



1
2
3
4
5
6
7
8

**REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRICULTURE
NATIONAL DAIRY AUTHORITY**

9
10
11
12

March 12, 2019

13
14

ADMINISTRATIVE CIRCULAR

15
16
17
18
19
20
21

No. 04
Series of 2019

22
23
24

THE DAIRY SAFETY REGULATIONS

25
26
27
28
29
30
31
32
33
34
35
36
37

Pursuant to the effective implementation of Section 16 (*Specific Responsibilities of the Department of Agriculture*) of the Republic Act No. 10611 otherwise known as the *Food Safety Act of 2013* and its Implementing Rules and Regulations (IRR), the provisions of this Administrative Order is hereby adopted and promulgated by the National Dairy Authority (NDA) of the Department of Agriculture (DA), as follows:

38
39

ARTICLE I

40
41
42

OBJECTIVES

43
44
45
46
47

This Order aims to strengthen the dairy safety regulatory system of the country, and shall adopt the following objectives:

- a. Protect consumers from unsafe and adulterated locally-produced milk;
- b. Enhance industry and consumer confidence in the dairy regulatory system;
- c. Achieve economic growth and development by promoting fair trade practices and sound regulatory foundation for domestic distribution; and
- d. Upgrade the capability of local dairy farmers, consumers, and dairy personnel in ensuring dairy safety.

48
49

ARTICLE II

50
51
52

SCOPE

53
54
55
56
57

This Order covers farmers, businesses and enterprises of Dairy Business Operators (DBOs) involved in local milk production to postharvest handling.

ARTICLE III

DEFINITION OF TERMS

Section 1. As used in this Order, the following terms shall be understood to have the meaning correspondingly provided below:

- 1.1 **Assessment** refers to the conduct of activities in order to make a sound judgement on how well the dairy enterprise is able to comply with the requirements specified in the Dairy Safety Regulations.
- 1.2 **Audit** refers to a systematic and functionally independent examination to determine whether activities and related results comply with prescribed protocols, standards, rules, regulations and laws.
- 1.3 **Chemicals** or compounds are used for maintaining, repairing, servicing, cleaning, or sanitizing equipment or surfaces or air that may be the source of, or result in, contamination of the dairy input, milk or milk products or anything associated with any process such as treating water, pest control, weeding, fertilizing, etc.
- 1.4 **Colostrum** refers to the milk produced by mammals within the first few days of lactation.
- 1.5 **Dairy Business** refers to any undertaking, whether public or private, that carries out any of the activities related to, or any of the stages of the dairy supply chain.
- 1.6 **Dairy Business Operator (DBO)** refers to a person engaged in the dairy business and is responsible for ensuring that the requirements of this Regulations and the Food Safety Act of 2013 are met by the dairy business under one's control.
- 1.7 **Dairy Hygiene** (hereinafter referred to as **hygiene**) refers to the measures and conditions necessary to control hazards that could lead to food-borne illnesses and to ensure fitness for human consumption of milk and milk products, taking into account its intended use.
- 1.8 **Dairy Safety Regulations** refers to the combination of regulations on dairy safety standards, inspection, testing, data collection, monitoring and other activities from the primary stages of the supply chain up to the post-harvest level.
- 1.9 **Dairy Safety Compliance Officer (DSCO)** refers to a

- 96 professionally trained officer who may be hired and/or
 97 appointed by the DBO, or the DBO himself.
 98
- 99 1.10 **Dairy Safety Officer (DSO)** refers to a professionally qualified and
 100 properly trained officer appointed by the NDA in accordance
 101 with the appropriate civil service rules, regulations, and this
 102 Order.
 103
- 104 1.11 **Inspection/Audit Report** refers to the document that National
 105 Dairy Authority's (NDA) Dairy Safety Officer (DSO) produces
 106 containing the results and findings of an audit or examination,
 107 and the corresponding recommendations and/or actions to be
 108 undertaken by a Dairy Business Operator (DBO) for its
 109 compliance.
 110
- 111 1.12 **Licensing** by DA means the process by which DA FSRAs approve
 112 an application of a person, corporation, cooperative, agriculture
 113 or fishery establishment, or other juridical persons, for authority
 114 to operate an establishment or to engage in any activity in the
 115 primary and postharvest animal and plant food and inputs. It
 116 includes facilities involved in activities related to agrochemicals
 117 and other inputs in the primary and postharvest stages of
 118 production. The approval will require proving capability to
 119 operate a facility or establishment or to engage in activities in the
 120 primary production and postharvest stages of the food supply
 121 chain and covered by the license.
 122
- 123 1.13 **License to Operate (LTO)** refers to the document issued by the
 124 NDA after the dairy farms and milk collection centers have been
 125 enrolled and certified to be compliant with the Dairy Regulations.
 126
- 127 1.14 **Milk** refers to the normal mammary secretion of milking animals
 128 obtained from one or more milkings without either addition to or
 129 extraction from it, intended for consumption as liquid milk or for
 130 further processing.
 131
- 132 1.15 **Processing** refers to any action that substantially alters the initial
 133 raw materials or product of the primary and post-harvest within
 134 the dairy production chain.
 135
- 136 1.16 **Registration** means the process by which NDA verifies and
 137 records information about dairy and dairy establishments
 138 engaged in the primary production and postharvest stages of the
 139 dairy supply chain including facilities involved in activities
 140 related to agrochemicals and other inputs in the primary and
 141 postharvest stages of production, in an official list or official
 142 system for entering names and information of the NDA.
 143

144 1.17 **Verification** is the conduct of activities in cases of non-conforming
145 dairy enterprises in order to prove and establish the truthfulness
146 of the latter's efforts at compliance with these Dairy Safety
147 Regulations.

148
149 1.18 **Waste** includes, without limitation, all solids, liquids, and gases
150 that the operator intends to dispose of as being unwanted.

151

152

ARTICLE IV

153

154

THE DAIRY SAFETY REGULATIONS AND STANDARDS

155

156

157 Section 1. The following dairy safety regulations and standards adopt the Hazard
158 Analysis and Critical Control Points (HACCP), Good Agricultural
159 Practices (GAP), Good Animal Husbandry Practices (GAHP), and *Codex*
160 *Alimentarius* standards as far as practicable and suitable to Philippine
161 dairy settings. These regulations also give preference to the
162 compliance by the dairy enterprise operators with existing laws and
163 administrative rules and regulations like health and environmental
164 laws and regulations, quarantine, feeds, drugs and biologics; and
165 consumer laws and fair trade rules.

166

167 Section 2. Requirements and Duties for Dairy Farm Owners/ Operators/
168 Managers on Dairy Production Chain

169

170

2.1. Dairy Farm

171

2.1.1. The dairy farm is located, designed, constructed, and the use
172 and operation of dairy equipment are in such a way as to
173 enable the production of safe milk that is fit for human
174 consumption and other intended use.

175

176

2.2. Milk

177

2.2.1. The milk produced from the farm must not contain
178 biological, chemical, or physical hazards at a level that may
179 be directly or indirectly harmful to humans or animals;

180

181

2.2.2. The milk produced directly from the farm intended for
182 human consumption must undergo further processing (e.g.
183 pasteurization) prior to consumption. The Dairy Farm
184 Owners/ Operators/Managers shall be held accountable for
185 the diseases or outbreak caused by direct consumption of
186 milk that did not undergo further processing;

187

188

2.2.3. Ensure that any milk accepted prior to its delivery to the
189 processing plant complies with the requirements for milk
190 acceptance, quality and safety standards;

191

- 192 2.2.4. Milk that is found unfit for human consumption and other
 193 intended use due to disease or exposure to other risk factors,
 194 must be withheld, destroyed/subjected to safety treatment
 195 and disposed of accordingly; and
 196
- 197 2.2.5. Ensure that colostrum is properly identified, handled, and
 198 separately stored as such.
 199
- 200 2.3. Dairy Inputs
 201 2.3.1. The use of agricultural chemicals, cleaning compounds,
 202 reagents and other dairy inputs in the farm approved by
 203 authorized entities must be utilized for their intended
 204 purpose, stored and handled in a manner that minimizes
 205 possible contamination.
 206
- 207 2.4. Farm Operator
 208 2.4.1. A dairy farm operator, owner or any other person in-charge
 209 of a dairy farm operation is responsible for ensuring
 210 compliance with this Order through its Dairy Safety
 211 Compliance Officer (DSCO); and
 212
- 213 2.4.2. In cases of emergency and in the absence of the dairy farm
 214 owner or operator, a duly authorized personnel shall take
 215 charge of the over-all operations of the farm.
 216
- 217 2.5. Dairy Animal
 218 2.5.1. Ensure all milking dairy animals that are raised and milked
 219 in the dairy farms be in good health, free from
 220 communicable diseases, show no signs of pain, injury or
 221 discomfort.
 222
- 223 2.5.2. Identify, isolate, and milk separately, animals affected by
 224 injury, non-zoonotic diseases, or those undergoing
 225 treatment. Milk from these animals should be disposed
 226 properly.
 227
- 228 2.5.3. The following dairy safety annual tests for animals must be
 229 performed:
 230

