

Minutes of the Milk Sanitation Board
Thursday, July 31, 2014
FFA Conference Center, Ohio State Fairgrounds

The meeting of the Milk Sanitation Board was called to order at 10:00 a.m. on July 31, 2014 at the FFA Conference Center chaired by Roger Tedrick, Chief of the Dairy Division.

The following members were in attendance:

Jamie Higley	Mr. Jim Stockert
Mr. Amos Miller	Mr. Dennis Sidle
Mr. Doug Longenette	Mr. Tim Shipley
Mr. Rocky Volpp	Mr. Roger Tedrick

Also present with the Ohio Department of Agriculture: Director David Daniels, Assistant Director Howard Wise, Deputy Director John Schlichter, Assistant Chief Brian Wise, Farm Supervisor Keith Thompson, Dairy Plant Section Supervisor David Mengel, Chief of Fiscal Cathy Dodson and from legal department Assistant Chief Julie Phillips, and Chief Mahek Cooke. Others in attendance: Scott Higgins, Lydia Arko, AG Office; and Becky Mengel.

Mr. Tedrick outlines the agenda for the meeting and indicates that any other topics brought by the Board Members are open for discussion.

Minutes of the April 3, 2014 Meeting

Minutes were sent and they are also in your folder. Mr. Tedrick asks if there are any corrections or additions to the minutes. Rocky Volpp moves to accept and Doug Longenette seconds the motion. Mr. Tedrick acknowledges and asks if there is any discussion from the April 3, 2014 minutes. There was no discussion and Minutes were approved by voice vote.

Director's Report

Director Daniels welcomes the Board and updates the members on the Fair. The fair is on track to have attendance records due to the near perfect weather. The fair is a great opportunity to educate the public on what it takes to produce the food on their plate every night, in a safe, abundant and wholesome way. This is one of the biggest challenges we have. We are continuing to promote to people with programs such as: AG is Cool, trying to get people off the midway and into the barns. New items this year at the fair include bacon on a stick and fried larvae.

Director Daniels introduced ODA's new Chief legal counsel, Mehek Cook. Director also introduced Assistant Chief Julie Phillips, Howard Wise and the Director's wife Karen.

John Schlichter will update us on water quality and the rule implementations for Senate Bill 150.

Director Daniels thanks everyone for attending the meeting and their participation in the milk sanitation board.

SB 150 Update

Deputy Director John Schlichter pointed out that a few years ago the governor commissioned a directors' group on water quality, from this came Substitute S.B. 150. The first version was pretty far reaching; it was pared down and passed by the House and Senate and signed by the governor in May 2014. It will go into effect on August 23, 2014, that is when rule process begins. The bill itself, gives us (ODA) the ability to run a certification program for fertilizer applicators. It will be the first certification program of its kind, in the country. It is something we felt we needed to get ahead of. It will be a lot like the pesticide program. If you apply fertilizer on 50 acres or more, you will need to be certified. There will be certain exemptions worked out in the future. The certification will be an educational course. It will be 2 hours added to your pesticide course or 3 hours as a stand-alone course. There will not be a test involved in this certification and certification will last for 3 years. It's all about education. People have 3 years to get certified. There is a group of dealers that will be offering a 4R certification program that goes along with S.B. 150. They are going to certify dealers that are promoting the 4R strategies and implementing the practices.

The other bill we've been working on is H.B. 490. It transfers the authority to deal with manure under any permitted facility from ONDR to ODA, so that we can get a better handle on the enforcement issues. Currently, the way the process work: if there is a manure spill or somebody misapplies manure, doesn't work with their buffers it will go to local soil and water district. They will try to remediate it and if they are not able to, will turn it over to ODNR. Then ODNR will send out a Chief's Order. But many times these orders are ignored, and these orders will often times expire before we can get anything done. Then we have to start the entire process over again. So it's pretty cumbersome.

The new process will run the same as our livestock environmental program. If an issue arises local soil and water will try to remediate it, if they can't they will turn it over directly to ODA. We have sanctions that we can use to try and get the problem resolved quicker.

