Agricultural Marketing Service, USDA

Subpart B—Rules of Practice Governing Proceedings Under the Egg Products Inspection Act

SOURCE: 64 FR 40738, July 28, 1999, unless otherwise noted.

SCOPE AND APPLICABILITY OF RULES OF PRACTICE

§ 57.1000 Administrative proceedings.

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicating administrative proceedings under section 12(c) of the Egg Products Inspection Act (21 U.S.C. 1041).

(b) In addition to the proceedings set forth in paragraph (a) of this section, the Administrator, at any time prior to the issuance of a complaint seeking a civil penalty under the Act may enter into a stipulation with any person, in accordance with the following prescribed conditions:

(1) The Administrator gives notice of an apparent violation of the Act or the regulations issued thereunder by such person and affords such person an opportunity for a hearing regarding the matter as provided by the Act;

(2) Such person expressly waives hearing and agrees to a specified order including an agreement to pay a specified civil penalty within a designated time; and

(3) The Administrator agrees to accept the specified civil penalty in settlement of the particular matter involved if it is paid within the designated time.

(4) If the specified penalty is not paid within the time designated in such stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty that may be assessed after the institution of a formal administrative proceeding pursuant to the Uniform Rules of Practice, Subpart H, Part 1, Title 7, Code of Federal Regulations.

58.29 Appeal inspection or grading certificate or report.
58.30 Application for reinspection or regrading.
58.31 Reinspection or regrading certificate or report.
58.32 Superseded certificates or reports.

LICENSING OF INSPECTORS OR GRADERS
58.33 Who may be licensed.
58.34 Suspension or revocation of license.
58.35 Surrender of license.
58.36 Identification.
58.37 Financial interest of licensees.

FEES AND CHARGES
58.38 Payment of fees and charges.
58.39 Fees for holiday or other nonworktime.
58.40 Fees for appeal inspection or grading.
58.41 Fees for additional copies of certificates.
58.42 Travel expenses and other charges.
58.43 Fees for inspection, grading, sampling, and certification.
58.45 Fees for continuous resident services.
58.46 Fees for service performed under cooperative agreement.

MARKING, BRANDING, AND IDENTIFYING PRODUCT
58.49 Authority to use official identification.
58.50 Approval and form of official identification.
58.51 Information required on official identification.
58.52 Time limit for packaging inspected or graded products with official identification.

PREREQUISITES TO PACKAGING PRODUCTS WITH OFFICIAL IDENTIFICATION
58.53 Supervisor of packaging required.
58.54 Packing and packaging room and equipment.
58.55 Facilities for keeping quality samples.
58.56 Incubation of product samples.
58.57 Product not eligible for packaging with official identification.

VIOLATIONS
58.58 Debarment of service.

MISCELLANEOUS
58.61 Political activity.
58.62 Report of violations.
58.63 Other applicable regulations.
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58.151 Packaging and repackaging.
58.152 General identification.

STORAGE OF FINISHED PRODUCT

58.153 Dry storage.
58.154 Refrigerated storage.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

58.155 Grading.
58.156 Inspection.
58.157 Inspection or grading certificates.
58.158 Official identification.

EXPLANATION OF TERMS

58.159 Terms.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, INSTANT NONFAT DRY MILK, DRY WHOLE MILK, AND DRY BUTTERMILK

DEFINITIONS

58.205 Meaning of words.

ROOMS AND COMPARTMENTS

58.210 Dry storage of product.
58.211 Packaging room for bulk products.
58.212 Hopper or dump room.
58.213 Repackaging room.

EQUIPMENT AND UTENSILS

58.214 General construction, repair and installation.
58.215 Pre-heaters.
58.216 Hotwells.
58.217 Evaporators and/or vacuum pans.
58.218 Surge tanks.
58.219 High pressure pumps and lines.
58.220 Drying systems.
58.221 Collectors and conveyors.
58.222 Dry dairy product cooling equipment.
58.223 Special treatment equipment.
58.224 Sifters.
58.225 Clothing and shoe covers.
58.226 Portable and stationary bulk bins.
58.227 Sampling device.
58.228 Dump hoppers, screens, mixers and conveyors.
58.229 Filler and packaging equipment.
58.230 Heavy duty vacuum cleaners.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.231 General.
58.232 Milk.
58.233 Skim milk.
58.234 Buttermilk.
58.235 Modified dry milk products.

