

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

Date: November 4, 2020
Time: 9:00 AM – 11:30 AM
Location: Virtual Zoom Meeting

Welcome and Introduction

Call to order:

Katie Tuchalski called meeting to order at 9:01 AM

Open meeting notice:

Tim Anderson stated the meeting was a public meeting and subject to public records request. The open meeting noticed has been posted.

Roll Call:

Members in attendance include: Andy Johnson, Bob Wills, Katie Tuchalski, Lisa Torkelson, Kristen Houck (proxy for Megan Jensen), Debi Towns, Adam Brock, Mick Homb, Gloria Joseph, Jim Schwartz, Jeff Kirchberg, John Umhoefer, Jacquie Papple, Mykel Wedig, Dean Hines, and Ben Shibler

Guest in attendance include: Alex O'Brien, Laura Traas, Tim Anderson, Troy Sprecker, Amy Millard, George Petrilli, Kate Angeles, and Steve Ingham

Members not in attendance include: Nelson Schrock, Jeremy Syring, Shelly Mayer, Mark Frederixon, Tom Crave, James Baerwolf, Helen Schmude, and Tim Neubauer

Approval of agenda:

No changes to the meeting agenda. The committee members will use the raise hand icon in Zoom for voting.

Approve previous meeting minutes:

No corrections to the previous meeting minutes for the DRAC August 5th, 2020 meeting. Meeting minutes were approved.

Public comments:

There were no public comments or input from the public.

Membership Updates:

Marianne Smukowski has retired from Center of Dairy Research and Alex O'Brien is replacing her ex-officio (non-voting member) position on the committee. Jacquie Papple is replacing Andrew Schmitt from Saputo Cheese USA. Jacquie is taking over Andrew's term that expires January 2023.

Subcommittee Update

Katie Tuchalski presented on the proposal by the Single Farm Pick-up Sub-committee (**See Single Farm Pick-up Proposal**). The recommendations were brought forth to the committee for discussion. Debi Towns made a motion to adopt the recommendations for exceptions to rules ATCP 92, ATCP 65, and ATCP 82 to be considered by DATCP. The motion was seconded by Dean Hines. The committee voted and accepted the motion. The committee's proposal will be sent to DATCP.

Regulatory Update

Tim Anderson presented a regulatory update on DATCP dairy program and the DATCP pandemic response (**see slides from DRAC November regulatory update 11-2020 presentation**). DATCP website now has a specific dairy page that contains licensing information, contact information, FAQ, and a mailbox to get questions answered. Also with any Gov Delivery communication, there will be a link at the bottom of the email to sign-up for Gov Delivery. The e-mail can be forwarded to anyone who may want to sign up for updates.

Tim also updated the committee on the dairy sections pandemic response. DATCP is focused on the safety for DATCP staff, plant staff, and while still being focused on moving dairy products. Safety measures taken by DATCP staff will be daily health assessments, wearing PPE and social distancing when possible. DATCP staff will only be conducting 1 full plant inspection per day and will notify the plant ahead of time. DATCP would like to minimize the number of people DATCP will be in contact with while performing inspections. DATCP is performing some record and food safety plan reviews virtually when possible to limit contact time with the plants. To also help limit the contact with plants in extreme cases, DATCP is allowing industry product samples to be chilled and ready for pick-up for the inspector in the plant entrance. This has to be approved by the field services supervisor for the area. With the governor's mask mandate, DATCP will not be enforcing the mandate. If individuals are not wearing a mask at the time of an inspection, our inspectors will be asking the individual to wear a mask for the inspection. If there is still a refusal to wear the mask, staff are being told to walk away and call their supervisor. If an individual has an exemption to the mask mandate, we are asking the plant to notify DATCP prior to the inspection.

DATCP is aware of different locations of increased COVID cases. DATCP is using a surgical approach and using multiple factors when determining if it is safe for staff to perform an inspection. DATCP will contact any affected plants that may be located in a hotspot. DATCP

will consider posting any hotspot information on the DATCP dairy website. DATCP has been maintaining the Grade A Program regulatory and survey work. DATCP is working with FDA and asking for flexibility requests to postpone any regulatory work that might be delayed due to the pandemic. DATCP considers any pasteurizer work as top priority and has not missed timing and sealing activities during the pandemic. USDA has an agreement to work with dairy plants for missed DATCP regulatory pasteurizer time and seal inspections if the pasteurizer is operating satisfactorily. At this point all annual Grade B Time and seal inspections have been completed on time.

Member Concerns

Katie Tuchalski brought up concerns regarding the updated pasteurizer broken seal report form that DATCP released in August (**see slides from Reseal 11-2020 presentation**). The form indicates to follow different tests listed in the PMO (i.e. Test 1 or Test 7). These tests are very hard to interpret and understand and industry may not be as familiar with how to perform these tests. Currently there is no guidance from DATCP on how to comprehend the testing requirements. The other area of concern on this form is the ability for industry to review the logic program and PLC wiring. Industry will need access to the PLC logic programming 24/7 and have enough staff trained. Katie suggested having a written alternative to this requirement (i.e. written acknowledgement or other tests that prove logic is still accurate). Another suggestion is to have an Industry Temporary Seal Program that would provide training to industry.

Bob Wills asked a question if milk tickets needed to have “rBGH-Free” written on them. Tim Anderson indicated this is not a requirement in ATCP 65.

Adam Brock asked if anyone on the committee had any customer complaints due to regulations. Any hurdles or pinch points? These are all items that may be great to bring up to the committee.

Summary of Action Items and Person(s) Responsible

The next meeting will be Wednesday February 3rd, 2021.

The Truth in Labeling decided to be put on hold for the time being. It was decided a lot of the issues are not tied to the regulations but are tied to resources and training.

Gloria Joseph and Lisa Torkelson will reach out to get the Cooling Temps in Raw Milk Sub-committee started. Please let Katie Tuchalski, Andy Johnson, Adam Brock, Tim Anderson, and Kate Angeles know when the sub-committee plans on meeting.

Dean Hines motioned to adjourn meeting. Andy Johnson seconded. Motion passes.