Test	Standard
1. Brucella	Negative
2. Leptospira	Negative
3. Tuberculin Test	Negative
4. Caprine Arthritis Encephalitis (CAE)	Negative

232
 233

- 232 2.5.4. Isolate diseased animals with suspected zoonotic disease/s,
 233

- 234 and these animals should be culled upon confirmation.
 235
- 236 2.6. Water
 237 2.6.1. All water used in the farm during all milking/cleaning
 238 activities shall be of adequate quantity and potable quality.
 239
- 240 2.7. Maintenance and Services
 241 2.7.1. All necessary services required for a dairy farm are
 242 available in sufficient quantities and are suitable for their
 243 purpose;
 244
- 245 2.7.2. Ensure appropriate and adequate maintenance, cleaning,
 246 sanitation, waste management, and pest control of the dairy
 247 farm;
 248
- 249 2.7.3. The dairy farm must set a provision for filtering and cooling
 250 the milk.
 251
- 252 2.8. Records
 253
- 254 2.8.1. Records are required to be kept and must be available for
 255 inspection on request by the NDA, such as:
 256
- 257 2.8.1.1. Veterinary and animal health;
 258 2.8.1.2. Animal movement;
 259 2.8.1.3. Nature and source of feed;
 260 2.8.1.4. Water analysis;
 261 2.8.1.5. Pest control program;
 262 2.8.1.6. Fertilizers and chemicals used;
 263 2.8.1.7. Equipment cleaning and maintenance program;
 264 2.8.1.8. Milk safety and quality program;
 265 2.8.1.9. Milk production record of individual animals;
 266 2.8.1.10. Temperature and hygiene of milk storage and
 267 transport; and
 268 2.8.1.11. Sources/manufacturers of all feeds, cleaning
 269 reagents, chemicals, veterinary drugs and
 270 medicines and other dairy farm inputs.
 271
- 272 2.9. Transport vehicle
 273
- 274 2.9.1. No specific transport vehicle is required as long as it
 275 (transport vehicle) is capable of transporting the milk to the
 276 processing plant without compromising its safety and
 277 quality.
 278
- 279 2.9.2. The transport vehicle shall be clean, and the interior shall
 280 be free from surrounding hazardous elements (i.e. physical,
 281 chemical, biological) and/or sources that might produce

282 these elements (e.g., gasoline, spare parts, etc.). The
 283 transport vehicle shall be provided with clean and sanitized
 284 cover/s for the milk container/s to prevent further
 285 contamination.

286 2.9.3. It shall be the responsibility of the milk producer and the
 287 concerned cooperative to ensure the cleanliness and
 288 maintenance of the transport vehicle for transporting the
 289 raw milk from the farm, to the collection center, up to the
 290 processing plant.

291
 292 2.9.4. A spot check may be conducted by the Dairy Safety Officer
 293 from time to time to inspect the cleanliness and
 294 maintenance of the transporting vehicle to ensure the
 295 safety and quality of the milk.

296
 297 2.9.5. The time of milk pick-up from the farm to the time of
 298 delivery to the milk collection center/processing plant shall
 299 be within 2 hours after milking for the safety and quality of
 300 milk. The time of storage and temperature of the milk shall
 301 be within the specifications as provided in section 3.1 of
 302 Article IV of this AO.

303
 304 Section 3. Requirements and Duties for Dairy Farm Owners/ Operators/
 305 Managers on Raw Milk Collection Chain

306
 307 3.1. Milk for collection must be of the following quality and safety
 308 standards:

309 **Dairy Quality Standards (Raw Milk)**

TEST	STANDARD	FREQUENCY
1. California Mastitis Test (CMT) or Whiteside Test	Visual interpretation: no thickening (<i>Negative (N)</i>) to slight thickening of mixture (<i>Trace (T)</i>). Trace reaction disappears with continued rotation of CMT paddle; (<i>Negative (N) to Trace (T) in some literatures/manuals</i>) ¹ Visual interpretation: Milky, no particles (-) to milky with fine particles (\pm); (<i>- to \pm in some literatures/manuals</i>) ²	weekly

2. Organoleptic / Sensory	Smell – no foul odor Appearance - no visible dirt/or extraneous matter	daily
3. Sediment	No visible dirt or extraneous matter in the filtrate	daily

310 ¹Reference Material: Pfizer Animal Health (2011). *California Mastitis Test Scoring*. Retrieved from
 311 https://www.zoetisus.com/_locale-assets/myresources/gdr11062_cmt_scorecard_final1.pdf (see
 312 ANNEX).

313 ²Reference Material: Thipayak, Thananee. (2004). *Examination and testing for mastitis*. Retrieved
 314 from http://pirun.ku.ac.th/~fvettnt/45_detection.pdf. pp. 25-31. (see ANNEX).

315

316 Dairy Safety Standards (Raw Milk)

TEST	STANDARD	FREQUENCY
1. Temperature*	2-6°C	daily

317

318

**When milk for further processing is not collected or used within two (2) hours after milking, it shall be cooled:*

319

320

321

- *to a temperature equal to or below 6°C when collected on a daily basis; or*

322

323

- *To a temperature equal to or below 4°C when not collected every day.*

324

325

Deviations from those temperatures may be acceptable if those deviations will not result in an increased risk of microbial hazards, have been approved by the manufacturer receiving the milk, and/or have been approved by the competent authority (Reference: CAC/RCP 57-2004).

326

327

328

329

330

331

- 3.2. Milk should conform to Section 3 (Essential composition and quality factors), and Section 4 (Contaminants) of PNS/BAFPS 36:2007 Fresh Milk.

332

333

334

335

- 3.3. The milk collection center/milk chilling facility must be located, designed, constructed, and the use and operation of milk collection equipment, utensils and supplies should be in such a way as to enable the collection of safe milk that is fit for human consumption and other intended use.

336

337

338

339

340

341

- 3.4. The milk collection center must set a provision for filtering and cooling milk.

342

343

344

- 3.5. Milk collection centers must be operated according to the approved Risk Management Plan of the collection center to minimize hazards;

345

346

347

348

- 3.6. All milk collected must be stored/contained in food grade (stainless steel no. 304 or 316 as specified below) containers with smooth surfaces free from scratches, crevices, cuts, and rough

349

350

edges; made of materials that do not leach harmful chemicals to contaminate the milk; and with cover;

STAINLESS STEEL SPECIFICATION		
CATEGORY		
ASTM Grade	304	316
EN Grade	1.4301	1.4401
Type	Austenitic	Austenitic
Chemical Composition, %	18Cr, 8Ni	17Cr, 10 Ni, 2Mo
Milk post-harvest Phases		
• Transportation of raw milk	✓	
• Filtering	✓	
• Filling	✓	✓
• Transport tanks	✓	✓
• Refrigerated storage tank	✓	

Reference: International Stainless Steel Forum (ISSF) (2010). *Stainless Steel in the Dairy Industry: A sustainable solution for human diet*. pp. 5-8.

Section 4. Requirements and Duties for Dairy Farm Owners/ Operators/ Managers on Personnel Hygiene

- 4.1. All dairy farm operators/owners/managers, milk collectors and other persons involved in the operations, from production to post-harvest handling, must ensure that persons, including visitors, whose presence or actions, at any premises or place where milk and other materials, may result in contamination of the milk, must wear appropriate protective clothing, follow an appropriate personal hygiene routine and behave in such a manner as may be necessary or desirable to minimize contamination to dairy material and associated things.
- 4.2. Persons infected by, or carriers of, disease or illness to be excluded from working areas or from handling dairy product. All dairy farm operators/owners/managers, milk collectors and other persons involved in the operations, from production to post-harvest handling must ensure that persons, including visitors, who are known to be, or suspected of being, infected by or a carrier of a disease or illness of public health concern (including a notifiable infectious disease as declared by the Department of Health) that is likely to be transmitted through dairy material, or associated things are precluded from working in areas where dairy material is handled.
- 4.3. All Dairy Business personnel must comply with the sanitation code and other requirements such as sanitation certificate from the local government units.

385

386 Section 5. Requirements and Duties for Dairy Farm Owners/ Operators/
387 Managers on Dairy Inputs

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

5.1. All farm owners, managers, operators, and all persons involved in any activity from production to post harvest handling must ensure that dairy material/input and associated things acquired, purchased and used in the farm conform to any and all relevant specifications that are appropriate to the class or description of the dairy material/input concerned, or the risk factor to be managed, or any combination of these.

5.2. All specified persons must ensure that measuring equipment that are used to carry out critical measurements are regularly and properly calibrated as prescribed by competent authorities and functions as intended.

