ATCP 82 Subcommittee Meeting

January 23, 2024 9:00 A.M. – 11:00 A.M.

Attendees:

Max Huebner, Laura Traas, Tony Lampman, Helen Schmude, Alexander Beard, Brandon Johnson, Mick Homb, Adam Brock, JR Neu, Alex O'Brien, Leigh Hamilton, Peter Hesprich, Lynn Thornton

Transcript:

Traas, Laura M – DATCP: So, I thank you all for being here. What should be appearing on your screens is where we indicated we were going to start on January on today, January 23. So where we had ended was talking about on farm inline sampling. And this first bit here was just some of the ideas that we captured and then my task was to try to convert this into some type of more regulatory, legal type language for this meeting. So we go down here and I hope this orange shows up on the screen. If not, I can convert it to some other color. But what I did was I actually inverted the way we handled things because we've been talking about haulers on, you know, on truck, the folks who drive the truck and connect and do all of that, those licensed bulk milk weigher and samplers. So I wanted to stay in that mindset for this section and said truck mounted inline sampler. The bulk milk weigher and sampler shall collect a sample from each dairy farm, following the manufacturer's instructions for the proper operation for the sampling device in use. The inline sampling device must be approved by the department to produce a representative sample for each farm, while preventing carryover from one farm sample to another on multiple farms. Thoughts? Does A capture everything we needed to capture? Anything that could be worded better?

Leigh Hamilton: Looks good. Laura, you use shall there to you know, to be as forceful as you can be in legislation. And I'm wondering where you're saying in a in the second sentence, should you use a shall there as well instead of a must?

Traas, Laura M – DATCP: Probably.

Leigh Hamilton: Looks very good though.

Traas, Laura M – DATCP: OK. And let's go on to Part B. Part B I didn't get finished because I ran into a bit of writers block as we get to the end here. So I started out with on farm inline sampling. The department may approve a farm to use an on farm inline sampler to obtain the sample from the dairy farm. The department may not approve the dairy farm to use an inline sampler unless all of the following apply. One: the department has licensed at least one individual at the farm as a bulk milk weigher and sampler. Two: the inline sampling device in use has been approved by the department to produce a representative sample, and the dairy farm personnel shall follow all manufacturer's instructions for the

device and use. Three: the license bulk milk weigher and sampler or samplers shall train all personnel who work with any part of the inline sampling device and maintain records of the training.

Thornton, Lynn: This is Lynn. Any discussion about is the training that they have to do with personnel going be a one-time training or is it going to have to be updated on a certain frequency?

Traas, Laura M – DATCP: That that was part of where I got into the writer's block was, umm, the department's approval process. So are we going to do a 1 and done or are we going to do it - I think I would like to see us do it more like we do drug residue screening approved screening analysts. They're not certified analysts, but they're approved. And they have to be retrained annually by their industry supervisor. I think I would like to put some type of language in here that says that the farm personnel need to be retrained annually by their licensed milk weigher and sampler.

Helen Schmude: Laura, can you write it as training must be conducted on the initial installation and therefore, you know, on an annual basis after.

Traas, Laura M – DATCP: What I'm doing is I'm looking up because I stole some of this concept from ATCP 77 where we talk about the screening analysts. And so what we do for the screening analysis is an individual approved to perform drug or as it is screening test shall complete an annual proficiency of evaluation.

Thornton, Lynn: What about if you just put under #3 shall annually train all personnel?

Alex O'Brien: And then I guess my question would be, who's the one training it? Is it a certified individual or is it one that's this exam by the state?

Traas, Laura M – DATCP: The farm will need to have at least one licensed bulk milk weigher and sampler and it will be that licensed bulk milk weigher and sampler’s responsibility to train their personnel.

Alex O'Brien: Yeah. Awesome. Thank you.

Leigh Hamilton: And Laura, can you scan back up just a tiny bit? So we can see A&B there. OK, perfect. So what we're saying in in a is that the bulk milk weigher and sampler shall collect a sample etcetera, etcetera and that the inline sampling device shall be approved. And what you're saying in in B is that the department may approve a farm to use that and the department may approve the farm if the if the following are complied with. So what I'm wondering, I guess is, are we, are we not saying that the department has an obligation to do it, and we're not saying that the farm has an obligation to do it either. So do we want to say on farm inline sampling and that there shall be at least one individual and the department will not approve, or that the department shall approve, where the following conditions

are met. Do you want to use your very most reactive language to be consistent through your sections A&B? I guess we've two very strong messages there which are if you've got a truck mounted inline sampler the bulk milk weigher and sampler has to collect that sample using the manufacturers instructions and then also that sampling device has to be approved by the department and those two are very strong with your shalls. So nobody has any choice about that. That has to happen where a truck mounted sampler is present. So I think we should consider whether we want to say, be consistent there in those strong messages with on farm inline sampling.

