



**Food Safety & Consumer
Protection Div
Dairy Section**

[phone] 802-828-2433

Agency of Agriculture Food & Markets

[fax] 802-828-5983

116 State Street

Montpelier, VT 05620-2901

www.VermontAgriculture.com

Raw Milk Sales – Compliance and Enforcement Policy

V.S.A. 6 §15 authorizes the Vermont Agency of Agriculture, Food and Markets to issue administrative penalties for enforcement of the statutes in V.S.A. 6 and rules promulgated under those statutes. Each situation is unique and the methods of obtaining compliance may vary, however this document will be used to guide the decision making process.

Once evidence of raw milk sales is brought to the attention of the Dairy Section, an inspection will take place to see if sales are in accordance with Chapter 152 of V.S.A 6. Subsequent inspections will be held as needed with annual inspections as the goal.

An inspection will take place with areas of non-compliance noted on an inspection sheet and left in the milk house or with the producer. The results will be reviewed with the producer if the producer is available. Unless the violations constitute an immediate threat to public health, the farm will be given a reasonable length of time (typically 7 to 30 days) to correct any deficiencies. If there is a significant public health concern, an immediate stop-sale will be ordered until the deficiencies are corrected. Upon re-inspection, if the deficiencies are not corrected to the point that the farm is in substantial compliance with Chapter 152, a compliance action will commence. This generally consists of a hearing with a notice of violation issued that proposes a penalty based on the schedule below. The farm may also be mandated to cease sales of raw milk until it is in substantial compliance.

A farmer found selling raw milk into commerce or selling raw milk products without a Vermont Milk Handler License must stop selling immediately. In these instances the farmer will be subject to a similar hearing and penalty process as that which is described above. For purposes of this policy commerce includes, but is not limited to, selling in, or to, stores, farmer markets (outside of that which is allowed under current statutes) or restaurants.

Violation area	First compliance action	Additional compliance action in same area of violation*
Animal health violations	\$250.00	\$500.00
Record keeping, signage, labeling, tours and delivery plan (Customer lists or maintaining other required records)	\$250.00	\$500.00
Sanitation violations	\$250.00	\$500.00
Sale of raw milk into commerce	\$750.00	\$1000.00
Sale or transfer of raw milk either without a harvest date on the label or more than 4 days past the date	\$250.00	\$500.00
	Per product	Per product
Farm is processing the raw milk and selling milk products	\$750.00	\$1,000.00
Farm is selling raw milk products into commerce	\$1,000.00	\$1,000.00

* For violations of the same type within two years of the initial compliance action



Tier II specific penalties

Violation area	First compliance action	Additional compliance action in same area of violation*
Quality testing not performed or sales continue after required to stop	\$250.00	\$500.00

Counts in excess of standard

Statutory Standards

Type of Count	Cattle	Goats
Total Bacteria Count	15,000 cfu/ml**	15,000 cfu/ml**
Coliform count	10 cfu/ml**	10 cfu/ml**
Somatic Cell Count	225,000 per ml	500,000 per ml

**colony forming units per milliliter

Count in Violation	1st high count	If follow-up sample is high	
Total bacteria count	Producer must warn all customers that the most recent bacteria count result was over the limit (an easily read sign at the farm and at any point of delivery is sufficient) retest the week following the initial sampling	Stop all sales until an acceptable sample result is achieved.	
Coliform count	Producer must warn all customers that the most recent coliform result was over the limit (an easily read sign at the farm and at any point of delivery is sufficient) and retest the week following the initial sampling	Stop all sales until an acceptable sample result is achieved	
	1st high count	If follow-up sample is high	If next sample is high or any 3 out of the last 5 samples
Somatic cell count (SCC)	Producer must warn all customers that the most recent SCC result was over the limit (an easily read sign at the farm and at any point of delivery is sufficient). Immediately contact your veterinarian to assess the herd and milking procedures to determine the cause of the mastitis and to minimize the potential for pathogens to shed in the milk.	Continue taking samples to the lab twice per month as usual. If the next sample is high the farm will have to verify they have contacted their veterinarian and have a plan in place to mitigate the problem.	Stop all sales until an acceptable sample result is achieved.

* For violations of the same type within two years of the initial compliance action