5.3. The withdrawal period and procedure indicated primarily in the prescriptions of veterinarians, or in their absence, those instructions accompanying the drugs, medicines, and other biologics applied to, given, or used to treat the animals should be strictly followed.

5.4. All farm owners, managers, operators, and all persons involved in any activity from production to post harvest handling must ensure that any milk container (including secondary transport materials of any kind and cooling facilities) used for dairy material/input and associated things are designed, made, stored, and used in a manner that maintains the status of the dairy material/input as fit for its intended purpose and minimizes contamination.

5.5. Traceability Requirements

5.5.1. Labeling and identification system for dairy materials/inputs used in the farm must be in place.

5.5.2. Dairy material/input must be labelled or identified in accordance with any relevant specifications.

5.5.3. Any labeling or identification required by specifications must clearly relate to the dairy material/input to which it applies and contains information that accurately describes or differentiates the dairy material/input to which it applies.

5.5.4. Dairy material/inputs should be sourced from reputable and legitimate suppliers. DBOs must record dairy inputs

433 product details like the supplier's name or store, contact,
 434 the lot identifier of the product or product identification,
 435 the fitness of the material or product for its intended
 436 purpose, its nature and physical condition, its origin, its
 437 composition, its ingredients, the proportions of its
 438 ingredients or other constituents, the type of treatment
 439 applied to the material or product, its expiry date, storage
 440 requirement and its net contents.

441
 442

ARTICLE V

443
 444
 445

PRODUCTION OF THE RISK MANAGEMENT PLAN

446
 447
 448
 449
 450
 451

Section 1. Dairy Business Operators (DBOs) are required to come up with their own respective Risk Management Plan. These shall be submitted for approval to the NDA, through the appropriate recommendation by the Regional Safety Task Forces.

452
 453
 454
 455
 456
 457

Section 2. Risk factors for dairy farms including production inputs such as but not limited to feeds, fertilizers, cleaning reagents and the way in which these risks can be controlled must be specified in the Risk Management Plan before a dairy farm is allowed to operate.

458
 459

ARTICLE VI

460
 461
 462

MANDATORY REGISTRATION (Sec. 28, RA 10611; Rule 28.1, IRR)

463
 464
 465
 466

Section 1. All dairy enterprise operators/dairy business operators desiring to engage in, or are already engaged in a dairy enterprise, including farms and milk collection centers, shall register with NDA.

467
 468
 469
 470
 471
 472

Section 2. Registration shall be used to establish and consolidate the NDA's information and data records or registry on all dairy industry practitioners and to enable NDA to smoothly disseminate industry policies, plans, and programs direct to each practitioners. Thereby, a one-time registration fee of P500.00 regardless of size of business shall be collected.

473
 474
 475
 476

Section 3. Lack of registration for dairy industry businesses will be a ground for the non-issuance of the License to Operate (LTO).

477
 478
 479
 480

Section 4. The requirements for this mandatory registration, subject to modifications which can be made by the NDA's Dairy Regulatory Committee (REGCOM), are as follows:

- 481 4.1. Completely filled-out registration form of NDA; and
 482 4.2. Specific requirements of the Local Government Units (LGU) on the
 483 respective area for business operations.
 484

485 Section 5. The Registration of the applicant shall be issued by the NDA within
 486 three (3) working days from receipt of the complete documents
 487 and other requirements.
 488
 489

490 ARTICLE VII

491 LICENSE TO OPERATE (LTO)

492 (in relation to sec. 28, RA 10611; Rule 28.1, IRR)
 493
 494

495 Section 1. A dairy business operator can only start operations or continue
 496 operating its business under a duly-approved LTO to be issued by
 497 the NDA upon the latter's determination that the operator's dairy
 498 business, after NDA's assessment thereof, is in conformity with, or
 499 has complied with the dairy regulations and standards prescribed
 500 herein. Failure to comply with the regulations and standards shall
 501 result in the non-approval of the operator's application for a LTO
 502 until such time as the NDA has verified compliance by the business
 503 to the said dairy regulations and standards.
 504

505 Section 2. Lack of the Mandatory Registration under Article VI above results
 506 in the non-issuance of the LTO until compliance with the
 507 registration requirement is made.
 508

509 Section 3. The first issuance of the LTO shall be valid for one (1) year. Upon
 510 renewal, the LTO shall be valid for three (3) years.
 511

512 3.1. Failure to renew LTO on the deadline shall subject the delinquent
 513 DBO to a fine of P50/month until renewal application is made.
 514

515 3.2. Failure to renew LTO within sixty (60) calendar days from the
 516 deadline as defined and reckoned above, shall cause the visitation
 517 and inspection by the proper DSO of the delinquent DBO.
 518

519 Section 4. The application shall be made with the submission to the NDA of
 520 the following:
 521

522 4.1. Registration as provided under Art. VI above.

523 4.2. Filled out and duly subscribed Application Form (to be supplied by
 524 NDA and downloadable from its website);

525 4.3. Risk Management Plan; and

526 4.4. Schedule of Inspection and Assessment as agreed to between the
 527 applicant and the NDA.

528

529 Section 5. The NDA REGCOM can, from time to time, add, subtract, adjust or
530 modify the requirements for the issuance of the License through
531 appropriate Orders.

532

533 Section 6. The LTO shall be issued by the NDA after all documents have been
534 submitted, the requisite fees paid, and the inspection and
535 assessment confirming compliance with the standards contained
536 herein shall have been made with the applicant found compliant.

537

538 Section 7. The LTO shall be issued within three (3) working days from
539 confirmation of compliance of the applicant with the standards
540 prescribed herein the complete submission of all the documents
541 and other requirements including payment of the requisite fees.

542

543

ARTICLE VIII

544

545

FEES AND CHARGES

546

(Rule 36.1, IRR)

547

548

549 Section 1. Fees and charges will be imposed by the NDA to cover
550 administrative, monitoring, assessment, verification, audit and
551 milk testing (if third party, should have separate fees) costs in
552 relation to the issuance of License to Operate (LTO) and for other
553 legal purposes. The following schedules of fees and charges are
554 subject to amendment by the NDA Dairy Regulatory Committee
555 (REGCOM) with proper notice to the general public.

556

557 1.1. License to Operate for Dairy Farms:

558

559 Classification of dairy farms and corresponding fees

560

LTO Fee for Large Ruminants (PHP)	LTO Fee for Small Ruminants (PHP)
50.00/head	10.00/head

561

562

563

564

565

566

567 1.2. License to Operate for Milk Collection Centers/Chilling Facilities:

568

569 Classification of Collection Centers/Chilling Facilities and
570 corresponding fees

571

LTO Fee (PHP)
100.00 for initial issuance (valid for one year)

<p>300.00 for renewal (valid for three years)</p>

572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618

ARTICLE IX

CONTROL MEASURES AND ACTIVITIES TO ENSURE DAIRY ENTERPRISES' COMPLIANCE WITH DAIRY SAFETY REGULATIONS AND STANDARDS: INSPECTION, ASSESSMENT, VERIFICATION, MONITORING AND AUDIT (Sec. 29, RA 10611)

Section 1. General Regulations:

- 1.1. Control measures shall be risk-based and inspection, assessment, verification, monitoring and audit shall always be undertaken based on risks potentials or predisposition. Frequency of launching official controls is dependent therefore on the severity and likelihood of occurrence of the food safety risks being controlled or addressed.
- 1.2. At all times and instances and whenever practicable, the exercise of any of the official control measures or functions shall be commenced by a notice of the same furnished the Dairy Business Operator (DBO) or its officially designated Dairy Safety Compliance Officer (DSCO) stating therein the date and time of the exercise of the control function or activity. Again, control measures and activities must be undertaken within the scope of the Risk Management Plan (RMP) of the entity.
- 1.3. Inspection, assessment, verification, monitoring and audit shall be undertaken in the presence of the dairy business operator or its DSCO. Samples, documents and objects tagged for testing and review shall always be signed by both the NDA Dairy Safety Officer (DSO) and the Dairy Business Operator or its DSCO. Regular inspection should be carried out during business hours and days except when circumstances warrant otherwise in which case, the circumstances and grounds shall duly be noted and written in an official record.
- 1.4. Inspection, assessment, verification, monitoring and audit activities always include the examination of the operator's records and documents, and when needed, the production of certified copies thereof.
- 1.5. By reason of limited manpower and material resources, the NDA may delegate to the Local Government Unit's food safety/sanitation officer the function of inspection upon policies

619 and protocols agreed upon by the NDA and the LGU, or those found
620 in agreements made by the statutorily-created Food Safety
621 Regulation Coordinating Board (FSRCB) and the DILG/LGU.
622

623 Section 2. Inspections/Assessments/Verification in Accordance with
624 the LTO Application
625

626 2.1. Upon the approval of the schedule of inspection and assessment or
627 verification of the applicant, inspection of the applicant's dairy
628 business enterprise premises and facilities shall be conducted
629 based on the approved schedule.
630