Traas, Laura M – DATCP: OK, so what I did is the second sentence of B, I changed it from may not to the department shall not approve the dairy farm to use an inline sampler unless all of these following apply.

Leigh Hamilton: Yes, I'm so sorry. And I know I'm being a lawyer here, but in A your department has an obligation to approve and no truck mounted inline sampler can be used unless there's an approval on B. What you're saying is you won't do any approval unless the following are present, but you haven't put an equivalent obligation on your department in B as you have in A. So you're not saying that the inline sampling device shall be approved provided the following are met. What you've said is that you shall not approve it unless the following. So we're in opposite land, I guess is what I'm saying. And do we want to consider being consistent there and saying the department, the sampling device, the on farm inline sampler shall be approved where the following conditions are met, shall be approved by the department? And that puts an obligation on your department to issue the approval if the following ABC and D are proven, whereas the current wording gives you guys the option to approve or not so you should. At the moment, if the following are met, you still have a choice as to whether or not to approve, whereas in a you have to give that approval where the conditions are met. I guess there's a representative sample. So I suppose what I'm saying is I would like your department to have to approve a device before it is utilized, and what B gives you is a situation where the department doesn't have to approve a device, but it can if the following apply. I know it's lawyerly and it's a bit nuanced, so.

Traas, Laura M – DATCP: I'm getting into the problem is and I'm not sure it's B we want to change. It might be A we want to change because one of the things I have to be careful of when I write these is not putting the department in a box where it says we have to do something. If things change to where, well, let's take, you know, the Piper system has been approved by the NCIMS. So that system on a truck is going to come in with a lot of pre-approvals on it that the department is just going to say, yes, this is an NCIMS approved device kind of thing.

Leigh Hamilton: Yeah, exactly. And then I guess the conversation is so rather than changing A just for the moment, let's think that through. So yes, the Piper system comes to you guys and it has gotten approval by the NCIMS. So that gives you guys the option of whether it's just say, OK well something that's approved by the NCIMS, we accept that here. But say I come to you and I say, well, I have an approval and we did all of our testing in Bulgaria and it's so it's approved. So I just want you to accept that I think that your department should preserve the right to say, well, actually we don't accept. We reserve the right to approve it for our state and what I'm what I'm suggesting to you is that the language in A reserves you that right to approve where is the language in B, well, it doesn't. It doesn't force you to it.

What it does is it says you won't approve it unless these things happen, but it actually doesn't say that the inline sampler has to be approved by you guys at all.

Adam Brock: Laura. Is it possible to put a comment on there somehow about referencing NCIMS approval or a recognized standard because it would be no different if we're talking about analytical techniques, right?

Traas, Laura M – DATCP: Right.

Adam Brock: I won't accept an in House lab technique if I'm a supplier I will reject it and tell somebody you need to get an OAC or another standard. So is there a way to incorporate leaning on the NCIMS or another recognized body to help with the approval without locking DATCP into approving everything because I don't think that there's resources too constantly approve different methods.

Leigh Hamilton: Yeah. And Laura, I'm going to have to think about this offline because I actually think I may be leading you down a blind alley here, because in B what I'd forgotten, and I'm really sorry about this, but what I've forgotten is we're kind of already in in an exception here where we're saying, well, it's under one licensed sampler. So you're kind of already in your shell, so I'm sorry. I'm going to back up and just put my hands up to that one because I think you're, I think how you have it is actually perfectly good. I was forgetting that we were already in the exception.

Traas, Laura M – DATCP: Yeah. So other folks thoughts on this language?

Alex O'Brien: Umm, I guess something a little bit on in a that we didn't really talk about, but we're saying that they have to follow the manufacturer's instructions. But how long do we have to keep the instructions? Like uh, once the approval has been completed or I mean how do you have to reference that like, say, another inspector comes in, it's checking something out, making sure that they're following the right procedure. Are they supposed to maintain those records for a certain amount of time?

Traas, Laura M – DATCP: I believe this would fall under the general category of all records need to be kept for two years.

Leigh Hamilton: So Laura, I know that there is already an NCIMS requirement that the SOP travel with the driver at all times. For three years.

Traas, Laura M – DATCP: Ah. Oh no, that's certified industry inspectors. So nowhere in here do we say how long records have to be kept.

Alexander Beard: Is three years. Uh, is there a significance to that? Just out of curiosity, is that a standard that's used in other like frames of reference that is generally accepted or?

