

**DEPARTMENT OF AGRICULTURE, TRADE, AND CONSUMER PROTECTION
(DATCP)
DAIRY RULES ADVISORY COMMITTEE (DRAC)
MEETING MINUTES**

Date: November 6, 2019

Time: 9:00AM – 2:30PM

Location: Dairy Farmers of Wisconsin, 8418 Excelsior Drive,
Madison, Wisconsin

Welcome and Introduction

Call to order:

Steve Ingham called meeting to order at 9:10AM

Welcome by Steve Ingham, Administrator, DATCP Division of Food and Recreational Safety:

Steve indicated that Brad Pfaff was supposed to be here today and Brad wanted to express his thanks to everyone for their support. DATCP will carry on with Randy. DATCP wants to connect the variety of different stakeholders within the dairy industry.

Thanked everyone for taking time to be here. Our goal is to work collaboratively to help industry and also protect public health. This meeting is a safe space to voice your opinions/experience. We want to work together to address any concerns with the rules. We need to innovate and adapt with the dairy regulations. He encourages everyone to share their experiences with the committee and to speak on behalf of the organizations that are represented.

Steve introduced Tim Anderson, Dairy Section Chief of DATCP. Tim thanked everyone for their time and also thanked Dairy Farmers of Wisconsin for hosting the meeting.

Open meeting notice:

Tim stated the meeting was a public meeting and subject to public records request.

Introduction of DRAC members and guests:

Mick Homb, Farm First Dairy Cooperative; Andrew Schmitt, Saputo Cheese USA Inc.; Dean Hines, Wisconsin Association of Dairy Plant Field Representative; Jim Schwartz, Wisconsin Specialty Cheese Institute; Tom Crave, Dairy Business Association; James Baerwolf, Wisconsin Farmers Union; Mykel Wedig, Cooperative Network; Katie Tuchalski, Foremost Farms USA; Norm Monsen, DATCP (guest); Lisa Torkelson, K & K Cheese, LLC; Gloria Joseph, Organic Valley; Jeremy Syring, Milk Specialties Global; Debi Towns, WI Farm Bureau Federation; Tyler Winslow, WI Farm Bureau Federation (guest); John Umhoefer, Wisconsin Cheese Makers

Association; Ben Shibler, Ponderosa Dairy Products; Megan Jensen, Wisconsin Laboratory Association; Dr. Bob Bradley, UW Food Science Department (ex-officio); Marianne Smukowski, Center for Dairy Research (ex-officio); Helen Schmude, BelGioioso Cheese Inc.; Bob Wills, Cedar Grove Cheese/Clock Shadow Creamery; Jeff Kirchberg, Central Ag Supply Inc.; Laura Traas, DATCP (ex-officio); Jim Pikka, DATCP (guest); Adam Brock, Dairy Farmers of Wisconsin, Kate Angeles, DATCP (guest); Jackie Owens, DATCP (guest); Tyson Villarreal, DATCP (guest); Steve Ingham, DATCP (ex-officio), Leann Duwe, DATCP (guest); Shelly Mayer, Professional Dairy Producers of Wisconsin; Mark Frederixon, Wisconsin Dairy Products Association; Nelson Schrock, Salemville Cheese Factory; and Andy Johnson, Grassland Dairy Products.

Approval of agenda:

Agenda was approved. Tim asked if there were any public comments or input from the public. A question was asked to add a member to the committee. Tim indicated it would be up to the Chair and Vice Chair of the committee. Tim went over housekeeping items of the meeting.

Overview of committee's purpose

Tim presented background information on DATCP dairy program and the dairy rules (**see DRAC Nov 2019 Slides**). Wisconsin is a leader in the dairy industry. Food Safety Modernization Act (FSMA) is making industry more responsible for food safety. DATCP wants to try to use technology to improve procedures within DATCP.

DATCP wants DRAC to also look at any processes, procedures, and licenses that can be improved upon. Any changes to the rules will need to be approved by DATCP Board members. This is a safe forum to represent your company and your experiences.