631 2.2. The NDA DSO and the Dairy Business Operator/owner or its DSCO
632 shall be present sufficiently in all phases of the process. Materials
633 like samples and documents gathered shall be signed by the DSO
634 and the operator, its manager or its DSCO and these shall be listed
635 in a document or record to be signed also by both.
636

637 2.3. During the course of the activity, if a non-compliant condition is
638 found or observed, the same should be remedied right there and
639 then if the condition is susceptible of being remedied at once.
640 Otherwise, operations involving the non-compliant condition
641 should be temporarily stopped until the condition is removed or
642 rendered harmless.
643

644 2.4. Temporary termination of operations can only be resorted to upon
645 finding of a serious violation of the regulations or standards that
646 directly affect dairy safety and human health.
647

648 2.5. In case of control activities to be conducted under dangerous or
649 hazardous conditions, the NDA DSO has the option to secure the
650 aid of the local police, health and/or other law enforcement
651 agencies or officers having jurisdiction over the vicinity.
652

653 Section 3. Scheduled Assessment, Verification, and Audit
654

655 3.1. The inspections and laboratory testing shall be made based on the
656 schedules of NDA's dairy enterprise's RMP. A notice of the
657 impending inspection shall still be given the dairy business
658 enterprise.
659

660 Section 4. Unscheduled Inspections for Cause or in Times of Emergencies
661

662 4.1. Unscheduled inspection and assessment of a dairy enterprise can
663 only be made when the NDA DSO has reasonable grounds to
664 believe that identified risks exist and persist within the dairy
665 enterprise premises. Such grounds shall be documented and
666 officially recorded.

667

668

669

670

671

672

673

674

675

676

677

678

679

680

681

682

683

684

685

686

687

688

689

690

691

692

693

694

695

696

697

698

699

700

701

702

703

704

705

706

707

708

709

710

711

712

713

714

4.2. Unscheduled inspections shall commence with the giving of a notice of the inspection to the dairy enterprise on the day of the inspection. The notice shall state the reasonable grounds for which risks are said to be present.

4.3. All costs and fees related to the control activity shall be for the applicant's account upon presentation of proper and official billing.

Section 5. Monitoring

5.1. To ensure recommendations given to the Dairy Business Operator are accomplished, the DSO shall conduct periodic site visitation and follow-up to monitor compliance with the recommendations.

5.2. Alternatively, the DBO's Compliance Officer may submit proof of compliance with the DSO recommendations such as the submission of an affidavit accompanied by before-and-after photos showing compliance. This alternative however does not preclude or prohibit the DSO to conduct site visitation and verification if found still necessary.

Section 6. Approval of Applications for LTO

6.1. If found compliant, within fifteen (15) working days from the termination of the control activity, the DSO shall recommend approval of the application for LTO to the Regional Task Force Manager who shall then review and approve the same.

6.2. Copies of all approved LTOs shall be furnished the REGCOM within five (5) working days from approval.

ARTICLE X

RESULTS OF CONTROL ACTIVITIES AND THE CORRESPONDING COMMUNICATION, REMEDIAL AND OTHER OFFICIAL ACTIONS TO BE UNDERTAKEN PURSUANT THERETO INSPECTION/AUDIT REPORT

Section 1. General Regulations

1.1. The results and findings of all control activities or measures must be shared and given to the DBO subject of the control activity through an Audit Report.

1.2. Defective, contaminated, and/or unsafe milk or product affecting other related products, the results of control activities shall likewise be communicated and shared with the FSRA(s) having

715 primary and immediate jurisdiction over the other products
716 affected actually or potentially.

717

718 1.3. Information and communication received by the NDA from other
719 FSRAs concerning defect, contamination or unsafe food that may
720 affect dairy farms and milk collection centers, including all the
721 dairy entities and service providers found in the dairy production
722 shall be held in the strictest confidence and shall be used strictly
723 for the immediate formulation and implementation of a responsive
724 RMP including a Quick Response Program. The same reciprocity
725 from other FSRAs is respectfully requested when NDA shares the
726 same set of information with them.

727

728 1.4. Any remedial or corrective action(s) contained in an
729 Inspection/Audit report shall be implemented based on the
730 concerned DBO's RMP, the Dairy Safety Regulations, and those
731 recommended by the Milk Quality Assurance Division head and *ex-*
732 *officio* Chief Dairy Safety Officer (CDSO).

733

734 1.5. New and latest technologies for the sharing of information and
735 communication of the results of control activities or measures
736 shall be adopted and used for the efficient and effective
737 implementation of the Dairy Safety Regulations. Submission of
738 post-control Activity Reports shall be maintained in a regional as
739 well as central data base and filing system for easy reference and
740 retrieval.

741

742 1.6. Information acquired during the course of the control activities
743 shall not be divulged to or shared with any third party especially
744 the examined DBO's competitors except and only to the extent
745 required by public health and safety concerns and protocols as
746 found and declared so by the Chief Dairy Regulations Officer.

747

748 Section 2. For Compliant Dairy Business Operators

749

750 2.1. The DSO shall record and document his/her findings within fifteen
751 (15) working days from the termination of his/her control activity
752 in an Inspection/Audit Report. The Report shall point out the
753 safety processes of the production stage, and other material
754 processes implemented by the DBO which reduced if not removed
755 the risks or the probability of their recurrence.

756

757 2.2. This Report shall be furnished to the Dairy Business Operator, the
758 NDA Dairy Regulatory Committee (REGCOM), and the Regional
759 Task Force.

760

761 Section 3. For Non-Compliant Dairy Business Operators

762

763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810

3.1. Non-compliance resulting in Exposure to Risk

3.1.1. Risks and deviations shall be attended to with dispatch by the DBO itself and corrective measures to be instituted shall be observed.

3.1.2. The necessity of instituting corrective measures shall be contained in the Inspection/Audit Report duly issued by the DSO and received by the DBO. Remedial measures instituted by the DBO against the risks and non-compliant product, process or procedure making the subject farm, business, enterprise or outfit compliant with these Regulations, shall always be subject to monitoring and verification by the DSO before any official action or sanctions adopted against the risk or non-complying milk, process, or procedure shall be lifted.

3.1.3. Depending on the circumstances, the following shall be observed in cases of non-compliant milk, process, and procedure:

3.1.3.1. In cases of applications for both the initial and annual LTOs, then the issuance or approval thereof shall be withheld pending compliance by the DBO as duly verified by the NDA DSO.

3.1.3.2. In cases of non-compliance discovered along the course of an annual control activity which are susceptible of immediate rectification within the same day or control visit, the remedial or corrective measure(s) shall be undertaken at once by the DBO.

3.1.3.3. In cases where no immediate relief can be instituted within the day or during the control visit, then remedial measures shall be performed by the DBO within the period the DBO estimates it shall be able to complete compliance with the Inspection/Audit Report issued by DSO. Once compliance is attained and DSO-verified, official actions or sanctions issued by virtue of the non-compliant milk, process or procedure shall be lifted.

3.2. Non-compliance directly resulting in Defective, Contaminated or Unsafe Milk

3.2.1. The traceability properties of the defective, contaminated

811 and/or unsafe milk, including documents covering the
812 backward and forward linkages of the milk in the food
813 chain shall be filed as a report by the DSO.

814

815 3.2.2. Recalls of the defective, contaminated and/or unsafe milk
816 shall immediately be undertaken by the DBO.

817

818 3.2.3. Other products that may have been affected by the
819 defective, contaminated and unsafe milk shall be
820 established and communicated with the FSRAs having
821 authority over such other products.

822

823 3.2.4. Concerned local authorities, health centers and hospitals
824 shall immediately be informed by the DBO, with the
825 assistance of the DSO, so that precautionary measures can
826 be instituted immediately.

827

828 3.2.5. Inspection/Audit report of the DSO issued hereunder as
829 well as in all other cases is immediately executory and
830 shall continue to be in full force and effect until
831 compliance is achieved by the entity concerned, or the
832 NDA Dairy Regulatory Committee issues an Order for the
833 modification, recall or termination of the DSO
834 Inspection/Audit report.

835

836

837

ARTICLE XI

838

COMPLIANCE WITH THE DAIRY SAFETY REGULATIONS

839

840

841 Section 1. Food safety regulations for the dairy industry are found in this
842 Order and supplemented by the HACCP, Good Agricultural
843 Practices, Good Animal Husbandry Practices, and Codex
844 Alimentarius.

845

846 Section 2. Dairy entities that shall fully comply with this Order shall be issued
847 License to Operate (LTO) under the following circumstances:

848

849 2.1. If compliant after the first assessment, the LTO is valid for one (1)
850 year. After expiration of the validity of LTO, renewal of LTO is
851 valid for three (3) years.

852

853 2.2. If non-compliant after the first assessment, succeeding
854 assessments will be done as soon as the dairy enterprise has
855 notified NDA that it is ready.