Traas, Laura M – DATCP: Most of our record keeping requirements come out of the PMO. So I believe that with industry tank inspectors, because our a state program audit by the FDA is once every three years, I believe they want us to keep those records for three years of a lot of the other dairy farm records are two years because that's the frequency of the in state milk sanitation rating officers evaluations.

Alexander Beard: Like IMS service.

Traas, Laura M – DATCP: Yeah.

Alexander Beard: OK. All right. Thank you.

Traas, Laura M – DATCP: OK, so I need to put a note here. Yeah. And I think that this rule never really had a record retention requirement for sampling because we really didn't have a lot of on farm records. So we're back to here. And I'd love to know why it changed colors on me, but whatever. OK, I thought there was a chat, but any comments? As I said, I still need to say something about – actually we didn't get to this last paragraph. Trained individuals may set up sampling device and may remove the filled container from the sampling device. Only a licensed bulk milk weigher and sampler or trained laboratory analyst may remove a sample for testing from the sampling container. And that opens the door that they can take the bag off of the device, put it into a cooler, take it to the plant and the plant can have their intake people who are approved, lab analysts, send it to the lab where they can shake the bag and aliquot the sample.

Leigh Hamilton: Yeah, I think that's right. You need that requirement in there.

Thornton, Lynn: So that means we're going to exclude any of the trained people at the farm that aren't licensed weigher and samplers from dividing that out into the sample containers, correct?

Traas, Laura M – DATCP: That is what I understood we talked about last meeting. Yes, if I misunderstood, let me know, but that was what I understood is that the trained people could insert the needle, put the bag or bottle into the refrigerator, but they could not aliquot off the sample because they weren't licensed in some way.

Thornton, Lynn: Yeah, having not had a lot of experience with them yet, is there any way that we could

leave it kind of open that as we learn more that there's a possibility for something else? I mean, I'll be honest. I'd like to see some data and does the data show us that the milkers aren't doing it right and that it's a problem? Or does data end up showing us that they could do it right?

Mick Homb: What happens also later on enforcement? What if you find out a farm either doesn't have a license bulk milk weigher or sampler, or they haven't trained their people and it's just a random person. Where does that come into this part of this? Do we have to explain that or is that just someplace else?

Helen Schmude: Yep, three.

Mick Homb: That's the enforcement? Alright. OK.

Traas, Laura M – DATCP: And yeah, I probably should put that in here.

Alexander Beard: I mean, in the most basic sense, the expectation of the trained assistant, or what we all understand and will likely be milker employees on these farms. The biggest two items that I can think of that we're considering that part of their role as they would be umm, putting up the inline sampler or unhooking it would be using aseptic technique when they put the needle in the septum and getting it in the fridge in time. And those are the components that you would want documented annual training of, right, OK.

Traas, Laura M – DATCP: Yeah. And there are some sampling devices that don't just require you to put a needle in a septum, but also require the person to thread the tubing through the peristaltic pump, and so that's something there would need to be trained how to do properly. Also, you know so each system is going to have its own training, but the two we know are going to apply to almost every sampling device is the sample, the septum and refrigeration.

Alexander Beard: Gotcha. That's a good point. Thank you.

Leigh Hamilton: So, Laura, is what's being contemplated there in the last paragraph that you as a department would approve another person other than a bulk milk weigher and sampler to agitate and aliquot the sample for testing?

Traas, Laura M – DATCP: Yes. Because if you go into the NCIMS lab rules. The NCIMS does allow a laboratory technician who is not certified to perform certain functions, and one of them is aliquot samples. And so yeah, we would want to have when we go into the labs and we say, OK, this person is aliquoting samples, but they're not certified, I need to see your training of that individual. That same kind of thing could apply here, but it's a process we're just opening the door for it. We don't have a process in place right now. OK. So other than the department approval and enforcement process, which

I'm going to insert a comment here that I need to complete that. Are we OK with the inline sampling requirements?

Alexander Beard: Yes.

Traas, Laura M – DATCP: So that brings us to M, which is the sampling procedure of a bulk milk tanker in an intake or similar protected facility. Uh, so right now we have not changed any of this language, but I do have a question. Where we kind of talk, I think we kind of talked about this already, shall verify that the bulk tanker has been thoroughly mixed and it's like, yeah, that's not happening in an intake. So we talked about do we want to change this language to say that the tanker has been mixed to a point that a representative sample can be obtained.

Helen Schmude: I think that's appropriate language. Umm, you know, we have agitators in our intakes and we do studies, right, to prove what's a representative sample by time.

Alexander Beard: And this piece would be that clarification that would no longer require the rules as they currently exist with the agitation piece for direct fill farms, is that right?

