CHAPTER 50

PRODUCERS

Authority

N.J.S.A. 4:12A–1 et seq., specifically 4:12A–20.

Source and Effective Date

R.1997 d.213, effective April 25, 1997.
See: 29 N.J.R. 721(a), 29 N.J.R. 2266(a).

Executive Order No. 66(1978) Expiration Date

Chapter 50, Producers, expires on April 25, 2002.

Chapter Historical Note

Chapter 50, Producers, was filed and became effective prior to September 1, 1969, with Subchapter 1, Terminating Purchases from Producers, and Subchapter 2, Producer Sponsored Sales Promotions. Subchapter 1, Terminating Purchases from Producers was renamed Notice to Dealers by Dairy Farmers; Subchapter 2, Producer Sponsored Sales Promotions, was repealed and a new Subchapter 2, Notice to Dairy Farmers by Dealers, was adopted; and Subchapter 3, Measuring and Sampling of Milk from Farm Bulk Tanks, was recodified from N.J.A.C. 2:48–5 by R.1976 d.359, effective January 1, 1977. See: 8 N.J.R. 450(b), 8 N.J.R. 542(c).

Pursuant to Executive Order No. 66(1978), Chapter 50 was readopted as R.1987 d.232, effective May 1, 1987. See: 19 N.J.R. 433(a), 19 N.J.R. 927(a).

Pursuant to Executive Order No. 66(1978), Chapter 50 was readopted as R.1992 d.229, effective May 1, 1992. See: 24 N.J.R. 893(a), 24 N.J.R. 2048(a).

Pursuant to Executive Order No. 66(1978), Chapter 50 was readopted as R.1997 d.213, effective April 25, 1997. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. NOTICE TO DEALERS BY DAIRY FARMERS

2:50–1.1 Dairy farmers notice to dealers of intent to discontinue sales of milk

SUBCHAPTER 2. NOTICE TO DAIRY FARMERS BY DEALERS

2:50–2.1 Dealer notice to dairy farmers of intent to discontinue purchase of milk
2:50–2.2 Dealer to report names of new or discontinued dairy farmers

SUBCHAPTER 3. MEASURING AND SAMPLING OF MILK FROM FARM BULK TANKS

2:50–3.1 Applicant for weigher and sampler certificate to pass examination
2:50–3.2 Milk weighing, measuring and sampling procedures
2:50–3.3 Maintenance of milk samples
2:50–3.4 Additional methods for the determination of butterfat of milk or cream

SUBCHAPTER 1. NOTICE TO DEALERS BY DAIRY FARMERS

2:50–1.1 Dairy farmers notice to dealers of intent to discontinue sales of milk

(a) Before a dairy farmer selling milk to New Jersey dealers may discontinue selling milk to such dealer, he shall give the dealer at least 28 days written notice of his intent to discontinue such sale.

(b) The notice of discontinuance shall be sent to the dealer by letter or on forms supplied by the Division of Dairy and Commodity Regulation. A copy of such letter or form shall be filed with the Division of Dairy and Commodity Regulation and the 28–day period shall begin on the date such notice is received by the Division.

(c) The notice shall not be required from dairy farmers shipping to a cooperative association of which they are a member or when the termination is mutually agreeable to the dealer and the dairy farmer, provided that the Division of Dairy and Commodity Regulation is notified by both parties in advance of the change.

(d) The notice shall not be required for dairy farmers shipping to dealers who fail to make full payment in time and manner required by joint orders of the Division of Dairy and Commodity Regulation and the United States Department of Agriculture.

Amended by R.1976 d.359, effective January 1, 1977.
See: 8 N.J.R. 450(b), 8 N.J. 542(c).
Amended by R.1982 d.238, effective August 2, 1982.
See: 14 N.J.R. 489(b), 14 N.J.R. 833(d).
(d) added.
Amended by R.1991 d.323, effective July 1, 1991.
See: 23 N.J.R. 929(a), 23 N.J.R. 2010(b).
Notice of intent to discontinue changed from 60 days to 28 days.
Amended by R.1997 d.213, effective May 19, 1997.
See: 29 N.J.R. 721(a), 29 N.J.R. 2266(a).
Substituted "Division of Dairy and Commodity Regulation" for "Division of Dairy Industry" throughout the section.

SUBCHAPTER 2. NOTICE TO DAIRY FARMERS BY DEALERS

2:50–2.1 Dealer notice to dairy farmers of intent to discontinue purchase of milk

(a) Before a dealer purchasing milk from New Jersey dairy farmers may discontinue such purchase, he shall give the dairy farmer(s) at least 28 days written notice of his intent to discontinue such purchase.

(b) The notice of discontinuance shall be sent to the dairy farmer and a copy filed with the Division of Dairy and

Commodity Regulation on forms supplied by the Division for this purpose. The 28–day notice period shall begin on the day that such notice is received by the Division of Dairy and Commodity Regulation.

(c) The notice shall not be required for a dealer to temporarily discontinue purchasing milk from a dairy farmer whose milk does not meet the quality standards of the appropriate health authority or when the termination is mutually agreeable to the dealer and the dairy farmer, providing that the Division of Dairy and Commodity Regulation is notified by both parties in advance of the change.

Amended by R.1991 d.323, effective July 1, 1991.
See: 23 N.J.R. 929(a), 23 N.J.R. 2010(b).
Notice of intent to discontinue changed from 60 days to 28 days.
Amended by R.1997 d.213, effective May 19, 1997.
See: 29 N.J.R. 721(a), 29 N.J.R. 2266(a).
Substituted "Division of Dairy and Commodity Regulation" for "Division of Dairy Industry" throughout the section.