856

857 2.3. Verification will be done in cases of non-conforming activities in
858 order to assess the truthfulness of the incident and institute

- 859 remedial/corrective measures.
860
- 861 2.4. Audit activities may be announced or unannounced and conducted
862 as often as necessary.
863
- 864 2.5. For all dairy entities, a written and signed Phased Compliance Plan
865 (PCP) to these regulations and standards may be allowed
866 whenever duly verified facts and circumstances render difficult
867 and onerous to complete and immediately comply with the
868 standards herein set forth. Provided, however, that the risks
869 identified as basic and immediate in given situations should be
870 responded to at all times and conditions; and provided further,
871 that in every PCP, the identified risks for each phases are
872 addressed in a timely and effective manner as contained and seen
873 in the PCP itself.
874
- 875 2.6. However, full compliance will have to be achieved within two
876 years from the date of application for existing farms and from the
877 date of acceptance of dairy animals for new entrants.
878
- 879 2.7. During the transition period, payment of LTO fees will be charged
880 as follows:
881
- 882 2.7.1. LTO fees are free for those that will fully comply, within
883 twelve (12) months from the date of effectivity of this
884 Order for existing and from the date of acceptance of dairy
885 animals for new entrants.
- 886 2.7.2. Full payment will be charged if full compliance is done or
887 achieved after 12 months.
888

889 **ARTICLE XII**

890 **PROHIBITED ACTS**

- 891
- 892
- 893
- 894 Section 1. It shall be unlawful for any person to:
895
- 896 1.1. Produce, handle or manufacture for sale, offer for sale, distribute
897 in commerce, or import into the Philippines any food or food
898 product which is not in conformity with an applicable food quality
899 or safety standard promulgated in accordance with the Food Safety
900 Law of 2013;
901
- 902 1.2. Produce, handle or manufacture for sale, offer for sale, distribute
903 in commerce, or import into the Philippines any food or food
904 product which has been declared as banned food product;
905
- 906 1.3. Refuse access to pertinent records or entry of inspection officers of

- 907 the NDA;
 908
 909 1.4. Fail to comply with an order relating to notifications to recall
 910 unsafe products;
 911
 912 1.5. Adulterate, misbrand, mislabel, falsely advertise any food product
 913 which misleads the consumers and carry out any other acts
 914 contrary to good manufacturing practices;
 915
 916 1.6. Operate a food business without the appropriate authorization;
 917
 918 1.7. Connive with food business operators or food inspectors, which
 919 will result in food safety risks to the consumers; and
 920
 921 1.8. Violate the implementing rules and regulations of the Food Safety
 922 Act of 2013.
 923
 924

925 **ARTICLE XIII**

926 **PENALTIES**

- 927
 928
 929 Section 1. *PENALTIES*: In accordance with the provisions of the Food Safety
 930 Act of 2013, any person who shall violate any provision of the Food
 931 Safety Act of 2013 shall suffer the penalties provided as follows:
 932
 933 1.1. For the first conviction, a fine of not less than Fifty thousand pesos
 934 (P50,000.00) but not more than One hundred thousand pesos
 935 (P100,000.00) and suspension of appropriate authorization for
 936 one (1) month shall be imposed;
 937
 938 1.2. For the second conviction, a fine of not less than One hundred
 939 thousand pesos (P100,000.00) but not more than Two hundred
 940 thousand pesos (P200,000.00) and suspension of appropriate
 941 authorization for three (3) months shall be imposed;
 942
 943 1.3. For the third conviction, a fine of not less than Two hundred
 944 thousand pesos (P200,000.00) but not more than Three hundred
 945 thousand pesos (P300,000.00) and suspension of appropriate
 946 authorization for six (6) months shall be imposed;
 947
 948 1.4. For violation resulting in slight physical injury of a person, upon
 949 conviction, a fine of not less than Two hundred thousand pesos
 950 (P200,000.00) but not more than Three hundred thousand pesos
 951 (P300,000.00) and suspension of appropriate authorization for six
 952 (6) months shall be imposed. The offender shall also pay the
 953 hospitalization and rehabilitation cost of a person;
 954

- 955 1.5. For violation resulting in less serious or serious physical injury of a
956 person, upon conviction, a line of not less than Two hundred
957 thousand pesos (P200,000.00) but not more than Three hundred
958 thousand pesos (P300,000.00) and suspension of appropriate
959 authorization for one (1) year shall be imposed. The offender shall
960 also pay the hospitalization and rehabilitation cost of a person;
961
- 962 1.6. For violation resulting in death of a person, upon conviction, the
963 penalty of imprisonment of not less than six (6) months and one
964 (1) day but not more than six (6) years and one (1) day and a fine
965 of not less than Three hundred thousand pesos (P300,000.00) but
966 not more than Five hundred thousand pesos (P500,000.00) and
967 permanent revocation of appropriate authorization to operate a
968 food business shall be imposed.
969
- 970 1.7. If the offender does not have the appropriate authorization, the
971 imposable fines shall be doubled.
972
- 973 1.8. If the offender is a government personnel, in addition to the
974 penalty prescribed herein, said personnel shall be subjected to the
975 appropriate civil service laws.
976
- 977 1.9. If the offender is a naturalized citizen, in addition to the penalty
978 prescribed herein, the naturalization certificate and the
979 registration in the civil registry of said citizen shall be cancelled.
980 Immediate deportation after payment of fine and service of
981 sentence shall also be imposed.
982
- 983 1.10. If the offender is an alien, said alien shall be summarily deported
984 after payment of fine and service of sentence and perpetually
985 barred from entering the country.
986
- 987 1.11. Any director, officer or agent of a corporation who shall authorize,
988 order or perform any of the acts or practices constituting in whole
989 or in part a violation of Section 37 of R.A. 10611 hereof, and who
990 has knowledge or notice of noncompliance received by the
991 corporation from the concerned department, shall be subjected to
992 the penalties under this section.
993
- 994 1.12. In case the violation is committed by, or in the interest of a foreign
995 juridical person duly licensed to engage in business in the
996 Philippines, such license to engage in business in the Philippines
997 shall immediately be revoked.
998
- 999 1.13. Absence of registration and LTO will not be accepted to collection
1000 centers/processing plants.
1001

- 1002 Section 2. *ADMINISTRATIVE PENALTIES* (Rule 38.3 to 38.5 of the IRR)
 1003
 1004 2.1. Administrative penalties provided under RA 10611 shall be in
 1005 addition to whatever penalties are provided under other relevant
 1006 laws which may penalize the same acts.
 1007
 1008 2.2. For committing prohibited acts as defined in RA 10611 and its IRR,
 1009 both criminal action in court and the administrative action may be
 1010 instituted separately and independent of one another.
 1011
 1012 2.3. The filing of the administrative complaint and the imposition of
 1013 administrative penalties shall be lodged with the NDA.
 1014
 1015 2.4. The filing of action for the commission of prohibited acts resulting
 1016 in death of a person and the imposition of the corresponding
 1017 penalty of imprisonment shall be lodged with the appropriate
 1018 courts.
 1019
 1020

ARTICLE XIV

ADMINISTRATIVE REMEDIES AND PROCEEDINGS

- 1021
 1022
 1023
 1024
 1025 Section 1. Denial of Applications for the Issuance of LTOs
 1026
 1027 1.1. Insufficient requirements and non-compliance with standards
 1028 provided herein are grounds for denial of the application for an
 1029 LTO or for renewal of an LTO.
 1030
 1031 1.2. Denied applications can be reconsidered upon the applicant's
 1032 completion and submission of all requirements and its compliance
 1033 with the standards.
 1034
 1035 1.3. Clarifications and modifications can be requested from the
 1036 Regional Dairy Safety Officer or the Chief Dairy Safety Officer
 1037 (CDSO) of the REGCOM.
 1038
 1039 Section 2. Review of Inspection/Audit Reports issued by DSOs
 1040
 1041 2.1. DBOs aggrieved by Inspection/Audit report of the DSOs may ask,
 1042 within five (5) working days from receipt thereof, for the review of
 1043 the subject Report from the Office of the Chief Dairy Safety Officer
 1044 (CDSO) of the NDA, by writing a letter-complaint sent to the CDSO
 1045 through, and copy furnished, the Concerned Regional Department
 1046 Manager/Task Force Chief, as follows:
 1047
 1048 2.2.1. Filing may be done during business hours by submitting a
 1049 hard copy of the letter-complaint to the Regional