Traas, Laura M – DATCP: It would still require the intake to do some type of agitation on a direct load farm, but it would further open the door to say, like Helen said, we've done studies, we know how long it takes to agitate our different tankers. It would definitely open that door to say, you know, you can do the 20-minute agitation or you can do your study and the choices is up to each facility.

Leigh Hamilton: And Laura, are we – we'd said we're going to differentiate here between an appendix N representative sample and the representative sample for payment, hadn't we? I am from the point of view that what you need to achieve and in order to unload at the plant is to clear the sample for appendix N purposes. So really it only needs to be representative to the point that a test may be taken which will allow that to pass or fail.

Traas, Laura M – DATCP: Correct.

Leigh Hamilton: Whereas if it's if it's, if that sample is going to be used for a payment, then it needs to be representative to a degree that a farmer can be paid for components from that sample, which is a, I would argue, a much higher or I would suggest to the group that's a much higher standard. Much closer to Homogeneous-ness.

Traas, Laura M – DATCP: OK. Well, the two we get concerned about is not payment. We don't get concerned about payment. Our trade division gets concerned about payment and what they're concerned about is that all farmers are treated equally. For us, we're concerned about two different samples. One is the appendix N sample, but the second is what's called the universal sample and that is

the one that is used for monthly quality. That's the one that's sent to a certified lab once a month and its tested for plate count, somatic cell antibiotics and those are the three things that are required under the PMO for food safety. When it gets in the payment then that gets more into the division of trade and gets more into the civil realm and outside of the regulatory realm.

Leigh Hamilton: OK. Thank you. Excuse my ignorance on that.

Traas, Laura M – DATCP: Yeah. So we need to do something with that language, because we're not, we've already acknowledged that we're not assuring that the entire contents of that tanker are homogeneous at the time of sampling. So do we just get rid of this whole section here? Those, those of you that are running agitators and tankers right now. Well, what's your feeling on saying that, yeah, if we stick that agitatior in there for 20 minutes and that load is homogeneous. I know there was some of you out there – Helen, JR.

JR Neu: Yep, I'll jump in based on the studies we've done on our direct ship tankers, we've been 15 as the longest we've gone at any to reach on that sample.

Traas, Laura M – DATCP: Yeah, but do you believe that the front and back of that tank are homogeneous based on your agitation?

JR Neu: Do I believe or what can I show on a sample are two different things. Yeah, at that certain point, I don't know how much agitation if we will actually ever get it to that point where it truly is just because of the size of the tankers.

Traas, Laura M – DATCP: And the tankers are just getting bigger.

JR Neu: Yep.

Alexander Beard: And we have plenty of states in the country that aren't doing it and getting acceptable antibiotic tests. They're receiving personnel will tell you they have to work a little harder and they go in there and they stir it a good bit with their dipper. But all their antibiotic tests are proving out and passing surveys and check ratings just fine without any sort of stiring or mixing.

Traas, Laura M – DATCP: Yep.

Leigh Hamilton: I think that's right. And Alex, the only the only footnote I would put to that is. Wisconsin's very unusual in that farmers aren't used to taking a sample on the farm yet, and you're right, all those tankers are being cleared in other states without any recourse to agitation in the vast majority of them, and that they do have a methodology to take a sample on farm. They're not that it's

not relevant for clearing, but, and you've got another sample coming from the farm as well. So I think you're very reliant here upon getting a homogeneous sample. If you're not sampling further up the chain, if you know what I mean.

Alexander Beard: That's good point.

Helen Schmude: So I guess I'm going to throw in my 2 pennies worth. So when we look at agitation, right. So first we look at where the our farm is located. If they have a 2 hour drive, right and they're driving to the plant and the milk and the tanker is moving right. I mean, it's not going to be homogeneous, but it is moving right. So you get to the intake, you back in, you put your agitator in, whether it's 10 minutes, 12 minutes, whatever we have defined based on size, you know we've done different studies where you know where exactly you take the sample in. In in theory, I guess I'll say right. There's not a whole lot of difference now. Obviously you can't get in the very front of the tanker, but you know what's the definition of being homogeneous? I mean that what's in there is of similar structure or content, right? So if I have a butter fat, I'm going to use a round number to make it simple – 3 – do I have 2.95 in the front and 3.1 in the back? And is that really different? I look at that word that everybody's hung up on right and I go, are we really splitting hairs here?

Traas, Laura M – DATCP: Yeah. And that's why I'm suggesting we just remove all of the references to homogeneous and say we're going to seek who obtain a sample that truly represents the load.

Helen Schmude: So I would agree with that. The only question I would ask right is who determines what a representative sample is. Representative might mean one thing to you, right? And it might mean something different to me.

Traas, Laura M – DATCP: I think we have a definition of representative.

Helen Schmude: If not, and we can add it, that would make this much simpler, right? And then you could remove that.

