

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

Date: November 9th, 2021

Time: 9:00 AM – 11:00 AM

Location: DATCP central office in Madison and Virtual Teams Meeting

Welcome and Introduction

Call to order:

Katie Tuchalski called the meeting to order at 9:00 AM

Open meeting notice:

Katie Tuchalski stated the meeting is a public meeting. The open meeting notice has been posted.

Roll Call:

Members in attendance: Bob Wills, Dawn Walter, Katie Tuchalski, Jessica Hansen, Gloria Joseph, Jeff Kirchberg, Helen Schmude, Dean Hines, Daniel Smith, Adam Brock, Megan Jensen, Joe Miller, John Umhoefer, and Mick Homb, and Jim Schwartz.

Guests in Attendance: Alex O'Brien, Scott Rankin, Laura Traas, Tim Anderson, Steve Ingham, Norm Monsen, Jim Pikka, Steve Stoner, Kate Angeles, Amy Millard, Mary Rollins, Caitlin Jeidy, Troy Sprecker, John Jaeggi, Amandeep Dhillon, Dean Sommers, Emmy Krueger, Justin Jafferis, and Jacquie Papple.

Members not in attendance include: Andy Johnson, Lisa Torkelson, Ben Shibler, Nelson Schrock, Shelly Mayer, Tim Neubauer, Karen Gevfert, Tom Crave, and James Baerwolf.

Approval of agenda:

The agenda was approved. The committee members will use the raise hand icon in Teams for voting or voice if a member is joining in with audio only.

Approve previous meeting minutes:

No corrections to the previous meeting minutes for the DRAC August 10th, 2021 meeting. Meeting minutes were approved.

Public comments:

There were no public comments.

Membership Updates:

The committee welcomed new member Dawn Walter for Foremost Farms and Karen Gevfert for Wisconsin Farm Bureau. Katie Tuchalski will be replacing Jacquie Papple for Saputo.

DATCP Update

Tim Anderson presented the DATCP Update (**see slides from DATCP Update 11-9-2021 presentation**). Tim thanked everyone for taking the time to come in person and for logging on to the meeting. He thanked Katie Tuchalski for her hard work as Chair. Katie did a great job with getting the committee up and running and keeping the sub-committees going during COVID.

DATCP currently has two vacant positions in the dairy section. The vacant positions include one Multi-product Grader position and one Dairy Environmental Health Sanitarian position. DATCP currently has a hiring freeze through December. DATCP would like to welcome Max Heubner as the new Dairy Program & Policy Analyst. Steve Ingham has announced his retirement at the end of the year.

Tim discussed the current COVID measures being taken by the Dairy Services Section. Staff will be wearing face coverings with social distancing when possible and conducting daily self-assessments for COVID symptoms. DATCP is minimizing the number of staff to 5 people during an inspection. DATCP is still encouraging virtual record and food safety plan reviews when possible. Overnight travel is still occurring to meet mandated work. DATCP COVID response will continue to evolve.

A new request has come in that will require all industry work to take an online public records training. Tim will keep the committee up to date as more information comes in.

Tim gave the committee an update to the ATCP 82 Scope Statement process. Tim consulted with the legal department and it was decided to keep the sub-committee small instead of having the entire DRAC committee involved. The reason for a smaller sub-committee is a quorum will need to be met when meeting. DATCP also add a few individuals outside of the committee. Tim went through hauling issues that were identified at the initial Dairy Rules Advisory Committee meeting. The sub-committee can meet virtually one to two times and look at what part of the rule should be open for revision. The sub-committee can identify what areas need improvement or topics that should be added like the single farm pick-up proposal and/or interpretative memos. The sub-committee will not need to worry about the rule language.

Tim discussed pasteurizer concerns with the committee. Dairy regulations are evolving. The Grade A PMO is very prescriptive regulation and will still need to be followed for Grade A products. With preventive controls, plants will have a food safety plan and shall meet ATCP 65. If the plant varies from the rule, the plant will need to provide validated science. The plant will need to prove why the product is safe when a deviation occurs. Industry has experienced a lot of stress due to staffing issues, supply chain issues, and surplus of milk. This all has added to the stress around properly maintaining pasteurizers and broken seals. DATCP's goal is to work with industry and be transparent as we overcome these issues. DATCP is thankful for the Dairy Rules Advisory Committee to discuss these issues and work together.

Tim went through the dairy plant's responsibilities for pasteurization and DATCP's roles in sealing a pasteurizer. DATCP is working on a document to clarify these roles with industry. This document will be reviewed and discussed in the requested pasteurizer sub-committee. DATCP's goal is to get this document to industry which will help summarize the roles and responsibilities of industry and DATCP.

Tim discussed the Pasteurizer Broken Sealer Report Form which is available on the DATCP website. DATCP has been seeing a trend that the verification procedures were not always being completed correctly by plants. The form was updated to help industry with the verification test process. The goal was to be transparent with what DATCP is looking for when arriving on-site to re-seal a pasteurizer. Tim reviewed the current broken seal process. This process will not change but DATCP would like to give industry another option with emergency sealing. Tim went through the primary reasons for hold orders. DATCP won't automatically place product on hold for lack of verification unless during division testing DATCP finds a test failure. Over the last couple years, DATCP staff are encountering more situations where the time and seal checks are taking 4-6 hours. In the past, the time/sealing checks would have taken around 2 hours.

