



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

DATE: May 11, 2017

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Ben Brancel, Secretary *Ben Brancel*
Steve Ingham, Division of Food and Recreational Safety Administrator *Steve Ingham*

SUBJECT: Pasteurized Milk Ordinance (PMO) and Food Safety Modernization Act (FSMA) Update

PRESENTED BY: Steve Ingham

REQUESTED ACTION:

None (update only)

SUMMARY:

The final Preventive Controls for Human Food rule (PC-HF) implementing the Food Safety Modernization Act (FSMA) was published in late 2015 and is now in effect for much of the food industry. The rule applies to all food facilities, as defined by the U.S. Food and Drug Administration (FDA). Grade "A" dairy plants generally fall under the FDA definition of food facility. However these dairy plants are already subject to stringent state regulations that must be at least as rigorous as the Pasteurized Milk Ordinance (PMO).

When the PC-HF was being written and revised by FDA, there was considerable industry and state regulatory agency concern that the new rule would add a redundant layer of regulatory oversight to an industry that is already tightly regulated. With the purpose of avoiding redundancy in mind, the 2015 National Conference on Interstate Milk Shipments and FDA approved several changes to the PMO designed to make PMO-compliance functionally equivalent to PC-HF-compliance.

For the 2017 NCIMS, FDA proposed several additional PMO changes believed necessary to ensure functional equivalence with the PC-HF rule. Many industry and state regulatory officials strongly disagreed with the extensive changes proposed by FDA and submitted an alternative proposal. Areas of notable disagreement included PC-HF inspection frequency and ramifications of PC-HF inspection findings on dairy plant retention of the Grade "A" designation.

Implementation of the PC-HF rule in Grade "A" dairy plants had already been delayed by one year, until 2018, to allow further changes to be made in the PMO. The decision made on the competing proposals at the 2017 NCIMS will set the regulatory landscape for Grade "A" dairy plants until at least 2020.

This update will describe the competing proposals related to the PC-HF rule and the decision made about the proposals at the 2017 NCIMS held May 12-17, 2017 in Grand Rapids, MI.

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