- 1050 Department Manager/Task Force Chief with the attached
1051 annexes, if any, or through electronic mail (email) with
1052 electronic copies of annexes, if any, attached to the email.
1053
- 1054 2.2.2. The date of the actual receipt by the Regional Department
1055 Manager/Task Force Chief of the hard copy or the date of
1056 receipt by email as indicated by the email client
1057 application/service provider (like dates specified in
1058 Yahoo! mail or Gmail for example) shall determine the
1059 timeliness of the filing of the complaint within the five (5)
1060 working day period for filing as provided above.
1061
- 1062 2.2.3. In the case of filing through a hard copy of the letter-
1063 complaint and its annexes, the Regional Department
1064 Manager/Task Force Chief shall create electronic copies of
1065 the same.
1066
- 1067 2.2.4. The letter shall contain the relevant facts and circumstances
1068 constituting the claim or complaint, signed by the DBO,
1069 and should contain a copy of the assailed Report(s)
1070 attached thereto.
1071
- 1072 2.2.5. The Regional Department Manager/Task Force Chief shall
1073 transmit the letter and its annexes or attachments to the
1074 Chief Dairy Safety Officer (CDSO) via electronic means
1075 within the day of receipt of the electronic copies of letter-
1076 complaint along with the annexes thereto, or immediately
1077 in the following next business day. The transmittal of the
1078 hard copies of the letter and its annexes to the CDSO shall
1079 follow thereafter.
1080
- 1081 2.2.6. Upon receipt electronically of the letter-complaint and
1082 annexes, the CDSO shall gather and review the facts and
1083 circumstances surrounding the issuance of the questioned
1084 report(s) from the aggrieved party. To aid in disposing the
1085 matters before it, the CDSO may, in its discretion, issue
1086 orders necessary for the just resolution of the case
1087 including requiring the DSO to give its comments on the
1088 complaint and explanations for its Report, in writing and
1089 filed electronically (email) or requiring the complaining
1090 DBO to give its comments and other documents in relation
1091 to the DSO's comments and explanations to be filed
1092 electronically as well.
1093
- 1094 2.2. Proceedings for the review of inspection/audit reports of DSOs
1095 shall, as much as possible, be free of legal technicalities.
1096
- 1097 2.3. Within seven (7) working days either from receipt of the last

- 1098 pleading filed in accordance with its orders, or from receipt of the
 1099 letter complaint without any other pleading being ordered filed, a
 1100 decision shall be issued by the CDSO in writing, with the facts and
 1101 circumstances clearly enumerated and shall be furnished the
 1102 requesting DBO and the concerned Regional Dairy Safety Task
 1103 Force and DSO, and shall be immediately executory.
 1104
- 1105 2.4. No motion for reconsideration shall be allowed.
 1106
- 1107 Section 3. Appeal of Decisions of CDSO in its Review of the Inspection/Audit
 1108 Reports Issued by the DSOs.
 1109
- 1110 3.1. Appeal of CDSO decisions rendered in its review of the
 1111 Inspection/Audit Reports of the DSOs shall be made with the
 1112 REGCOM via a letter-review filed within five (5) working days by a
 1113 party to the CDSO proceedings.
 1114
- 1115 3.2. After summary proceedings by the NDA's Dairy Regulatory
 1116 Committee (REGCOM), a decision finding violations committed by
 1117 the DBO shall cause the suspension of LTOs of the DBO.
 1118
- 1119 a. A verified complaint along with relevant and material
 1120 annexes, as well as the decision made by the CDSO, shall
 1121 state clearly the facts and circumstances showing the
 1122 alleged violation(s) committed by the DBO of RA 10611, its
 1123 IRR, these Regulations and/or other related issuances.
 1124
- 1125 b. An Answer to the complaint shall be submitted by the DBO
 1126 within ten (10) days from receipt of a copy of the complaint,
 1127 stating therein the facts and circumstances constituting its
 1128 defense and attaching thereto the relevant and material
 1129 documents.
 1130
- 1131 c. The REGCOM, through the Chief Dairy Regulations Officer
 1132 (CDRO), may issue such other orders which would aid it in
 1133 clarifying matters and issues and in judiciously disposing of
 1134 the proceedings like the submission of further pleadings
 1135 and documents for instance, or authorizing the Legal Officer
 1136 of the REGCOM to make the requisite investigation of the
 1137 issues and matters in controversy and to make
 1138 recommendations to the REGCOM.
 1139
- 1140 d. When all pleadings, documents, and reports have been
 1141 submitted as ordered by it, the CDRO shall issue an order
 1142 submitting the case for decision.
 1143
- 1144 e. Within twenty (20) days from the issuance of the order

1145 submitting the case for decision, the CDRO shall render its
1146 decision suspending or not the DBO's License to Operate.
1147

1148 3.3. When judgment suspending the DBO's LTO is rendered, a notice to
1149 cease and desist operations shall be issued by the CDRO along with
1150 the decision upon which the Notice was based, copy furnished the
1151 appropriate Regional Dairy Task Force and its DSO, the
1152 complainant if any, and the DBO. Such decision is immediately
1153 executory.
1154

1155 3.4. When remedial works that would remove the cause of the
1156 suspension and make the DBO's operations compliant again, and
1157 such correction(s) duly validated and reported to the REGCOM, by
1158 the responsible Regional Dairy Task Force, a revoking notice shall
1159 perforce be issued allowing operations by the DBO.
1160

1161 3.5. No motion for reconsideration shall be allowed.
1162

1163 Section 4. Suspension of LTOs
1164

1165 4.1. The REGCOM has the sole and original jurisdiction to hear
1166 proceedings for the suspension of LTOs.
1167

1168 4.2. Summary proceedings for the suspension of a DBO's LTO can be
1169 instituted by the NDA Chief Dairy Safety Officer (CDSO) *motu*
1170 *proprio*, or by an aggrieved person, with the filing of a complaint
1171 with the REGCOM.
1172

1173 4.3. After summary proceedings by the NDA's Dairy Regulatory
1174 Committee (REGCOM), a decision finding violations committed by
1175 the DBO shall cause the suspension of LTOs of the DBO.
1176

1177 a. A verified complaint along with relevant and material
1178 annexes, as well as the decision made by the CDSO, shall
1179 state clearly the facts and circumstances showing the
1180 alleged violation(s) committed by the DBO of RA 10611, its
1181 IRR, these Regulations and/or other related issuances.
1182

1183 b. An Answer to the complaint shall be submitted by the DBO
1184 within ten (10) days from receipt of a copy of the complaint,
1185 stating therein the facts and circumstances constituting its
1186 defense and attaching thereto the relevant and material
1187 documents.
1188

1189 c. The REGCOM, through the Chief Dairy Regulations Officer
1190 (CDRO), may issue such other orders which would aid it in
1191 clarifying matters and issues and in judiciously disposing of
1192 the proceedings like the submission of further pleadings

- 1193 and documents for instance, or authorizing the Legal Officer
 1194 of the REGCOM to make the requisite investigation of the
 1195 issues and matters in controversy and to make
 1196 recommendations to the REGCOM.
 1197
- 1198 d. When all pleadings, documents, and reports have been
 1199 submitted as ordered by it, the CDRO shall issue an order
 1200 submitting the case for decision.
 1201
- 1202 e. Within twenty (20) days from the issuance of the order
 1203 submitting the case for decision, the CDRO shall render its
 1204 decision suspending or not the DBO's License to Operate.
 1205
- 1206 4.4. When judgment suspending the DBO's LTO is rendered, a notice to
 1207 cease and desist operations shall be issued by the CDRO along with
 1208 the decision upon which the Notice was based, copy furnished the
 1209 appropriate Regional Dairy Task Force and its DSO, the
 1210 complainant if any, and the DBO. Such decision is immediately
 1211 executory.
 1212
- 1213 4.5. When remedial works that would remove the cause of the
 1214 suspension and make the DBO's operations compliant again, and
 1215 such correction(s) duly validated and reported to the REGCOM, by
 1216 the responsible Regional Dairy Task Force, a revoking notice shall
 1217 perforce be issued allowing operations by the DBO.
 1218
- 1219 4.6. No motion for reconsideration of the judgment and decisions
 1220 issued by the REGCOM shall be allowed.
 1221
- 1222 Section 5. Docket and records keeping, sending of notices and other
 1223 processes which would aid in the speedy determination and
 1224 disposal of the issues and cases shall devolve upon the REGCOM
 1225 and its designated Secretariat. The REGCOM, the CDSO, and other
 1226 units tasked with implementing the Dairy Safety Regulations shall
 1227 be free to utilize advanced information and communications
 1228 technology to effect a just, speedy and efficient disposition of
 1229 issues, cases and controversies involving dairy safety and matters
 1230 related thereto that are pending before their respective offices.
 1231
- 1232 Section 6. In criminal proceedings for prohibited acts defined under the Food
 1233 Safety Act of 2013 (RA 10611) and its IRR, administrative
 1234 proceedings can be instituted separately and independent of the
 1235 criminal proceedings. The filing of the administrative complaint
 1236 shall be lodged with the NDA REGCOM.
 1237
- 1238 6.1. Criminal proceedings under the Food Safety Act of 2013 (RA
 1239 10611) can be instituted *motu proprio* by the Regional Dairy Safety
 1240 Officer (RDSO) or by the Chief Dairy Safety Officer (CDSO), with the

1241 filing of the criminal complaint with the competent Prosecutor's
 1242 Office, or by any person aggrieved by the DBO's violation(s) of the
 1243 Food Safety Act of 2013 by the filing of a criminal complaint, on his
 1244 or her own or through the endorsement of the RDSO or CDSO, with
 1245 the competent Prosecutor's Office.