Traas, Laura M – DATCP: Yeah. OK. So it's not in there. OK, so the PMO doesn't actually define it in its language. It's probably something that has been bounced around the lab committee and the appendix N committee for a while. But what the Lab committee has recognized as representative is that, umm, based upon butterfat the sample as obtained shall be within plus or minus .15% of the butterfat that would be obtained if the entire load were thoroughly mixed. OK, so I'm going to for now delete that and put a note in here that we need to define representative. OK, so for both the tankers that have to be sampled at the plant, the sample shall be collected at the first plant where the shipment is received and before the individual collects the milk sample, the individual shall verify that the contents of the bulk milk tanker has been mixed to a point that a representative sample can be obtained immediately prior to sampling.

Leigh Hamilton: Laura. Do you need both time stamps before the individual collects and immediately prior to sampling? Or could you use one or other of those? So could you start the paragraph immediately prior to sampling and delete before the individual collects the milk sample or vice versa, if you know what I mean. Or you could say just immediately before the individual, and then you'd get both immediately, but without double doing it.

Traas, Laura M – DATCP: Okay, thoughts of the group?

Alexander Beard: That sounds reasonable, what she was just recommending

Traas, Laura M – DATCP: OK so I have changed item B to say immediately before the individual collects the milk sample, the individual shall verify the contents of the bulk milk tanker have been mixed to a point that a representative sample can be obtained. Any other modifications of sampling at the plant or receiving station or transfer station?

Leigh Hamilton: And so we said that we would insert inline sampling at the plant, Laura.

Traas, Laura M – DATCP: OK, so client sampling, inline sampling at the plant the individual. Now here you'll notice in both of these we are not mentioning about milk weigher and sampler because when these individuals work in the intake, they don't always have to be bulk milk weigher and samplers. They usually are. Most plants have their intake workers licensed, but they don't have to be. But here we say the individual shall collect the samples from each bulk milk tanker following the manufacturers instruction for proper operation of the sampling device and use. Inline sampling device shall be approved by the department to produce a representative sample for each bulk milk tanker while preventing carryover from one tanker sample to another. So it's almost identical language to what we used on the farm. So are we good with plant sampling procedures of a bulk milk tanker?

JR Neu: How do you define carryover from one farm to another on the sampling part? You know, that's a question that I've had a few people ask.

Traas, Laura M – DATCP: Yeah. I know when the NCIMS and New York State did some testing on these units, I say I'm not sure exactly what testing they did. I'll have to talk to Casey out of New York State to see what they did, but I know there was some testing they did to make sure that one farm that might have had a high somatic cell count didn't contaminate the next farm, and I think the testing was done by actually pulling samples out of the bulk tank and then pulling the sample out of the inline sampler and comparing them. I don't know that we want to repeat that for any of the established samplers, but it's something we should probably look at having a procedure for if somebody comes into our state first and wants to get a sampler approved.

Leigh Hamilton: So Laura, just a tiny bit on that. That was one of the tests that we had to undergo to get

an approval. And what they did was they asked us to basically duplicate the tests that they use for lab equipment where lab equipment is taking sample after sample and effectively they did a study, a milk water study. So we would take one sample. We would take a pump, a load of milk followed by a load of water followed by a load of milk, followed by a load of water, and then we tested the samples taken to make sure that there was no water in the milk and there was no milk in the water. So it was a purge efficiency test effectively, but on a very large scale - on a scale of two tankers rather than and vials in a lab.

JR Neu: Just a follow-up question on that, not really to the inline sampling, if I can ask, but on the tankers. If you sample the payment sample at the farm, what is the carryover requirement for that?

Leigh Hamilton: So, and that's effectively the same test that they used to determine whether or not there was carryover from one farm to the next. So we had to achieve greater than 99.9% efficiency. So it was an extremely high standard, so a little bit like the Bulgaria example that I used with Laura, we had a lot of different data from real life instances. I guess where we had picked up loads that had turned out to be positive for antibiotics and then we had gone on to sample the subsequent farms on the load and they've all turned out to be negative. So we submitted about 300 data points in relation to that from Ireland and the UK where those studies were from and New York said to us look, that's great. It's very interesting, but we want you to do testing here in the US and so we went on to do months and months of testing, but your milk is very clean. We never came across any antibiotics, and so that's how they devised this purge efficiency test using milk and water, which would test for the same scenario effectively: were we getting any carryover between farms but using milk and water rather than antibiotic positive milk.