Director Daniels adds that this is not a problem specific to Ohio; it stretches across the United States. One of the reasons that we feel it is important to try and get ahead of this is, the example of what is happening in the Chesapeake Water Shed area. It has become very difficult for production agriculture in the area. We are hoping that we can go to EPA and tell them, we are addressing our issues here and let us deal with this on our own. Mr. Schlister states that he has met with several water folks from EPA and they are impressed with what we are trying to do here.

Mr. Thompson wonders whose responsibility this program will be.

Mr. Schlister states that it will more than likely run through the Livestock/Environmental permitting program.

Mr. Tedrick asks for any questions, there are none.

Director Daniels adds that we have reached out to producer stakeholders to get their input on their thoughts and concerns with the program.

Dairy Division Budget Discussion

Mr. Tedrick mentions that the '14 fiscal year closed on June 30th. He also informs the board members that our general fund, the 4R20, is currently at \$223,820.10. Mr. Tedrick reiterated that 63-66% is salary, and that this years' salaries have been less than 2-3 years ago. The budget has remained stable these past few years.

Ms. Dodson gave an update to the Board, outlining that all computers were replaced two years ago. This past year we were able to buy some cars for the division. We are currently, thanks to Food Safety, working through a federal grant that will update the dairy data base. It will give easier access to information on all sides. It is just now starting and will take anywhere from 6-9 months to be completed. All the open positions have been filled and we have made some moves to give the division things that were needed.

Mr. Tedrick asks Mr. Wise to discuss the way that farm inspectors enter and upload their inspections. Mr. Wise explains that 5-6 years ago, were given the ability to upload all of their farm inspections remotely. The inspectors' have their laptops with them. After inspecting a farm, they can go to their laptops and enter the inspection report. This also generates a PDF report to the Market Administrator. Mr. Wise explains that the Division is trying to get IT to finish the same project on the plant inspection side. We are close but not quite there, yet. Per FDA regulations we still have to maintain some paper records. We hope one day to become entirely electronic, therefore paperless.

Mr. Longenette asks if this information is public record. Mr. Wise answers that everything we do is public record. The public would not be able to go on the internet and access the information. They would be required to make a written request for the desired information.

OSU Food Science and Technology Listening and Sharing Session

This meeting took place July 15th and Scott Higgins was the facilitator of that meeting. If he's prepared, I'd like him to share a little bit about that meeting.

Mr. Higgins mentioned that there were over 21 people representing different companies from the state of Ohio. There were also several that were not able to come but would like to attend the follow-up meeting. What came out of this meeting is that the OSU extension program does not exist as it did in years before. The outreach to the dairy processing community has really faltered. We came up with 3 things that will be important going forward. They are:

- 1-A commitment from the Dairy Industry to re-engage with Ohio State Food Science and Technology program.
- 2- Show industry and students the implications of dairy processing curriculum and allow students to learn and experience careers in the industry.
- 3-Dean McPheron of Ohio State is searching for a chair for the Food Science department. Second, the Stubby Parker chair of Dairy Foods has yet to be filled.

Mr. Tedrick says that Dean McFerrin is reluctant to start any new initiatives before these key people are in place. That's understandable, but capturing the momentum in dairy right now may be good. With new processor plants and robotics on farms, we don't want to lose this opportunity

NCIMS (Tissue Residue Milk Sampling)

This is a subject that we have talked about a several previous meetings. You remember the tissue residue sample that took place in 2012, 900 tissue residue violators, and 900 at random. We sit here today with no results from those samples. They have promised us that they will let us be a part of that information release.

There's more to it than a positive or negative test, there are positive and negative controls. We need to make sure that proper protocol and the science involved are clear.

FSMA (Food Safety & Modernization Act) (Intentional Adulteration & Transportation)

The Food Safety Modernization Act was passed in 2011, and it is currently in the processes of accepting information to put together a set of rules. A Judge has set the date of August 2015 as when the final rules need to be in place. FDA has told us that they want to work with the NCIMS in an effort to make the PMO (Pasteurized Milk Ordinance) FSMA compliant. The inclusion in the PMO would be our preference. We feel we have a model document, which has worked since it started in 1950. It is a preventative document in and of itself.