2:50–2.2 Dealer to report names of new or discontinued dairy farmers

A milk dealer purchasing milk from New Jersey dairy farmers shall send a notice to the Division of Dairy and Commodity Regulation of any new dairy farmer(s) and of any dairy farmer(s) discontinuing to sell milk to the dealer. Such information shall be filed monthly on or before the tenth day of each month.

Amended by R.1997 d.213, effective May 19, 1997.
See: 29 N.J.R. 721(a), 29 N.J.R. 2266(a).
Substituted "Division of Dairy and Commodity Regulation" for "Division of Dairy Industry".

SUBCHAPTER 3. MEASURING AND SAMPLING OF MILK FROM FARM BULK TANKS

2:50–3.1 Applicant for weigher and sampler certificate to pass examination

(a) Before a person shall be approved by the Secretary of Agriculture or his authorized representative to be competent to weigh, measure and sample milk and cream pursuant to the provisions of N.J.S.A. 4:12–41.5, said person shall satisfactorily complete an examination to be conducted by the secretary or his authorized representative. The examination shall consist of both a written test and satisfactory demonstration of proper performance of the actual weighing or measuring and sampling techniques herein required.

(b) Failure to satisfactorily complete the written test shall make the applicant ineligible for the performance test, but failure to satisfactorily complete the performance test shall not require the applicant to be reexamined for the written test. Reexamination for either the written test or the performance test shall be made at the request of the applicant to the secretary or his authorized representative, orally or in writing, and will be given as soon as practicable at a time and place mutually agreeable to the secretary or his authorized representative and the applicant.

(c) Upon the satisfactory completion of the examination, a certificate shall be issued to the applicant. Certificates shall be issued for the fiscal year ending June 30. Certificates, when renewed, shall be renewed for a period of two years. As a condition to renewal of the certificate, the secretary may require attendance at a refresher course designed to train milk samplers in proper procedures and techniques of weighing, measuring and sampling milk.

Amended by R.1997 d.213, effective May 19, 1997.
See: 29 N.J.R. 721(a), 29 N.J.R. 2266(a).
In (c), inserted the third sentence relating to the 2–year renewal period for renewed certificates.

2:50–3.2 Milk weighing, measuring and sampling procedures

(a) Weighing, measuring and sampling milk should be performed pursuant to the procedures as set forth in the current "Standard Methods for Examination of Dairy Products," published by the American Public Health Association, Inc., and as a minimum shall include the following:

1. Before starting the agitator, carefully insert clean, dry measuring stick, seating fully; withdraw and read to the nearest 1/32 inch. Record the measurement, weight, temperature, time of pickup, date and producer's name and number. One copy of the weight ticket shall be left with the producer;

2. Agitate for not less than five minutes and longer if necessary to disperse the butterfat uniformly throughout the tank:

i. The person holding the weigher and sampler certificate issued by the Division of Dairy and Commodity Regulation shall be responsible for ascertaining that the milk is agitated for not less than five minutes and should periodically check the tank timer to determine whether it may be used as a guide; and

ii. It is suggested that each truck carry a timing device which may be used for timing the agitation;

3. After milk has been agitated for at least five minutes with agitator running and before the outlet is open, take a universal sample. The sample shall be taken with a properly cleaned and sanitized stainless steel dipper which is first dipped two or three times into the milk. This sample shall be at least one ounce (30 cubic centimeters). If composite samples are taken, on every day pickup, a ten cubic centimeter dipper of milk shall be added to the composite daily. On every other day pickup, a 20 cubic centimeter sample shall be added to the composite at each pickup.

(b) When taking bacteria samples, special care shall be taken to prevent contamination of sample containers and/or equipment. The sampler's clothes and hands must be clean and dry when sampling. Sterile sample containers and sampling equipment shall be kept protected at all times and properly identified. After milk has been agitated as for taking butterfat samples, remove at least a ten cubic centimeter portion with a properly sterilized device into the sterile sample container. This container shall be immediately placed in an insulated, properly iced or refrigerated case being sure that the water level is no higher than the milk in the sample container.

Amended by R.1987 d.232, effective June 1, 1987.
See: 19 N.J.R. 433(a), 19 N.J.R. 927(a).
Deleted text in (a)3 "For composite samples ... centimeters or larger" and substituted "This sample shall ...".
Amended by R.1992 d.229, effective June 1, 1992.
See: 24 N.J.R. 893(a), 24 N.J.R. 2048(a).
Stylistic revision.
Amended by R.1997 d.213, effective May 19, 1997.
See: 29 N.J.R. 721(a), 29 N.J.R. 2266(a).
In (a)2i, substituted "Division of Dairy and Commodity Regulation" for "Division of Dairy Industry".

2:50–3.3 Maintenance of milk samples

(a) Each bulk tank truck used for farm pickup must be equipped with a sanitary compartment to hold the insulated sample case. This compartment must have a lock or the sample case itself must have a lock.

(b) The butterfat sample case must be kept locked at all times unless under the direct supervision of the certified sampler.

(c) The insulated case shall have a rack which holds the sample container upright and when bottles are used a cover that rests on the sample bottle stoppers.

(d) The bottle stoppers shall be of the hooded plug type or of a type which gives equivalent protection from moisture entering the bottle.

(e) Each sample case shall contain one bottle filled with water for use in temperature checks.

(f) The temperature of butterfat samples shall be maintained at between 33 and 55 degrees Fahrenheit.

(g) The temperature of the bacteriological samples should be maintained at between 32 and 40 degrees Fahrenheit.

2:50–3.4 Additional methods for the determination of butterfat of milk or cream

The secretary shall approve the use of the automated light scattering method as set forth in "Official Methods of Analysis of the Association of Official Analytical Chemist", the 11th edition, 1970, page 252.