Traas, Laura M – DATCP: Other questions on the sampling at the plant? OK, now we should be getting into some simpler sections. Temperature control sample bulk milk weigher and sampler shall collect two samples under sub one at the first dairy farm where milk is collected for each bulk milk tanker load. Bulk milk weigher and sampler shall mark one of those samples as the temperature control sample for all samples pertaining to that load sample container. For the temperature control sample, shall be marked with producer identification number, bulk milk weigher and samplers initials, and the date and time on the sample and collected temperature of the milk in the farm bulk tank for which the sample was collected. The only thing I can think of here is when we start talking about one liter bags or two liter bags that some of the sampling devices take, then the question comes up. Since we're not allowing them to, uh, if they're if they're not a licensed bulk milk weigher and sampler, they're just a truck driver who goes picks up the milk or picks up the sample, puts it in the back of the truck and drives the tanker away. Do we allow them to aliquot off of a portion of the sample to act as the temperature control, which is what we do in the lab?

Alexander Beard: I, like you said, I think there's a fair bit of that going on already. Ohh so it just be a matter of clarifying it in the writing, right? OK.

Traas, Laura M – DATCP: Thoughts on how we can address where the bulk milk weigher and sampler

trained analysts or another individual approved by department removes the sample for testing from the sampling container?

Leigh Hamilton: Laura does that person have to obtain the TC sample from that container or can they obtain a sample from that farm? If you know what I mean. So if it's bag, if it's the bag, I think you're going to have difficulties closing it up again if somebody is taking a sample out of it. The integrity of it is gone, really. Unless, I'm just thinking practically, not even in terms of language or anything, so if the driver comes along or if the person who has taken the sample and put it in the fridge, if they pour off a sample. But unless they have agitated that properly, then they're going to have rendered the rest of the sample not representative.

Traas, Laura M – DATCP: Yep.

Leigh Hamilton: The likelihood is sorry, I just have to get the door. Excuse me for one.

Traas, Laura M – DATCP: OK. Getting closer if the sample is obtained from an a farm sampling device and the person transporting the milk is not a bulk milk weigher and sampler, the temperature control sample shall be collected by the person removing the sample from the sampling container as identified at the asterisk part, because we don't have a number for this yet. But this is the asterisk only a licensed bulk milk weigher and sampler trained laboratory analyst, their individual approved by the department, may remove the sample for testing from the sample container. So only that person can do the temperature control.

Alexander Beard: Think that wording is pretty straightforward.

Traas, Laura M – DATCP: OK. Oh, and as I've reminded you and every meeting, this is not your final look at these. This wording, once we get done and we're kind of close to the end of this document once we get done with it, I'll take it back. I'll do some more wordsmithing. I'll run it through the dairy supervisors. I'll run it through our legal department and then we'll come back to you to see and to assure that none of those people changed any of the intentions that we had with this. So don't think this is the last time you're going to see that language. Sample containers. I think this one may remain untouched. Sample containers: non-toxic materials designed so can be securely closed large enough to hold the milk for testing labeled with all of the information required. Clean, commercially sterile at the time of use and properly protected from contamination. Anybody see anything in that section that doesn't work or that we need to add? Hearing nothing, section 5: sample identification is the producer identification number assigned by the dairy plant that uniquely identifies the milk producer and the date when the sample was collected. Again, fairly straight forward. Care of milk samples immediately after the bulk milk weigher and sampler collects the milk sample, and this one we might need to change a little bit because now we're going to have folks other than bulk milk weigher and samplers transporting samples. So while we say that, well, if it's an on farm inline sampler to a direct ship load, the person who's driving in the truck just needs to be a truck driver and now we need someone in this process to make sure that the sample

is being transported to the plant in proper condition. So we'll need to figure that out in this section immediately after bulk milk weigher and sampler, the sampler shall place the sample in a clean refrigerated carrying case in which the bulk milk weigher and sampler shall keep the sample at a temperature of 32 to 40, which is actually zero to 4.5 degrees C. Carrying case shall be constructed of rigid metal or plastic shall be effectively insulated and refrigerated to keep the samples at the required temperature. Shall have racks designed to hold samples in a proper position. I think we might remove the word upright because I cannot imagine how you're going to take these one liter bags and hold them upright. So it so you just need to hold them in the proper position. If sample containers are packed in ice or cold water to keep the samples refrigerated, the ice or cold water shall cover no more than 2/3 of the sample. So I'm thinking here for delivery of samples rather than immediately after the bulk milk weigher and sampler collects a milk sample on saying something like anytime a milk sample is transported it shall be transported in a clean refrigerated carrying case.

Leigh Hamilton: Laura, are they usually refrigerated carrying cases, or are they just insulated and then have ice in them?

Traas, Laura M – DATCP: Most of them are insulated with ice.

Leigh Hamilton: And that is that what refrigerated means or just refrigerated means that you mean it has to have active cooling?