Two things we have already weighed in on. One is intentional adulteration on the farm. We have commented to FDA that dairy farms should be exempt. Another part that FDA exempted was the transportation of milk. We just this week, as an executive board made it known that we agree with each of those exemptions. We asked for manufacture grade farms and transportation to also be exempted.

FDA Milk Safety Changes

FDA is going through some organizational changes as far as the milk safety branch. Once again all rule changes need to be by August 31, 2015. Then there will be training and there will be a period where it will be phased in, starting with the largest companies.

NCIMS Executive committee, Liaison Committee and Appendix N

Mr. Tedrick states that he is also on the Liaison Committee. This committee is first level sounding board for FDA concerns. Then these issues go to the Executive Committee for a vote.

Appendix N is the drug residue protocol. There have been a number of issues with appendix N. This committee right now is wrestling with the issue of testing for drug inhibitors, other than the 6 beta-lactams we currently test for. These have always been considered the most prevalent ones found on the farm.

It's a good system and we are able to state that every drop of milk is tested before it is used to make any other dairy products. But, how do we address other compounds? The technology is out there but, that is just one of the issues. Another is the burden to industry and the added cost of these extra tests.

The Appendix N committee, a number of years ago asked for a risk assessment to be done on the applicable drugs. One is a finished product assessment. How is the product affected by heat, time, and the product it is in? The other, is "what is prevalent on the farm?" Is it something other than the beta-lactams?

We are also looking to give plants a little bit of flexibility in what they may choose to test for. Some plants already test for Tetra and Sulfa, as they are concerned that it gets into their cultured products. They would then be obligated to follow up with the producer. Initially, FDA did not agree with this but, are now in our camp.

Mr. Wise states that he received a phone call last night from a concerned citizen that looking to buy raw goats milk. She states that she wants to avoid all the anti-biotics found in cow milk. Brian asks where she got her information from and she states that she found it on the internet. Brian goes on to tell her about all of the testing that goes on and that tainted loads are disposed of.

Scott Higgins informs the board that the check off program is working hard to gain consumer confidence. It is aimed at getting this information to the consumer. We are trying to find all the right words and phrases to get them to these sites.

We are working with healthcare professionals; they are now seeing this information. So we are conducting farm tours for these professionals. They are able to see the process of testing for drugs.

We are also working with bloggers that are highly followed. We just worked with Frank Burkett and have an article out on the internet. You should all go see and share it with all of your friends and family.

Roger states that Mr. Burkett is a Dairy Farmer from Canal Fulton, Ohio.

This education piece is big. I just got a call from one of our processors, saying that he would like to put: cows fed with non-GMO grain on his label. We are working on finding if it is feasible to test this statement. What is considered genetically modified? Is grafting an oak tree? There is probably some scientific dividing line.

There is a third party Non-GMO certifier out there. Whole Foods wants to see this on your product, if you are going to claim that you are non-GMO. We are going to need to address this issue. Vermont has recently passed a law stating that products need to specify whether they are GMO or non-GMO, on the label. There are already lawsuits filed.

Mr. Geiser wonders about the testing and whether it is legitimate. Dave says that it is. The results are verifiable and identifiable. This test is only for the grain and not the milk. Mr. Mengel also indicates that this test picks up 9 traits.

Director Daniels wants to know what they are trying to advertise by stating that they are non-GMO.

Roger wonders what is going to qualify to put this on your product and how their claims can be verified.

Mr. Sidle states that it may be similar to the documentation we now have for organic claims.

Scott says that one of the challenges in this is not in the content claim there, it's a production claim. We need to make sure the consumer understands that lack of NON-GMO logo on a product does not mean that GMO is present.

Mr. Stockert says I thought we were winning, at a recent roundtable everyone is anti-GMO. He feels that everyone in the dairy industry should act as program "ambassadors" and wonders why companies such as DuPont are not running marketing campaigns to help with public perception.

Mr. Higgins shares that there is a website called "GMO ANSWERS", those companies are the ones behind the site. We also have the world wildlife federation on board, with a campaign about how we are feeding the world. Another challenge that companies face is consumer believability. Then don't want to hear it from the companies, they feel it is in that company's best interest to say these pro GMO things. They want to hear it from people like you, the milk producers. So, we are trying to get groups that can speak from a 3rd party perspective.