Reviewed the rules and regulations that apply to the dairy industry. Dairy is a mature program. Sometime rules may contradict other rules which can be challenging. For 2018, DATCP did 15,000 farm inspections, 161 Grade A plant inspection, 356 Grade B inspections, 3 PC inspections, 605 Time and Seal inspections, and 400 broken seal inspection. As well as lab survey and hauler inspections. Wisconsin also has 2800 licensed haulers.

Marianne Smukowski: Are the 3 PC inspections food or dairy? Tim: Dairy

DATCP has had multiple improvement projects. We are trying utilize technology to streamline processes like electronic inspection forms and online inspection sign-up. We have also improved our tanker license permits. We have also worked together with the DNR to get farmer's private wells in compliance with the PMO.

The scope of DRAC for the rules may be big or small. Since Wisconsin has a large dairy program we would face challenges if we wanted to adopt the PMO. At the NCIMS Conference, Wisconsin only gets one vote.

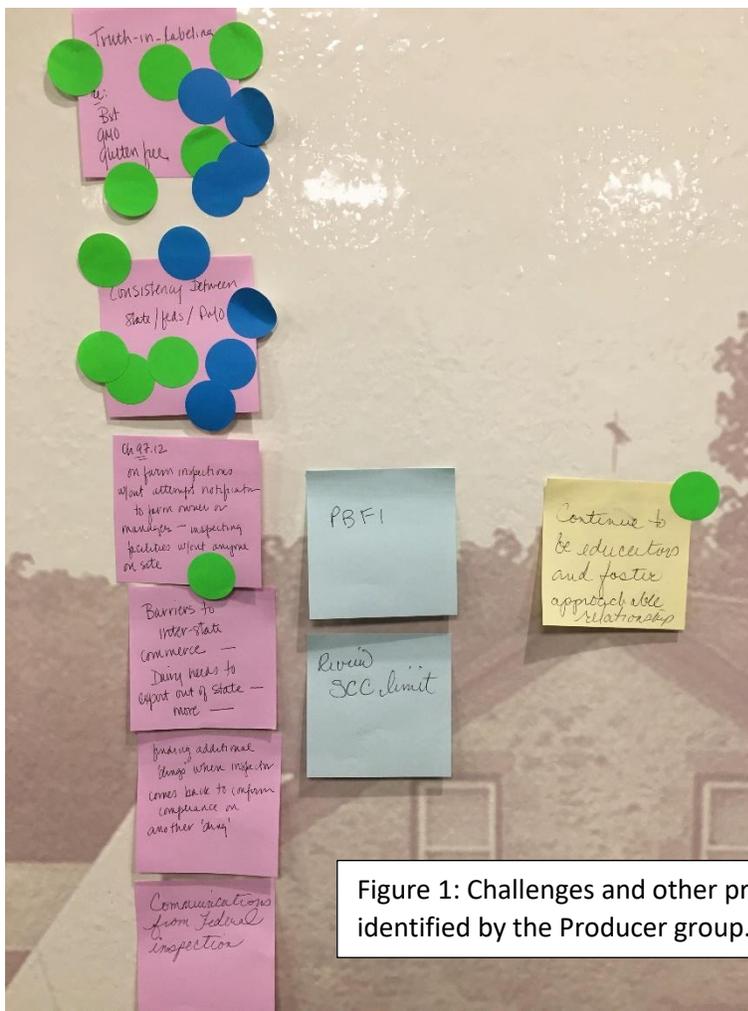
We need to hear from you on all of these issues. Today is about brainstorming and getting your ideas heard. We want to organize the committee and set up future meetings. Since we want to move milk and cheese products out of Wisconsin, we also need to think about national and international problems too.

For rule revisions, the process has changed. It used to be a scope statement, followed by industry comment, and then an economic impact study. Now we need industry's input first before the scope statement.