Being able to diagnose and fix the pasteurizer takes a different set of skills than running the pasteurizer. DATCP has been leaning toward an Industry Timer Sealer Program as a way to build knowledge around repairing pasteurizers. There is an emergency sealer requirement in the PMO. DATCP has been putting together the building blocks for this program with Dr. Scott Rankin, John Umhoefer, Adam Brock, and Alex O'Brien. Dr. Rankin is putting together an online course. Dr. Rankin and the Dairy Technical Staff have been developing videos of the PMO Appendix I verification tests that will be available to industry. The first pilot group is projected to start in early 2022. After the first group, we will review the program for lessons learned and to modify materials and processes as needed. When first starting, there may be capacity issues. Priority will be giving to Grade A plants in the beginning.

Once an individual has gone through the emergency sealer course, Tim went through a quick synopsis that a plant can take with a broken seal. With the emergency seal program and all required steps taken, DATCP would not require phosphatase testing. The plant would maintain records and decide to release the product if all broken seal steps are followed and there is proof of pasteurization. If plants do not participate in the emergency sealer program, the plants would follow the current procedure with phosphatase testing on fluid white milk. DATCP is also interested in looking at having independent companies as emergency sealers. This process will be discussed with the pasteurizer sub-committee. With electronic pasteurizations records, these records need to meet all the requirements (ATCP 65 and PMO) to ensure pasteurization.

Tim went into further detail with the phosphatase testing. For cheese products, the only approved method is BAM 27 which no lab is currently performing. The positive levels in cheese are not the same as the fluid white milk. The sub-committee will need to look at the research and review the options.

DATCP is looking forward to the three up-coming sub-committees. These are great topics for DATCP and industry to work together on to gain shared knowledge and explore options that will move Wisconsin's dairy industry forward.

Subcommittee Proposals

John Umhoefer discussed a need for a pasteurization sub-committee. John went through his proposal for the sub-committee (see **10-08-21 Subcommittee Pasteurization Proposal**). A few goals of the sub-committee would be:

- Clarify regulatory procedures related to broken seals on dairy industry pasteurization equipment.
- Build Wisconsin adoption of industry certification to apply emergency seals, per PMO Appendix I
- Review the potential for electronic records to serve as valid, regulatory proof of pasteurization.

A motion was made and seconded to form a pasteurization sub-committee. Motion passed.

John Umhoefer will be Chair of this sub-committee. John will email the committee to look for volunteers to serve on the sub-committee. He is hoping for a larger sub-committee since the topics will cover a wide range of issues that will affect different types of industry partners. John will send a list of the committee members to the Chair and Vice Chair.

Adam Brock discussed a need for a sub-committee to look into phosphatase testing methods for cheese. Currently the BAM method is the only approved method to test cheese for phosphatase. The BAM method requires a number of reagents that are not always available and also requires more analyst training to perform the test method.

Question: Would the sub-committee look at new test methods or just revisit existing phosphatase methods?

There is no laboratory currently testing with the BAM phosphatase method. There are more rapid methods available for phosphatase but are only approved for fluid milk. The biggest hurdle seems to be finding a more rapid approved method that will be accepted by regulatory. We may need to look at getting a method validated for cheese.

Question: With cheese, there are concerns with phosphatase false positives. An idea would be to look into a two-step process of having a screening test and a confirmation test. Having a screening test even with false positives might help with clearing products and prevent holding products up.

Adam agreed that working toward a solution so industry is not wasting fresh products and preventing bottlenecks in the process.

Dr. Rankin commented that phosphatase testing in cheese is a complicated subject. He has a review paper he would be happy to send to the committee that was done 10 years ago. The committee may want to look at other tests besides phosphatase.

A motion was made and seconded to form a phosphatase sub-committee. Motion passed.

Alex O'Brien will be Chair of this sub-committee. Alex will email the committee to look for volunteers to serve on the sub-committee. Alex will send a list of the committee members to the Chair and Vice Chair.

Member Concerns

There were no concerns brought forth.

Vote for next term

Adam Brock was the only nomination for the 2022-2024 Chair term. The committee voted for Adam Brock as the next Chair of the DRAC committee.

Katie Tuchalski and Alex O'Brien were nominated for the 2022-2024 Vice Chair term. Alex had the majority of votes and is the next Vice Chair of the DRAC committee.

The following stakeholders were re-nominated and voted in for their second 2 year term:

- Andy Johnson
- Bob Wills
- Dawn Walter
- Gloria Joseph
- Jeff Kirchberg
- Helen Schmude

Summary of Action Items and Person(s) Responsible

The next meeting will be Tuesday February 8th, 2022 from 9:00 am to 11:00 am.

John Umhoefer and Alex O'Brien will seek volunteers and send a list of the sub-committee members to the Chair and Vice Chair.

Dean Hines motioned to adjourn meeting. Bob Wills seconded. Motion passes.