Traas, Laura M – DATCP: Uh for us refrigerated means that it uh, it is kept cool in some way, does not have to be active refrigeration.

Thornton, Lynn: I like what you said, Laura, about anytime samples are transported cause there's a lot of samples transported all over the place and that would cover that.

Traas, Laura M – DATCP: OK. Anytime a sample is transported, it shall be transported in a clean refrigerated carrying case in which the person doing the transport shall keep the sample. OK. So now it says any time a milk sample is transported, it shall be transported in a clean refrigerated carrying case in which the person doing the transporting keeps the sample at a temperature of 32 to 40, zero to 4.5. Carrying case constructed shall have racks designed to hold samples in a proper position. If they're packed on ice for cold water, the ice or cold water shall cover no more than 2/3 of the sample container. OK, section B I believe can remain unchanged. Bulk milk weigher and sampler who collects the milk sample under sub one, which is all the way up there, shall promptly deliver a sample to the dairy plant that receives the milk from the producer. OK, this one has some things in it. The scope statement said that possibly we want to broaden ATCP 82.14 to say delivering milk or milk products to the dairy plant. Again, expanding things beyond just anyone who delivers any type of milk product. And it says that except in the event of a traffic accident, a breakdown or similar emergency, no milk or milk products from a bulk milk tank may be unloaded from a bulk milk tanker or transferred to another tanker at any

place other than a licensed dairy plant, which includes receiving stations and transfer stations, or to a plant licensed under equivalent laws in another state, so that allows that that mail can be transported to another state if the milk is unloaded or transferred at any location other than a licensed dairy plant, the person having custody of the milk shall notify the department of that unloading or transfer before the milk is processed or shipped to any other location. This is where we get into the rules with regard to a truck rollover that if you can do a truck to truck transfer if, you know, a truck goes off the roads on these icy roads and - Adam, you and I were thinking the same thing. You know that transfer can be done and as long as that transfer has been done in a sanitary manner, that milk may be able to still be used, but it cannot be used as grade A. And there are a couple of other things that need to happen and the department needs to be involved. So other than adding the word milk or milk and milk products, do we see anything that needs to be changed in item 1? Item 2 just says milk product shall be unloaded or transferred from bulk tank in a manner that avoids contamination and entries to the bulk tank when the tanker is unloaded shall be filtered to prevent contamination. And three: bulk milk tankers shall be clean and sanitized when empty as provided under 82.08, which I believe we talked about that section earlier. Any concerns at 82.14? 82.16 says you cannot falsify any records. You cannot submit as false or manipulated milk sample and this was the question we had last time somebody asked what do we do if a farmer is manipulating their sample using an on farm inline sampler? This is where it says that if you submit a manipulated milk sample to a dairy plant, that is violation of this chapter. So item 2 and item 3 also talks about if you submit to the dairy plant operator or testing lab a milk sample collected in violation of this chapter, so we've got a couple of different ways to go about dealing with on farm samplers if they choose to do something inappropriate. And then the last one is misrepresent the amount of milk collected from a dairy farm, and the fact that we do need to specify how long records need to be kept. Is there anything umm in this section that needs adjusting? OK, we've got someone typing something in chat. OK, looks good to Alex. Any other comments? Well then I have bad news for you folks. We are at the end of this document. So we have gone through it for first run. So as I said, the next step in this process is for me to go through this and clean up any potential language that might have not been handled properly. Add some things like the definition of representative and a section about how long records need to be kept. And then as I said, I will submit it to the Dairy Services section supervisors to look at it. I will submit it to my boss, I will submit it to department legal. Max any clue how long we normally give? Is that a couple weeks or three weeks? What's the normal time frame on the document this big?

Huebner, Max K – DATCP: I think that's probably about the right time frame. We'll have to make sure we chat with everyone so we stay on top of that. But yeah, I think that should be fine.

Traas, Laura M – DATCP: Okay so in two to three weeks, you'll probably be hearing from myself or Max to do a poll as to when would be a good time, probably another Tuesday at 9:00 o'clock to get together and look at what the department did with the document. Make sure we did not change any of the intention that this group had and hopefully get to a point where we can go to the next step and the next step after that would be public hearings, I believe.

Helen Schmude: Laura, can I ask a silly question?

Traas, Laura M – DATCP: Absolutely.