Group Activity: DRAC Priority Areas

Committee members were divided into four groups: producers, support (Haulers, suppliers, and lab), Large Processors, and Small processors. Each group was given one hour to discuss three questions:

What rules/laws are barriers to your business? For each challenge, what is at least one strategy, set of resources, or action needed that could address it? What rules are working and don't need change? After working in small groups, each group shared with the larger group what they discussed.



Producers (Figure 1)

Challenge: Truth in Labeling (ex. rBST, GMO, and gluten free). Creates an uneven playing field.

Solution: Need an uniform clear transparent labeling system

Challenge: Consistency between State, Federal, and PMO regulations

Challenge: On farm inspection without an attempt to notify the farm manager. Inspecting the facilities without anyone present.

Solution: PBFI

Figure 1: Challenges and other priorities identified by the Producer group.

Challenge: Barriers to inter-state commerce. Interstate commerce laws are too restricting. Dairy need export more out of state.

Solution: Review SCC limit. Is 750,000 threshold acceptable? Do we need to enhance our state rules?

Marianne: The southern states at NCIMS has voted against lowering the SCC limit.

Steve: Should we have our own state law? What do we do with milk from other states that don't meet that requirement?

Shelly Mayer: Do we measure SCC equivalently to Europe testing? Steve: Yes-WI is meeting the European standard.

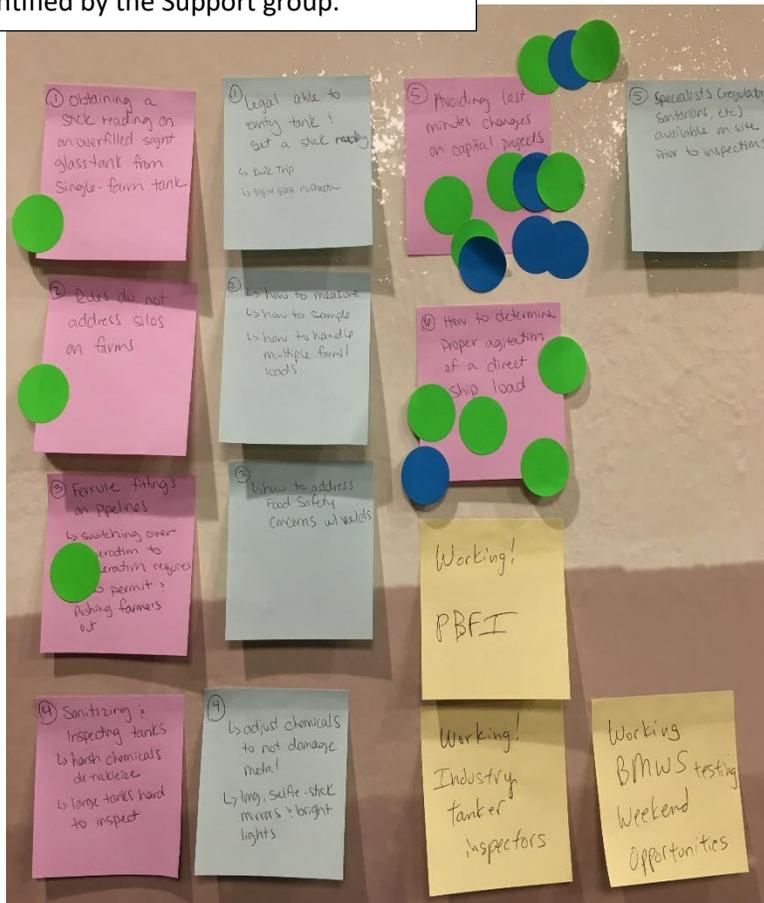
Bob Wills: Smaller farms might have a harder time with the lower limit. One cow could through off the whole herd numbers. The EU system would need to take the small farm into account.

Challenge: Communications from Federal Inspections

Challenge: Finding additional deviations when inspector is performing a re-inspection.