1246
 1247 6.2. The Rules of Criminal Procedure of the Revised Rules of Court of
 1248 the Philippines shall govern criminal actions under the Dairy
 1249 Safety Regulations.

1250
 1251 Section 7. In all instances, the Chief Dairy Regulatory Officer of the REGCOM
 1252 retains the authority to review, revise, reverse, amend or
 1253 otherwise modify all decisions of all Safety Officers/Auditors and
 1254 units of the NDA Regulatory System. Hence, a final appeal to the
 1255 REGCOM through its CDRO can be resorted to in decisions
 1256 rendered by the said units and offices in the Dairy Safety
 1257 implementation structure of NDA.

1258
 1259

ARTICLE XV

1260
 1261

AUTHORIZED AGENCIES AND PERSONS INVOLVED IN THE ENFORCEMENT OF THIS REGULATION

1262
 1263

1264
 1265 Section 1. Any particular function or activity required to be carried out in
 1266 furtherance of these Dairy Safety Regulations should be done only
 1267 by a duly recognized and deputized person or agency by the NDA.

1268
 1269 Section 2. The compliance and performance of dairy farms, milk collection
 1270 centers/ milk chilling facilities, must be inspected, assessed,
 1271 verified, monitored and audited only by duly recognized,
 1272 deputized and/or designated Dairy Safety Officers (DSOs).

1273
 1274 Section 3. No person or agency may take responsibility for, or sign a Risk
 1275 Management Plan unless the person or agency is duly recognized,
 1276 deputized and/or designated by the NDA.

1277
 1278 Section 4. No person or agency may carry out inspection, assessment,
 1279 verification, audit and other official control functions and activities
 1280 from the dairy farm up to the post-harvest handling stage in the
 1281 dairy production unless that person or agency is duly authorized,
 1282 deputized and/or designated by NDA.

1283
 1284 Section 5. Requirements may be specified in relation to the management of
 1285 staff involved in the inspection, assessment, verification and audit
 1286 and other control functions and activities, the management of any
 1287 non-compliance or conflict of interest in relation to inspection,
 1288 assessment, verification, monitoring and audit functions and

1289 activities and the reporting to the NDA of matters relating to the
1290 said activities.

1291
1292 Section 6. No person may become a Dairy Safety Officer (DSO) or recognized
1293 Dairy Safety Compliance Officer (DSCO) of a Dairy Business
1294 Operator (DBO) unless he or she has undergone and completed the
1295 appropriate dairy safety trainings spearheaded by NDA. DSOs and
1296 DSCOs must likewise attend periodic dairy safety trainings for
1297 their continued exercise of their respective offices.

1298
1299

1300 ARTICLE XVI

1301
1302
1303
1304

THE NDA'S IMPLEMENTATION STRUCTURE: THE DAIRY REGULATORY COMMITTEE (REGCOM)

1305 Section 1. To ensure their complete and nationwide enforcement, a **Dairy**
1306 **Regulatory Committee (REGCOM)** is hereby created within the
1307 NDA's existing management structure, as well as other delegated
1308 competent authorities, which shall be the group primarily
1309 responsible for the efficient, effective and proper implementation
1310 of the Food Safety Act of 2013, its Implementing Rules and
1311 Regulations, the provisions of this Dairy Regulations as well as
1312 those of all the other laws, rules and regulations relative to all
1313 dairy animals like dairy cows, buffaloes and goats, and bearing
1314 upon the production and post-harvest handling, distribution and
1315 sale of safe raw milk.

1316
1317 Section 2. Composition

1318

1319 2.1. The Committee shall be chaired by the incumbent NDA
1320 Administrator as the **Chief Dairy Regulatory Officer (CDRO)**, in
1321 addition to its function as the duly designated official
1322 representative of the NDA to the statutory Food Safety Regulations
1323 Coordinating Board (FSRCB) created by the Food Safety Act of
1324 2013.

1325

1326 2.2. The Members of the REGCOM shall be the following:

1327 2.2.1. Deputy Administrator of NDA and *ex-officio* Chief Dairy
1328 Safety Officer (CDSO)

1329 2.2.2. Executive Director of the Philippine Carabao Center (PCC)

1330 2.2.3. National Chairman of the Dairy Confederation of the
1331 Philippines (DCP)

1332 2.2.4. Operations Department Manager of NDA

1333 2.2.5. Corporate Planning and Management Services
1334 Department Manager of NDA

1335 2.2.6. Finance and Administration Department Manager of NDA

1336 2.2.7. Concerned Regional Department Manager/Task Force

- 1337 Chief of NDA
 1338 2.2.8. Milk Quality Assurance Division Chief of NDA
 1339 2.2.9. NDA Legal Officer of NDA
 1340
 1341 2.3. Authority to appoint, remove, transfer or otherwise effect
 1342 personnel movement permanently or temporarily in the Dairy
 1343 Regulation Structure of NDA shall reside with the **Chief Dairy**
 1344 **Regulatory Officer (CDRO)**.
 1345
 1346 Section 3. Functions
 1347
 1348 3.1. To review NDA's Dairy Safety Regulations and Standards.
 1349
 1350 3.2. To supplement, amend or otherwise adjust the NDA's Dairy Safety
 1351 Regulations when necessary and practicable in order to make
 1352 them more effective and operational, and to promulgate thereafter
 1353 the required remedial regulations, practice or procedures in
 1354 accordance with the usual public consultation and publication
 1355 requirements of existing laws.
 1356
 1357 3.3. To determine and provide the staffing requirements and support
 1358 structures for the implementation of these Dairy Safety
 1359 Regulations including budgetary support thereto including the
 1360 plans, protocols, policies, organizational structures and strategies
 1361 like the training, functions and responsibilities of its DSOs for their
 1362 immediate and nationwide deployment and the formulation of its
 1363 own internal Committee rules, plans and policies.
 1364
 1365 3.4. To issue directives, clarifications and instructions regarding the
 1366 proper interpretation and/or implementation of the provisions of
 1367 the Dairy Safety Regulations and the various codes and levels of
 1368 standards related thereto.
 1369
 1370 3.5. To exercise oversight functions over the whole implementation
 1371 structure of the Dairy Safety Regulations.
 1372
 1373 3.6. To work for the adoption of the framework and parameters for
 1374 coordination and cooperation with the other agencies in the
 1375 implementation of this Dairy Safety Regulation especially the dairy
 1376 safety/sanitation officers of the LGUs.
 1377
 1378 3.7. To perform quasi-judicial functions in the administration and
 1379 implementation of the Dairy Safety Regulations throughout the
 1380 country.
 1381
 1382 3.8. To do such other legal acts which the effective, efficient and due
 1383 implementation of the food safety laws and the Dairy Safety
 1384 Regulations would require, or which are inherent in, incidental to

1385 or warranted by the lawful and effective performance of the
 1386 functions enumerated herein such as, but not limited to, orders
 1387 and other processes in support of its quasi-judicial functions as
 1388 well as for its investigative/audit functions.

1389

1390

1391

1392

1393

1394

1395

1396

1397

1398

ARTICLE XVII

1399

THE DAIRY SAFETY OFFICERS (DSOs) AND THE NDA's REGIONAL DAIRY SAFETY TASK FORCES (REGIONAL TASK FORCE)

1400

1401

1402

Section 1. The Dairy Safety Officers (DSOs)

1403

1404

1405

1406

1407

1408

1409

1410

1411

1412

1413

1414

1415

1416

1417

1418

1419

1420

1421

1422

1423

1424

1425

1426

1427

Section 2. The Regional Dairy Safety Task Force (Regional Task Force)

1428

1429

1430

1431

1432

- 3.9. To provide the National Dairy Authority Board, the Food Safety Regulatory Coordinating Board (FSRCB), the Department of Agriculture (DA) and other related and interested agencies with periodic reports on the implementation and results of NDA's Dairy Safety Regulation of the dairy industry.

- 1.1. Official control functions shall primarily be exercised by the Dairy Safety Officers (DSOs) who shall be designated by the REGCOM from among the NDA's Food Technologists, Project Development Officers and other Technical Staff qualified within its Regional Departments as determined by the REGCOM. Their function as DSOs shall be in addition to and concurrent with their NDA Regional Department functions.

- 1.2. No person may perform or be appointed as a DSO unless and until he or she has undergone and completed the NDA's rigid training program for DSOs.

- 1.3. Other qualifications and disqualifications of a DSO shall be prescribed by the REGCOM.

- 1.4. DSOs shall report to and be supervised by the respective NDA Regional Safety Task Force.

