



Dairy Program



Plant Records to Include Grade Label Butterfat Testing Final Decision Overview and FAQ

Dairy Program's Grading Branch ("Grading Branch") modernized the butterfat (otherwise known as milkfat) testing requirements related to its Grade Label Program ("Program") for plants participating in butter grading and inspection. The purpose of the requirement is to ensure quality and compliance with composition standards for graded butter. Beginning March 21, 2025, plants can perform butterfat tests at an in-house or approved third-party laboratory. This update eliminates random butterfat sample testing for plants. Plants will be required to maintain and make records available for the Grading Branch's examination. These updates provide a more thorough view of the composition of a plant's butter products over time and increases efficiency by conforming to current industry practices. The final decision follows USDA's proposed rule published on August 15, 2023 (90 FR 4585).

Final Decision Amendments

Seven comments were received on the proposed rule. Four of the comments supported the proposed changes with clarification provided on butterfat testing methodologies, types of records subject to review, testing methodologies, and compliance and enforcement. Two comments opposed the rule, citing concerns with allowing plants to forego a USDA inspection in favor of a records review on an in-house or third-party testing regime. The remaining comment expressed concern about the change's impact on the value of the 'Made in Wisconsin' butter symbol.

AMS made no changes to the proposed rule based on these comments.

Frequently Asked Questions

Q. How does this testing process differ from the current one?

A. Under the current Dairy Grading and Inspection Program, USDA performs a single butterfat test, providing a limited view of the overall butterfat composition of butter manufactured by the plant. USDA inspectors or designated plant personnel conduct quality control tests on randomly selected butter samples at time of grading, with testing frequency determined by production volume.

The amended process offers an alternative by allowing routine plant quality control testing to satisfy the butterfat testing requirement.

Q. Which tests will be reviewed?

A. Tests reviewed must be sufficient to evaluate the plant's process for controlling quality and adjusting butterfat composition during manufacturing and ensuring that final butterfat composition meets the 80 percent requirement. Test methods may include, but not be limited to, the Kohman method or inline and benchtop infrared analysis.

Q. What types of plant records will be reviewed?

A. The plant will not be required to submit information to USDA; instead, a review of plant records retained in the normal course of business will be conducted onsite by a USDA inspector. Plants are required to maintain, and make available for review, the following:

- Policies and procedures ensuring that the butter manufacturing process meets or exceeds regulatory or customer requirements
- Follow-up procedures for testing finished product falling below 80% butterfat composition
- Quality assurance and manufacturing employee training
- Process improvement in testing methods
- Records outlining the review frequency of policies and procedures
- Production records
- Quality control of butterfat composition during manufacturing
- Sample selection process
- Butterfat testing methods
- Final butterfat results
- Laboratory documents
- Standard operating procedures
- Training documentation

Q. What is the frequency of review(s)?

A. Before a plant can participate in the Program, a USDA inspector must conduct an initial record review at the plant. If the inspector determines that the plant's records are sufficient, then the plant is eligible to participate in the

Program. Plant record reviews will be conducted annually, and the plants will be charged for the USDA inspectors' time to conduct each record review, estimated to take four hours.

Q. What if a plant's documentation does not meet the requirements for participation in the Program?

A. If a plant's documentation is deemed insufficient, the USDA inspector will notify the Grading Branch National Field Office. If nonconformance is found, the Grading Branch may conduct more frequent reviews to evaluate corrective actions. Repeated noncompliance over three consecutive reviews or releasing products that fail to meet composition requirements may result in the plant losing its eligibility to use the USDA Grade Label shield on manufactured products.

Q. What is an approved third-party laboratory?

A. To be considered an approved laboratory, the laboratory facilities must have the necessary equipment and capabilities to perform official testing.

Q. Whom can I contact with questions?

A. Questions can be directed to the Grading National Field Office via email at dairynfo@usda.gov or phone at 630-437-5045.