No Change: Have inspectors continue to be educators and fostering an approachable

Figure 2: Challenges and other priorities identified by the Support group.



Support- Lab, Haulers, Installers (Figure 2)

Challenge: Obtaining a stick reading on an overfilled sight glass tank from single farm tank.

Solution: Legally be able to empty the tank and get a stick reading.

Challenge: Rules don't address farms with silos used to store and cool milk.

Solution: How to measure? How to sample? How to handle multiple farms?

Challenge: Ferrule fitting on pipelines- when switching to next generation requires new permit and great cost.

Solution: How to address food safety concerns with welds.

Challenge: Sanitizing and inspecting tanks. Harsh chemicals harm the tanks when adding too much. Larger tanks they are harder to inspect since you can't physically go inside to inspect.

Solution: Adjust chemicals at the plants so they don't damage the metal

Dr. Bradley: Be careful with Ferrule that are made in China and may not have 3A standards.

Helen Schmude: The tanker inspection should be part of the intake process.

Challenge: Avoiding last minute changes on capital projects. Installers need more support from DATCP with planning larger farm projects.

Solution: Specialists (regulatory, sanitarians etc.) available on-site/meeting prior to inspection.

Challenge: Proper agitation on direct ship loads. WI rules indicate the use of an agitator unless there has been a study done by the plant.

Andy Johnson: Grassland did do a study. Each dairy area will be different and also different agitators (blade/horse power) will affect agitation. The study takes time and energy but helps us process more milk.

No Change: Industry tanker inspectors

No Change: Performance Based Farm Inspections

No Change: Bulk Milk Weigher and Sampler weekend testing at county fairs

Large Processor (Figure 3)

Challenge: Intake/ Receiving Grade A and Grade B-Where does the line stop?

Challenge: Direct Ship Agitation

Challenge: SCC Count limit 750,000 vs. 400,000 International

Challenge: Utilization of distressed load- dumping product that may be a little out of spec.

Challenge: Inadequate DATCP staffing and employee turnover.