Helen Schmude: Alright, so I recently had something come up. If you go down to 82.02 bulk milk tanker grade a permit. Umm, so the permit numbers issued by the department right now is a 6 digit number. And so from my understanding right, so that is what now needs to be on both sides of the tanker, not the old legacy numbers. So here's where I'm going with this. We had a wash ticket that had the legacy number on it and it went to another dairy plant in you know they said that's not uh that's misrepresentation umm, because if you go on to the departments web page you can download all the Wisconsin licensed or permitted tankers, right. And it's a six-digit number. So we asked this particular hauler right. So when we do a wash tag, we put the six digit number on because that's what it's supposed to be. And so this individual came back into our intake yesterday to pick up some product and take to another dairy plant and the dairy plant before him had the four digit number. And so we again plainly explained, right, it's the six digit number and he got all belligerent and all kinds of crazy stuff. So I kind of want to put a posting in my intakes, but you know, if there's other intakes out there, I guess what I'm asking is, you know, what's the clear rule here? Because it seems like people within industry have different interpretations. Where one is saying I'm not going to allow this to my plant, you have the wrong permit number and we're kind of stuck in the middle, right? So and then, you know, we've had two different dairy plants with washed tags come into our intake to pick up product and it had the old legacy number on it, which was a four digit number. So I was formulating an email to you and being that we had a little bit of time here, I didn't know if that was actually spelled out clear in the rules because when I looked at it create a permit identification number, to me that's at 6 digit number, not the old legacy number. But I want to make sure I'm enforcing right the right thing in my intakes.

Traas, Laura M – DATCP: Yes. And the reason I paused is because I believe. I believe that we cause some of that confusion, because I believe we sent out a GovDelivery that said that, and it's probably before we started capturing these things, that said that we were going to allow tankers to continue with their legacy numbers for a period of time, but I will need to look that up.

Thornton, Lynn: This is Lynn and that's what I remember too. When the you guys changed that any new tankers needed to have the new six-digit number, but unless a tanker had a change of ownership, it was allowed to keep that legacy number on the side of the tanker. And I can tell you what we do in our intakes, we use whatever is on the side of the tanker. So if that's the legacy number, that's what goes on the wash tag. If it's a newer tanker that has the new 6 digit number, then that's what goes on the wash tag.

Traas, Laura M – DATCP: Yeah. So Max, if you can help me out with that, well need to dig into the archives and see if we can find. I believe it went out as a GovDelivery that said how long that was going to be allowed for.

Pete Hesprich: Laura, this is Pete.

Traas, Laura M – DATCP: Yes, yes, Pete.

Pete Hesprich: So back when this got changed, that was the idea that the department wasn't going to expect the plants and the haulers to spend the extra money as long as that they could cross reference both numbers and that they could continue using those numbers as it is, so that that was what the intention was at the time. And I don't think that changed any.

Traas, Laura M – DATCP: OK, so there may not be a change date that says you have to make the change by this date. It might be if you've got a tanker that lasts another 15 years that it could have that legacy number that whole time.

Pete Hesprich: That was my understanding, yes.

Traas, Laura M – DATCP: OK. So yeah, let me dig into it and see what I find for that.

Thornton, Lynn: This is Lynn. That's mine too, the same as Pete's. I don't remember any date ever being given. But to Helen's point, maybe it's time to give everybody a date, but not all haulers will like that.

Traas, Laura M – DATCP: No, they won't.

Helen Schmude: Well, I mean we've got 20-some trucks and I've already told my fleet manager a year ago already, get out your little heat gun, peel them numbers off and get the permit numbers on the side of the trucks because that's my license, that's what's on the - Wisconsin created a permitted bulk milk tankers list, 163 pages long, it doesn't have the legacy number on that document. You know we've added trucks since then and so they have to have the correct permit anyway. So it it's really difficult when you're caught in the middle of a, you know, 11 dairy plant is saying, you know, I'm not going to accept this, right, if the wash tag is not correct, it's supposed to be a 6 digit number. The rule says a permit number on the dairy plant license. It's still or the tanker license. It still has the legacy, you know, number with the permit. So it really, it's really difficult. I guess in my mind, right, one rule needs to happen so everyone's following the same rules because when you have no clear direction is it's very easy to get caught in the in the middle, right. And I don't want to be shipping out whether it's, you know, cream or whey, I don't want to ship it and then get to that plant and they say, well, I'm not going to accept this because your wash tag does not have the correct permit number.

Traas, Laura M – DATCP: Yep. So yeah, I'll look into that.

Pete Hesprich: But on the flip side, they should be looking at the permit that should be with the tanker and see that the VIN numbers are the same and that should be able to cross reference one way or

another. So yeah, it's a little more work, but at the time it was decided not to incur any more expense to the operators at that time. So if you want to, you know, if that's a decision that they want to change that, then that needs to be addressed and passed on.

Traas, Laura M – DATCP: Yep. I'll look into it and report back what I find. So any other topics anyone wants to bring up? Otherwise, I will conclude this meeting and thank you all once again. You have done some amazing work with this rule and we'll be getting back in touch with you in two to three weeks.