

## APPENDIX E. EXAMPLES OF 3-OUT-OF-5 COMPLIANCE ENFORCEMENT PROCEDURES

The following Tables provide several useful examples in the application of the enforcement system described in Section 6. While the illustrations given, relate only to pasteurized milk bacterial counts and somatic cell counts of raw milk, the method is applied, in like fashion, to the enforcement of established standards for cooling temperature, coliform limits, etc. Pasteurized milk or milk product that shows a positive phosphatase reaction and milk or milk product, in which the presence of drug residue, pesticides or other adulterants is found, shall be dealt with as indicated in Sections 2 and 6, respectively.

**Table 11. Example of Enforcement Procedures for Pasteurized Milk Laboratory Examinations**

Date	Bacterial Count per mL	Enforcement Action as Applied to a Standard of 20,000/mL
1/05/2013	6,000	No Action Required
1/28/2013	11,000	No Action Required
2/11/2013	12,000	No Action Required
3/15/2013	22,000	Violative; No Action Required
3/25/2013	23,000	Violative; Written notice to the milk plant, 2 of last 4 counts exceed the standard. (This notice shall be in effect as long as 2 of the last 4 consecutive samples exceed the standard). Additional sample required within 21 days from the date of the notice, but not before the lapse of three (3) days.
4/02/2013	9,000	No Action Required
4/19/2013	51,000	Violative (3 of last 5 counts exceed the standard); Required Regulatory Actions: <ol style="list-style-type: none"> <li>1. Suspend the milk plant permit; or</li> <li>2. Forego permit suspension, provided the milk or milk product(s) in violation are not sold as Grade "A" milk or milk product(s); or</li> <li>3. Impose monetary penalty in lieu of permit suspension, provided the milk or milk product(s) in violation are not sold as Grade "A" milk or milk product(s).</li> </ol>
4/23/2013		Issue temporary permit (if applicable) after a milk plant inspection. Begin accelerated sampling schedule. Samples shall then be taken at the rate of not more than two (2) per week on separate days within a three (3) week period in order to determine compliance with the appropriate standard as determined in accordance with Section 6 of this <i>Ordinance</i> . (Refer to Section 3 of this <i>Ordinance</i> .)
4/25/2013	11,000	No Action Required
4/29/2013	3,000	No Action Required
5/4/2013	22,000	Violative; No Action Required <b>NOTE:</b> Samples collected prior to 4/23/2013 are not used for subsequent bacterial count enforcement purposes.
5/9/2013	5,000	Permit Fully Reinstated

**Table 12. Example of Enforcement Procedures for Raw Milk Laboratory Examinations**

Date	Confirmed Somatic Cell Counts per mL	Enforcement Action as Applied to a Standard of 750,000 per MI
7/10/2013	500,000	No Action Required
8/15/2013	600,000	No Action Required
10/1/2013	800,000	Violative; No Action Required
11/7/2013	900,000	Violative; Written notice to producer, 2 of last 4 counts exceed the standard. (This notice shall be in effect as long as 2 of the last 4 consecutive samples exceed the standard). Additional sample required within 21 days from the date of the notice, but not before the lapse of three (3) days.
11/14/2013	1,200,000	Violative (3 of last 5 counts exceed the standard); Required Regulatory Actions: <ol style="list-style-type: none"> <li>1. Suspend producer permit; or</li> <li>2. Forego permit suspension, provided the milk in violation is not sold as Grade “A”; or</li> <li>3. Impose monetary penalty in lieu of permit suspension, provided the milk in violation is not sold or offered for sale as Grade “A” product. Except that a milk producer may be assessed a monetary penalty in lieu of permit suspension for violative counts provided: If the monetary penalty is due to a violation of the somatic cell count standard, the Regulatory Agency shall verify that the milk supply is within acceptable limits as prescribed in Section 7 of this <i>Ordinance</i>. Samples shall then be taken at the rate of not more than two (2) per week on separate days within a three (3) week period in order to determine compliance with the appropriate standard as determined in accordance with Section 6 of this <i>Ordinance</i>. (Refer to Section 3.)</li> </ol> <p><b>NOTE:</b> The option to issue a monetary penalty in lieu of a permit suspension, as cited in 3. above, shall not be applicable to a TPC authorized under the ICP.</p>
11/18/2013	700,000	Issue temporary permit (if applicable) after sampling indicates the milk is within the standards prescribed in Section 7. Begin accelerated sampling schedule as cited under 11/14/2013.
11/20/2013	800,000	Violative; No Action Required <b>NOTE:</b> Samples collected prior to 11/18/2013 are not used for subsequent somatic cell count enforcement purposes.
11/24/2013	700,000	No Action Required
11/29/2013	550,000	No Action Required
12/3/2013	400,000	Permit Fully Reinstated