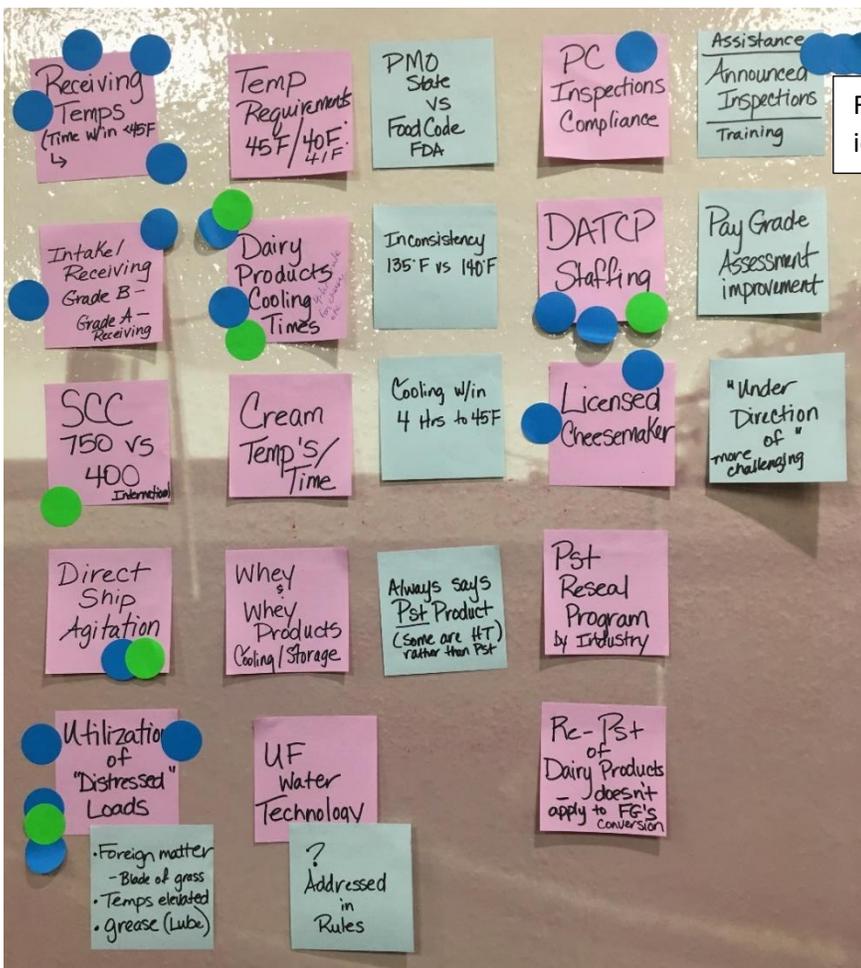


Figure 3: Challenges and other priorities identified by the Large Processor group.

Solution: Pay grade and assessment improvement.

Challenge: PC Inspection Compliance

Solution: Assistance, announced inspections for 1-2 years, and training.

Challenge: Temperature requirements vs food code-Buyers want products at 40°F or less

Solution: Consistency with PMO/State vs. FDA Food Code

Challenge: Cream cooling temperature and times.

Solution: Cooling within 4 hours to 45°F

Challenge: Whey and whey products cooling and storage. Why doesn't the 8 hour shipping rule carry over?

Challenge: Pasteurized reseal program by industry

Challenge: UF Water Technology

Solution: Address technology in rules

Challenge: The definition of a licensed cheesemaker- Does there need to be one on staff at all times?

Steve: The PMO state 45°F. The FISMA approach would be plant to plant. Other smaller plants may not have the man power to adopt FISMA. Maybe need to do an either or scenario

Katie Tulchaski: FISMA standards would be beneficial and prove product is safe

Dr. Bradley: The food code is designed to handle more fragile foods than cheese and milk.

John Umhoefer: We also need to be careful with the range of raw vs. finished product.

Tim: The food code depends on the product and if it hot vs. cold

Steve: It sounds like industry needs a more flexible science based approach that supports flexibility

Katie: Also if the plant can prove it is safe, are the inspectors able to understand the science and be able to apply it.

Steve: That also touches on the DATCP turnover the employees

Katie: With older studies that were done, they may or may not have focused on newer pathogens we are dealing with now.

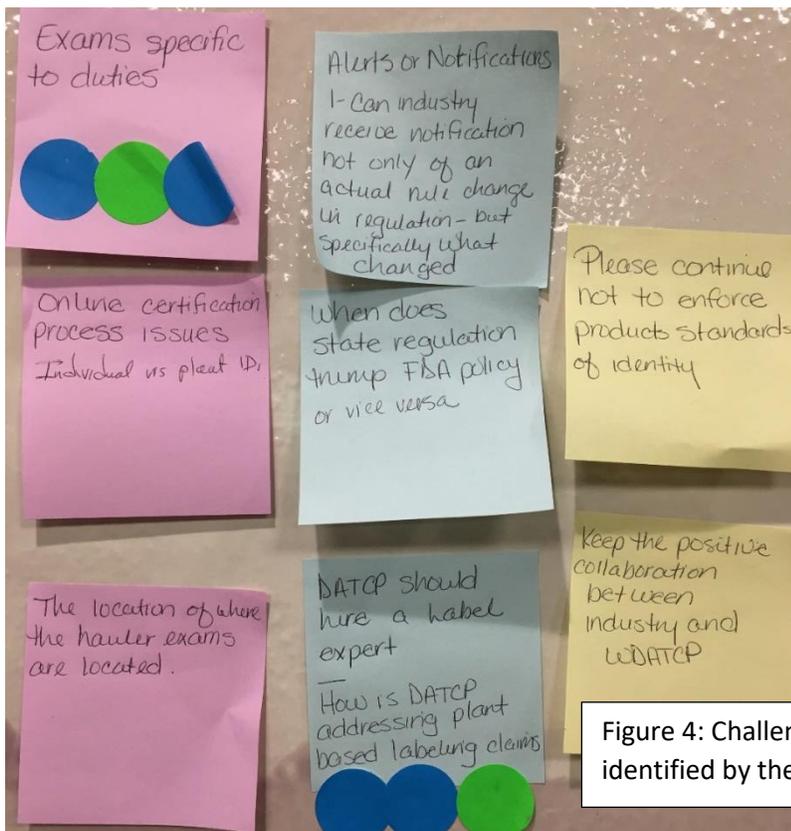
Smaller Processor (Figure 4)