OPERATIONS AND OPERATING PROCEDURES

58.236 Pasteurization and heat treatment.
58.237 Condensed surge supply.
58.238 Condensed storage tanks.
58.239 Drying.
58.240 Cooling dry products.
58.241 Packaging, repackaging and storage.
58.242 Product adulteration.
58.243 Checking quality.
58.244 Number of samples.
58.245 Method of sample analysis.
58.246 Cleaning of dryers, collectors, conveyors, ducts, sifters and storage bins.
58.247 Insect and rodent control program.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.248 Nonfat dry milk.
58.249 Instant nonfat dry milk.
58.250 Dry whole milk.
58.251 Dry buttermilk and dry buttermilk product.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

58.305 Meaning of words.

ROOMS AND COMPARTMENTS

58.311 Coolers and freezers.
58.312 Churn rooms.
58.313 Print and bulk packaging rooms.

EQUIPMENT AND UTENSILS

58.314 General construction, repair and installation.
58.315 Continuous ch urns.
58.316 Conventional churns.
58.317 Bulk butter trucks, boats, texturizers, and packers.
58.318 Butter, frozen or plastic cream melting machines.
58.319 Printing equipment.
58.320 Brine tanks.
58.321 Cream storage tanks.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.322 Cream.
58.323 [Reserved]
58.324 Butteroil.
58.325 Anhydrous milkfat.
58.326 Plastic cream.
58.327 Frozen cream.
58.328 Salt.
58.329 Color.
58.330 Butter starter cultures.
58.331 Starter distillate.

OPERATIONS AND OPERATING PROCEDURES

58.332 Segregation of raw material.
58.334 Pasteurization.
58.335 Quality control tests.
58.336 Frequency of sampling for quality control of cream, butter and related products.
58.337 Official test methods.
58.338 Composition and wholesomeness.
58.339 Containers.
58.340 Printing and packaging.
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58.341 Repackaging.
58.342 General identification.
58.343 Storage of finished product in coolers.
58.344 Storage of finished product in freezer.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.345 Butter.
58.346 Whipped butter.
58.347 Butteroil or anhydrous milkfat.
58.348 Plastic cream.
58.349 Frozen cream.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEESE

DEFINITIONS

58.405 Meaning of words.

ROOMS AND COMPARTMENTS

58.406 Starter facility.
58.407 Make room.
58.408 Brine room.
58.409 Drying room.
58.410 Paraffining room.
58.411 Rindless cheese wrapping area.
58.412 Coolers or curing rooms.
58.413 Cutting and packaging rooms.

EQUIPMENT AND UTENSILS

58.414 General construction, repair and installation.
58.415 Starter vats.
58.416 Cheese vats, tanks and drain tables.
58.417 Mechanical agitators.
58.418 Automatic cheese making equipment.
58.419 Curd mill and miscellaneous equipment.
58.420 Hoops, forms and followers.
58.421 Press.
58.422 Brine tank.
58.423 Cheese vacuumizing chamber.
58.424 Monorail.
58.425 Conveyor for moving and draining block or barrel cheese.
58.426 Rindless cheese wrapping equipment.
58.427 Paraffin tanks.
58.428 Speciality equipment.
58.429 Washing machine.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.430 Milk.
58.431 Hydrogen peroxide.
58.432 Catalase.
58.433 Cheese cultures.
58.434 Calcium chloride.
58.435 Color.
58.436 Rennet, pepsin, or other milk clotting enzymes and flavor enzymes.
58.437 Salt.

OPERATIONS AND OPERATING PROCEDURES

58.438 Cheese from pasteurized milk.
58.439 Cheese from unpasteurized milk.
58.440 Make schedule.

SPECIAL REQUIREMENTS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

58.505 Meaning of words.

ROOMS AND COMPARTMENTS

58.510 Rooms and compartments.

EQUIPMENT AND UTENSILS

58.511 General construction, repair and installation.
58.512 Cheese vats or tanks.
58.513 Agitators.
58.514 Container fillers.
58.515 Mixers.
58.516 Starter vats.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.517 General.
58.518 Milk.
58.519 Dairy products.
58.520 Nondairy ingredients.

OPERATIONS AND OPERATING PROCEDURES

58.521 Pasteurization and product flow.
58.522 Reconstituting nonfat dry milk.
58.523 Laboratory and quality control tests.
58.524 Packaging and general identification.
58.525 Storage of finished product.

REQUIREMENTS FOR COTTAGE CHEESE BEARING USDA OFFICIAL IDENTIFICATION

58.526 Official identification.
58.527 Physical requirements.
58.528 Microbiological requirements.
58.529 Chemical requirements.
58.530 Keeping quality requirements.

SPECIAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING FROZEN DESSERTS

DEFINITIONS

58.605 Meaning of words.

ROOMS AND COMPARTMENTS

58.619 Mix processing room.
58.620 Freezing and packaging rooms.
58.621 Freezing tunnels.
58.622 Hardening and storage rooms.

EQUIPMENT AND UTENSILS

58.623 Homogenizer.
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58.624 Freezers.
58.625 Fruit or syrup feeders.
58.626 Packaging equipment.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.627 Milk and dairy products.
58.628 Sweetening agents.
58.629 Flavoring agents.
58.630 Stabilizers.
58.631 Emulsifiers.
58.632 Acid.
58.633 Color.

OPERATIONS AND OPERATING PROCEDURES

58.634 Assembling and combining mixing ingredients.
58.635 Pasteurization of the mix.
58.636 Homogenization.
58.637 Cooling the mix.
58.638 Freezing the mix.
58.639 Addition of flavor.
58.640 Packaging.
58.641 Hardening and storage.
58.642 Quality control tests.
58.643 Frequency of sampling.
58.644 Test methods.
58.645 General identification.

REQUIREMENTS FOR FINISHED PRODUCTS

58.646 Official identification.
58.647 Composition requirements for ice cream.
58.648 Microbiological requirements for ice cream.
58.649 Physical requirements for ice cream.
58.650 Requirements for frozen custard.
58.651 [Reserved]
58.652 Composition requirements for sherbet.
58.653 Microbiological requirements for sherbet.
58.654 Physical requirements for sherbet.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

58.705 Meaning of words.

EQUIPMENT AND UTENSILS

58.706 General construction, repair and installation.
58.707 Conveyors.
58.708 Grinders or shredders.
58.709 Cookers.
58.710 Fillers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.711 Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.
58.712 Swiss.
58.713 Gruyere.
58.714 Cream cheese, Neufchatel cheese.
58.715 Cream, plastic cream and anhydrous milkfat.
58.716 Nonfat dry milk.
58.717 Whey.
58.718 Flavor ingredients.
58.719 Coloring.
58.720 Acidifying agents.
58.721 Salt.
58.722 Emulsifying agents.

OPERATIONS AND OPERATING PROCEDURES

58.723 Basis for selecting cheese for processing.
58.724 Blending.
58.725 Trimming and cleaning.
58.726 Cutting and grinding.
58.727 Adding optional ingredients.
58.728 Cooking the batch.
58.729 Forming containers.
58.730 Filling containers.
58.731 Closing and sealing containers.
58.732 Cooling the packaged cheese.
58.733 Quality control tests.

REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.734 Official identification.
58.735 Quality specifications for raw materials.
58.736 Pasteurized process cheese.
58.737 Pasteurized process cheese food.
58.738 Pasteurized process cheese spread and related products.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING WHEY, WHEY PRODUCTS AND LACTOSE

DEFINITIONS

58.805 Meaning of words.

ROOMS AND COMPARTMENTS

58.806 General.

EQUIPMENT AND UTENSILS

58.807 General construction, repair and installation.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.808 Whey.

OPERATIONS AND OPERATING PROCEDURES

58.809 Pasteurization.
58.810 Temperature requirements.
58.811 General.
58.812 Methods of sample analysis.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.813 Dry whey.
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Supplemental Specifications for Plants Manufacturing, Processing and Packaging Evaporated and Condensed Milk or Ultra-Pasteurized Products

Definitions

58.905 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to import the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

Act

Administrator
means the Administrator of the Agricultural Marketing Service or any other officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Agricultural Marketing Service or AMS
means the Agricultural Marketing Service of the Department.

Applicant
means any interested party who has applied for inspection or grading service.

Approved laboratory
means a laboratory in which the facilities and equipment used for official testing have been adequate to perform the necessary official tests in accordance with this part.

Approved plant
means one or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been surveyed and approved by the Administrator as suitable and adequate for inspection or grading service in accordance with this part.

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products


Definitions

§ 58.1 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to import the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

Act

Administrator
means the Administrator of the Agricultural Marketing Service or any other officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Agricultural Marketing Service or AMS
means the Agricultural Marketing Service of the Department.

Applicant
means any interested party who has applied for inspection or grading service.

Approved laboratory
means a laboratory in which the facilities and equipment used for official testing have been adequate to perform the necessary official tests in accordance with this part.

Approved plant
means one or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been surveyed and approved by the Administrator as suitable and adequate for inspection or grading service in accordance with this part.