

HOUSE HIGHWAY BILL DAIRY AMENDMENT

- The provision as set forth in the bill under Subtitle D-Miscellaneous, Section 1423 on page 228 reads as follows:

SEC. 1423. MILK PRODUCTS.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

“(13) MILK PRODUCTS.—A vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided.”

- The need for the provision is based upon a number of factors involved under federal and state health and food safety regulations in transporting a perishable product such as milk on a daily basis. They include:
 1. Food safety requirements ensure that milk is picked up at farms with practices that minimize and prevent food safety risks.
 2. The Food and Drug Administration also has guidelines on milk transport for food security purposes, which requires that a bulk milk hauler to completely off-load all milk at a processing facility prior to having the tank fully cleaned.
 3. Any plant or transfer station that receives or transfers milk from a tank truck must be an Interstate Milk (IMS) licensed facility and comply with Pasteurized Milk Ordinance Protocols.
 4. There is also a nationwide tanker seal program that ensures milk safety and security by requiring all bulk milk tanks be sealed once the truck is loaded.
 5. Therefore it is difficult to off-load a portion of the milk from a tank truck due to the food safety and security requirements outlined above.
 6. All milk produced at a dairy farm on a given day has to be picked up by the bulk milk truck.
 7. Milk production at individual dairy farms can vary on a daily basis by several thousand pounds based on feed, weather conditions, other seasonal adjustments and herd size.
 8. Once a hauler starts to assemble a load of milk he cannot have more than two hours between farm stops due to the perishable nature of the product.
 9. Therefore this provision would allow states—but not mandate them -- to issue Special Permits for bulk milk trucks only to safely transport milk from states to states that have varying weight limits on their interstate highways.
 10. Milk is a fluid product that cannot be easily dismantled and divided given the various food safety and security requirements it must comply with.