Challenge: Locations of the haulers exams- Travel Expenses for the haulers

Solution: Have inspector meet on the farms for inspections

Challenge: Online licensing process issues. Steps are unclear for renewal of tankers

Challenge: Exams don't reflect specific job duties.



Solution: Review exams question to make sure the questions are relevant

Solution: Alerts or Notification industry can receive –not just rule changes but specifics (summary, bullet points) of what changed within a rule

Solution: DATCP should hire a label expert and be a resource for industry.

No Change: Keeping the positive collaboration between industry and DATCP

Figure 4: Challenges and other priorities identified by the Small Processor group.

No Change: Not being aggressive in enforcing products standards of identity.

Steve: What if the standards of identity vanished? Should some rules stay and some should go?

Tim: The purpose of butter's standard identity was to protect against rancid butter to protect the consumer. Now the purpose of standard of identity is to regulate what the consumer wants.

Adam Brock: We also have to think about what products are going to look like 40 years from now. How are we going to say what is what?

Nelson Schrock: There is also a comfort in knowing what shouldn't be in a product.

John: The dairy industry has also leaned on the standard of identity to push back against vegan cheddar.

Break occurred for lunch at 12:00 PM and resumed meeting at 12:30 PM.

Summarize themes from group activity

Individuals were asked to come up to the post-its and place stickers next to actions they thought should be priorities for the Dairy Rules Advisory Committee. For each priority, the group discussed what actions DATCP might need to do- change a practice or change a rule

1. Avoiding last minute changes on capital projects (11 votes): Change a practice

Steve: Should the rules say the project must have a pre-inspection?

Katie: If the pre-inspection is mandatory, then there would be a charge associated with it.

Jeff Kirchberg: The practice should be once a request has been made, DATCP has a certain amount of days to respond. A lot of these pre-inspection can be done at the office with paper. My experience has been no getting any help in planning/building the project. After the project is done, DATCP inspects the project and finds all these deviations that cost money.

Andy: Installers need assistance to get the project right the first time.

Jeff: Our company loses money when I plans with the farmer and then find out later we can't do the plan.

Tim: DATCP currently doesn't have the capacity to consult on every project.

Jeff: DATCP will not tell me what is right but will tell me when it is wrong. Why can't DATCP review my plan for a farm? This was an option in the past but that employee is no longer there.

Tim: DATCP can't impose a solution.

Jeff: If I have a specific question, I need to get an answer.

Shelly Mayer: We need a resource officer.

Tyson Villarreal: DATCP has a resource officer for the plants. We need to get our staff more in touch with the installers.

Helen: There needs to be more regulations with the installers.

Steve: If we created a license and an exam, that would be a law.

Jeff: That wouldn't be an issue for my company. We already hold ourselves to a high standard not to put the farmer at risk.

Debi Towns: What would happen if you receive a consultation and at the inspection the inspector finds something wrong? How would that situation be handled?

Jeff: That scenario has happened. DATCP didn't notify me of a rule changed.

Debi: If we go with a license route, the producer will pay more and they would also expect more.

Andy: The expectations with the contract is that anything that needs to be changed after the approval is on the installer.

Katie: Larger complex farms need a team to help with these projects. That way there is more eyes on the project.

Andy: That would also help DATCP give on-the-job training for a new specialist.