- 1.5. Other internal functions, organizational and staffing relationships, funding requirements, and such other administrative and official rules and regulations including the security of the Regulatory Officers and the DSOs shall be prescribed by the REGCOM.

- 2.1. A Regional Dairy Safety Task Force in each of the Regional Departments of the NDA is hereby established with the following as its members:

- 1433 2.1.1. The Regional Department Manager as the Regional Dairy
 1434 Safety Officer and Head of the Regional Task Force
 1435 2.1.2. The Assistant Department Manager
 1436 2.1.3. All the designated DSOs within the Regional Department
 1437
- 1438 2.2. The Task Force shall primarily function as the overall
 1439 implementing group of these Dairy Regulations. As such it shall
 1440 supervise the DSOs, approve the control activities of the DSOs
 1441 prior to their implementation, and concur in the findings and
 1442 actions taken by the DSOs. In case of non-concurrence in the DSO's
 1443 findings and actions, the same shall be raised immediately to the
 1444 REGCOM for review.
 1445
- 1446 2.3. In cases of conflict of interest, the Regional Task Force shall defer
 1447 action and refer the matter to the REGCOM who shall resolve the
 1448 matter through referral to the adjoining Regional Dairy Safety Task
 1449 Force, or to other Safety Officers of the LGUs pursuant to standing
 1450 agreements with them, or through such other measures or options
 1451 it deems just and proper.
 1452
 1453

1454 ARTICLE XVIII

1455 PUBLICATION OF REGULATIONS AND STANDARDS

- 1456
 1457
- 1458 Section 1. The Good Animal Husbandry Practices for Ruminants is a
 1459 published Philippine National Standard for dairy farms. They shall
 1460 be applied in the absence of an applicable or equivalent standard
 1461 for this Order.
 1462
- 1463 Section 2. The Dairy Safety Regulations shall be posted at the official NDA
 1464 website where it can be accessed and downloaded. Other
 1465 regulations that may be promulgated by the NDA in the future and
 1466 for specific conditions and situations shall be published in a
 1467 newspaper of general circulation in accordance with Art. 2 of the
 1468 New Civil Code (Republic Act No. 386) and shall likewise be posted
 1469 at the official website.
 1470

1471 ARTICLE XIX

1472 TRANSITION PERIOD

- 1473
 1474
 1475
- 1476 Existing dairy farms and milk collection centers from production to post-harvest
 1477 handling of milk are given a maximum of two (2) years from its effectivity date to
 1478 fully comply with the Regulations contained herein, subject to the provisions of
 1479 Article IV above.
 1480

1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529

ARTICLE XX

SEPARABILITY CLAUSE

If any part or provision of these DAIRY SAFETY REGULATIONS is found and declared by competent authority to be invalid or unconstitutional, the other parts or provisions unaffected thereby shall remain valid and continue to remain in full force and effect.

ARTICLE XXI

EFFECTIVITY DATE

Upon approval, these DAIRY SAFETY REGULATIONS shall take effect fifteen (15) days from its publication in a newspaper of general circulation and the filing of copies thereof with the UP Law Center's Office of the National Administrative Register (ONAR) in accordance with Art. 2 of the Civil Code of the Philippines (Republic Act No. 386) and the Administrative Code of 1987 (Executive Order No. 292, s. 1987), as amended respectively.

ARTICLE XXII

FINAL PROVISION

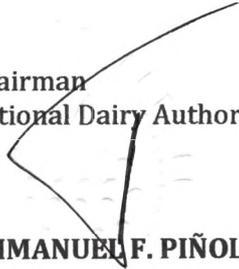
These DAIRY SAFETY REGULATIONS, or parts and portions thereof, may be amended by the NDA Dairy Regulatory Committee, whenever the need for the same arises, and shall take effect only after public consultations were duly held and publication requirements complied with.

Signed on this 15th day of MARCH 2019 at Quezon City, Philippines

RECOMMENDING APPROVAL:


MARILYN B. MABALE
Administrator
National Dairy Authority

APPROVED:


Chairman
National Dairy Authority Board

EMMANUEL F. PIÑOL
Secretary
Department of Agriculture

DEPARTMENT OF AGRICULTURE

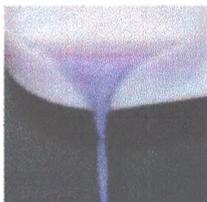
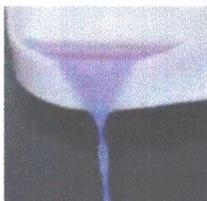
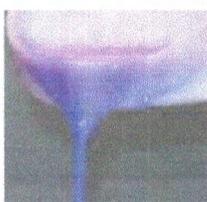
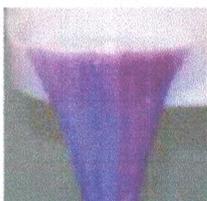
in replying pls cite this code :
For Signature: S-03-19-0332
Received : 03/15/2019 10:47 AM

ANNEX

**STANDARD APPEARANCES FOR CALIFORNIA MASTITIS TEST (CMT) AND
WHITESIDE TEST**

1530
1531
1532
1533
1534
1535

CALIFORNIA MASTITIS TEST (CMT)

SYMBOL	SUGGESTED MEANING	DESCRIPTION OF VISIBLE REACTION
N	NEGATIVE	 <p>Mixture remains liquid, homogeneous, with no evidence of thickening.</p>
T	TRACE	 <p>The slight thickening that forms is seen best by tipping the paddle back and forth and observing the mixture as it flows over the bottom of the cup. Trace reactions tend to disappear with continued rotation of the paddle.</p>
1	WEAK POSITIVE	 <p>A distinct thickening of the liquid forms, but there is no tendency toward gel formation. With some milk, the thickening may disappear after rotating the paddle more than 20 seconds.</p>
2	DISTINCT POSITIVE	 <p>Mixture thickens immediately, and a gel formation is suggested. As the mixture is swirled, it tends to move toward the center, exposing the bottom of the outer edge of the cup. When the motion is stopped, the mixture levels out and covers the bottom of the cup.</p>
3	STRONG POSITIVE	 <p>A gel is formed, which causes the surface to look like a partially fried egg. Usually you'll see a central peak that remains projecting above the mass, even after the rotation of the paddle is stopped.</p>

Source: NebGuide G81-556-A, University of Nebraska Cooperative Extension

1536
1537
1538
1539
1540
1541

¹Reference Material: Pfizer Animal Health (2011). *California Mastitis Test Scoring*. Retrieved from https://www.zoetisus.com/_locale-assets/myresources/gdr11062_cmt_scorecard_final1.pdf

1542 WHITESIDE TEST

1543

1544

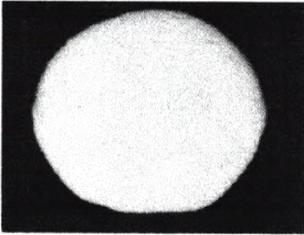
1545

1546

1547

1548

1549

**(-):** Milky, no particles

1550

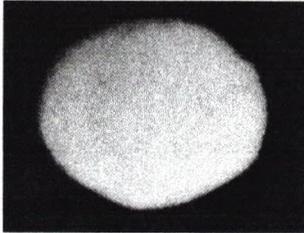
1551

1552

1553

1554

1555

**(±):** Milky, fine particles

1556

1557

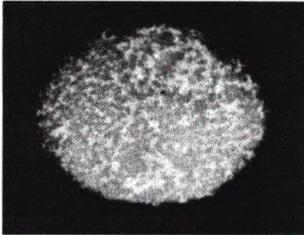
1558

1559

1560

1561

1562

**(1+):** Milky, less opaque, coagulated particles

1563

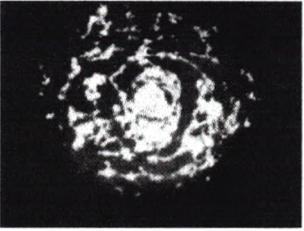
1564

1565

1566

1567

1568

**(2+):** Whey-like, large, coagulated particles, gel

1569

1570

1571

1572

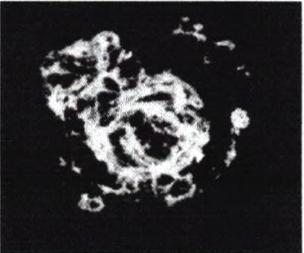
1573

1574

1575

1576

1577

**(3+):** Very watery, large, coagulated particles, gel

1578

1579

1580

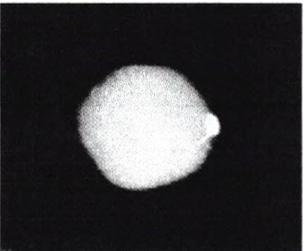
1581

1582

1583

1584

1585

**(4+)** A tenacious coagulum

1586

1587

²Reference Material: Thipayak, Thananee. (2004). *Examination and testing for mastitis*. Retrieved from http://pirun.ku.ac.th/~fvettnt/45_detection.pdf. pp. 25-31.