRCUMSTANCES.**

**Section 17. INSPECTIONS**

**THE COWS AND MILKING FACILITIES SHALL BE SUBJECT TO INSPECTION BY THE DEPARTMENT IN THE SAME**

**MANNER AS LICENSED DAIRIES IN THIS STATE THE COSTS OF WHICH INSPECTIONS SHALL BE PAID BY THE CUSTODIAN OF THE DAIRY COW OR DAIRY HERD AND SHALL BE SUFFICIENT TO COVER THE COSTS OF THE DEPARTMENT IN CONDUCTING THE INSPECTIONS; PROVIDED INSPECTIONS SHALL NOT OCCUR MORE FREQUENTLY THAN SEMIANNUALLY AND THE COST OF INSPECTIONS SHALL NOT EXCEED \$ \_\_\_\_\_ TIMES THE NUMBER OF COWS IN THE HERD BEING INSPECTED.**

Reasons:

The exemption which is being proposed for Guidestone Farm is unreasonably confined to Guidestone. There are other operations in the State of Colorado which maintain cow share programs. Under the declaration that the Department did not have jurisdiction over cow share programs, there was no reason for any of these operations to contact the Department for permission to operate or to notify the Department that they were operating. There is no reasonable basis for causing those operations to cease doing business if they meet appropriate standards for maintenance of their cows and operation of their facilities.

The proposed rule incorporates the standards which were part of the Guidestone Farm operation provisions submitted by Sunrise Farm, now known as Guidestone Alliance LLC, to the Colorado Board of Health in an Informational Pacet dated June 1, 1995.