Jeff: I agree. A lot of the inspectors don't know what they are looking at.

2. Define proper agitation of a direct ship load (7 votes): Change a practice and a rule

Katie: Research needs to be done. There needs to be an outline as to how to do a study but not everyone has the resources to do a comprehensive study.

Steve: We would have to post this for public comment to give us feedback. Would you be looking at a best practice?

Lisa Torkelson: The study we put together needs to meet the PMO and MSROs.

John: I think we need a guidance on how to do an agitation study.

3. Inspection consistency (8 votes): Change a practice

Steve: I think this goes back to DATCP employee turnover and pay.

4. Truth in Labeling (9 votes): Change a rule
a. DATCP needs a label expert (3 votes): Change a practice

John: It would be great if DATCP had someone that has able to handle labeling issues.

Bob: The resource would also need to be sensible about interpreting the rules

Steve: The resource would need to be sending a consistent message. That would put a lot of authority in one person and not a good foundation to stand on.

Shelly: Maybe we could use a resource hub? **Gloria Joseph:** Maybe IDFA could be a resource?

John: That isn't currently a possibility but they may be open to it.

5. Receiving temps, cooling time, and distressed load (vote 10): Rule change

Katie: When there is a temperature deviation, we need a way to communicate and get approval when issues happen outside of normal working hours.

Jackie Owens: There is an emergency number that is available. When you have a temperature deviation, the plant needs to follow the plant's HACCP plan. Document the corrective action and then notify DATCP. The plant doesn't need approval from DATCP.

Gloria: We had a slight temperature deviation and were told to reject the milk because it was out of compliance due to the rule language and how the inspectors are trained.

Tim: The rigidity comes from our FDA Regulatory Specialist Kevin Torgenson. Kevin would want a recall. Would that then be the State's responsibility because we said it was acceptable?

6. DATCP staffing issues (3 votes)

7. Announced/planned PC and farm inspections (7 votes):

Steve: With regards to farm inspections, we don't notify the farm due to the logistics of the inspector's time and workload.

Andy: I think that is why PBFI work because they are unannounced. The farmer should be following Grade A regulations every day.

Bob: With food defense, we may be facing padlocks on everything from farm to trucks. If that is the future, how is the inspector going to inspect if everything is locked?

Debi: If a farmer is not present at an inspection, there is also a biosecurity risk there.

Tim: DATCP is sensitive to the security issues. All inspectors have ID and a red license plate. We do have farmers giving the inspector codes or keys.

Steve: Farmers that are being delisted should have the opportunity to have a conversation with the inspector.

Andy: The field representative should be a resource and should be available.

Gloria: With regards to PC inspections, I think there would be opportunity for training and education for all sides if the inspection would be announced.

James Baerwolf: The PC inspection will be a lengthy process and will take most the day. It will be different than a plant inspection. It will involve more paperwork and records.

Helen: FDA is trying to learn too. I think the plant resources need to be there and available so everyone understands.

8. Exams with relevant questions (3 votes):

Establish Committee Rules and Leadership

Operational Guidelines (see hand-out):

The document distributed is only a draft document for review by the committee. One change discussed was to eliminate the maximum number of participants and let the committee self-regulate the number of participants. The committee discussed the need for a process of delivering the issues and solutions to DATCP.

Council Leadership:

The committee decided to revise and approve the guidelines before voting on the Chair and Vice Chair positions. The group will take nominations before the next meeting and the vote will be added to the agenda for next meeting.

NCIMS Update:

Laura Traas presented information on 2019 National Conference of Interstate Milk Shipment (see **NCIMS Update Nov 2019 Slides**). Laura listed the major updates that were voted upon at the conference and what the group should expect for the 2021 conference.

Summary of Action Items:

Operational guidelines need to be reviewed and revised before the next meeting for approval. There was also a request for anti-trust business discussion for the next meeting. DATCP will email an updated roster of DRAC committee members and meeting minutes.

Meeting was adjourned at 2:30 PM.