Pennsylvania
Department of Agriculture

Notice to Milk Permit Holders:

On May 23, 2026, the final form Milk Sanitation Regulations were published in the Pennsylvania Bulletin becoming effective immediately. This final-form rulemaking is authorized under the act of July 2, 1935, (P.L. 589, No. 210) (31 P.S. §§ 645—660g), known as the Milk Sanitation Law, which establishes the powers and duties of the Department with respect to milk sanitation.

Changes to the regulations are communicated to permit holders as the Department's food inspectors conduct inspections, and through our partner trade associations such as the Pennsylvania Association for Food Protection (PAFP) and the Center for Dairy Excellence. As done with past practice, the Department will phase in enforcement of these changes and will consider the first year from the release of the regulations to be educational. The Department will not cite violations nor conduct enforcement relative to the new provisions for **existing permit holders until May 23, 2027**. New applicants seeking a permit after May 23, 2026, shall immediately be subject to the provisions outlined in the Milk Sanitation Regulations as published in the bulletin. This will include those seeking to obtain permits for raw milk butter outlined under item one (1) below.

This summary provides a synopsis of the changes made from the previous Chapter 59a regulations to the current edition set forth in the Bulletin. The primary focus of this document is to capture the intent of the major changes rather than to identify every word or editing change. This record should not be relied upon as an absolute comparison that identifies every change. Some major changes to the regulations include:

(1) **authorization for an additional raw milk butter permit to raw milk permitholders.** The standards for or pertaining to raw milk butter are outlined in Subchapter F. Raw Milk for Human Consumption in the final Chapter 59a regulations (§§ 59a.401-59a.413). Other applicable provisions of the regulations will also apply for the manufacturing of butter.

(2) **implementation of the statutory requirements imposed by Act 62 of 2021 (3 Pa.C.S. §§ 5741-5747), known as the Milk Sell-By Date and Best-By Date Labeling Act.** The following sections of the final Chapter 59a regulations are affected by, provide standards for or pertain to the Milk Sell By or Best By Date: §§ 59a.15(a),(b)(b.1)(c)(d)(e) and (f) and 59a.411(a)(3)(i), (ii) and (iv).

(3) **removal of label pre-approval by the Department for all permitholders, except for those raw milk permitholders subject to Subchapter F.** The raw milk label review provisions of § 49a.411 are not changed and not affected. Raw milk labels must still be submitted to the Department for preapproval.

(4) **regulating sampler, weigher/sampler, and milk tanker inspections which the Department is tasked with conducting the field certifications and inspection programs required by the Interstate Milk Shippers (IMS) Grade 'A' Program and the Pasteurized Milk Ordinance (PMO).** The following sections of the final Chapter 59a regulations are affected by or provide standards for regulation of a sampler or weigher/sampler and milk tanker inspections: §§ 59a.6(a),(b),(c) and (f), 59a.16(g),(h) and (i), 59a.107(a), 59a.382(g), and 59a.409(d).

> Sampler, weigher/sampler and milk tanker inspections were previously conducted by the Pennsylvania Milk Marketing Board in accordance with a Memorandum of Understanding (MOU) with the Department. The MOU was terminated in 2019, and since then, the Department has been tasked with conducting the field certifications and inspection programs required by the IMS Grade 'A' Program and PMO. The changes to Chapter 59a were necessary to establish uniform standards for certification that align with the PMO and to properly inform the regulated industry of the requirements to be met.

The Department enforces and follows the provisions of the Grade "A" PMO set forth in Appendix B (relating to milk sampling, hauling and transportation) which specifies the required training and evaluation of samplers and weigher/samplers. Certification applications and renewals of samplers and weigher/samplers are to be directed to the Department and are valid for 24 months from the date of issuance.

Vehicles and milk tank trucks transporting raw, heat-treated or pasteurized milk, milk products or manufactured dairy products within the Commonwealth shall comply with standards set forth in the PMO, Appendix B, VIII (relating to milk tank truck permitting and inspection) and are to be inspected at least once every 24-months by the Department, other Department authorized official, or a non-Commonwealth State agency participating in the NCIMS program. Hauler and milk plants shall provide the Department with an annual report of the vehicles and milk tank trucks in their fleet and make those vehicles and milk tanker trucks available for inspection.

(5) **reduction of the Somatic Cell Count for Grade "A" raw milk and manufactured dairy products for pasteurization shall not exceed 500,000 per milliliter. This reduction also applies to all raw milk permit holders under Subchapter F.** The following sections of the final Chapter 59a regulations are affected by or provide standards for somatic cell count: §§ 59a.21(a), 59a.110(c) and (d), 59a.113(3) and 59a.408(c).

The regulatory change for Somatic Cell Count (SCC) limits to not exceed 500,000 per mL will be applied to all individual farm producers in the Commonwealth including Grade A and non-Grade A farms along with Raw Milk Processors. This provision only applies to farms that are inspected and regulated under the Department's authority. As such, this change will not apply to milk supplies that are received from other states. Those farms are required to maintain compliance with the standards set forth by the state regulatory agency for which the farm is located. There are no regulatory requirements for raw commingled milk to be tested for SCC. Therefore, this will not affect the sampling of raw commingled milk at dairy plants.

(6) **making the regulation more understandable and user-friendly for the regulated community, and more closely aligned with the federal Grade 'A' milk standards outlined in the PMO.** The most current revision of the Grade ''A" Pasteurized Milk Ordinance and its appendices, as published by the FDA, may be found on the Department's website at https://www.pa.gov/agencies/pda/food/food-safety. The website contains a link to an electronic copy of the document. Many provisions of the current regulations contained references to the PMO. The following sections of the final Chapter 59a regulations are new or revised and are affected by, contain slight changes to, or provide standards related to the PMO: §§ 59a.2 (relating to the definition) – see "Approved sampler," "Certified industry inspector," "Grade A PMO or PMO" and "(c) Additional terms used in the Grade "A" PMO", 59a.4(i), 59a.5(b)(3) and (c)(3), 59a.6(c)(4) and (f), 59a.7, 59a.12(j), 59a.16(g),(i) and (j), 59a.21(a) and (d) and 59a.28(a)(1) and (b).

Please refer to Chapter 59a for a complete and comprehensive outline of revisions. The preamble to Chapter 59a also provides background and explanation for the final rulemaking.

Please contact the Pennsylvania Department of Agriculture Bureau of Food Safety at 717-787-4315 with any questions you have about the changes.

Pennsylvania Department of Agriculture
Bureau of Food Safety & Laboratory Services