State Survey Section Update

Mr. Wise reports that things are moving along in the Survey section. We have 188 ratable units and may be adding another group of farms. This is due to some pooling issues. They are producer/processors that are making their own milk, but are part of the pooling process.

Plant, Hauler, WST Section Update

Mr. Mengel let us know that there is an Appendix N class scheduled for August 21st. We are down to 2 a year rather than 3 and that makes for some large class sizes.

We started 4 small new starts in the last couple of weeks, with a 3 more coming. They all be Grade A small bottlers. We also have the 2 big ones, Meijer and Daisy.

We have had an increase in our lab fees, per test. We are trying to reduce our cost and try to contain that increase.

We have sent out Hauler invoices, most have paid and there are about 50 outstanding.

Farm Section Update

Mr. Tedrick informs the board that Mr. Thompson is now handling the WST's. Guys keep sending their applications in and we keep sending them out them we are making them inactive. It seems guys are not keeping their licenses active very long.

Mr. Sidle states that it is difficult to get drivers.

Mr. Tedrick reminds that with the hauler invoices, we sent a request for list of WST's. We are not getting many of these in.

He asks Mr. Sidle to explain why it has been so difficult to find drivers. He says that initially it was the Oil and Gas industry that was taking drivers. His company lost 4 this way, but 3 out of the 4 have returned to Sidle. In 2007 the American Trucking Industry put out a study that stated when the baby boomers retire there will be a shortage of eligible CDL drivers in the United States. It has hit us. There are several other factors such as: insurance coverage, drug testing and job requirements.

Mr. Thompson says that farms are pretty good. Milk prices are stable and feed prices have dropped slightly. There are presently 2100 Grade A farms, 634 Manufacture farms and 23 Goat/Sheep farms.

Mr. Tedrick asks how many robots are out there.

Mr. Wise states 23-24 farms, 60 units. We've heard that there 5-6 more coming. They are all in different phases of readiness.

It is a growing trend, we've asked FDA to take a stance on robot regulations. In February 2013, they sent a draft for several states opinions of robots. Then FDA came back April 2014 and issued Memorandum addressing robot regulations. We are not happy with all of the regulations, but FDA is pretty set on what they will require.

One of their regulations deals with butterfly valves; FDA does not want to see butterfly valves on the bulk tanks. Currently, every robot we have installed has a butterfly valve. Another is software updates; they want us to verify that the safeguard programs get updated with every software update. We do test them annually and have seen this problem arise. This is generally an easy fix.

We have had conversations with the manufacturers to make sure that they are building to these new specifications, rather than having to retro-fit later.

Brian Wise adds that he wants to mention, every summer we have to deal with bacteria/somatic cell count problems at many of the manufacture grade farms. In the hotter months bacteria counts rise because they have to cool the milk with running water. This can only get it to about 50-55 degrees, so milk temperatures can reach 60-75 degrees plus. It's not being cooled and when that milk goes into the plant that bacteria just keeps growing and growing.

One day last week we had 42 farms that were out of compliance and yesterday we had about 15 more. They take up a good majority of time and money from the division, but only pay half the fees. This is a lot of paperwork, notices and suspensions.

On top of that several years ago we instituted an enforcement grid of suspensions. That means for your 1st suspension in a year, there is a 7 day suspension. They can't ship milk anywhere. The second time is 14 days and the third time in a year and you are off for 30 days.

So, if someone was suspended last summer they could be hitting their second and third time suspension.

Public Comment

Mr. Tedrick asks if there are any public comments.

Scott Higgins pointed out that the American Dairy Association of the Mideast has commissioned an economic impact analysis from the dairy industry. He shared how it is structured. First, we want get a handle of the economic value from the dairy production side. Starting with the farm, the tank and the value of the milk once it leaves the farm. Draft results are that the production side totals \$2.5 billion for Ohio. The next component will be the processing/manufacturing side, as it relates to the input at the plant and transportation to the consumer.

Mrs. Mengel asks if anyone has petitioned the insurance industry to help with the insuring of inexperienced drivers.

Mr. Sidle responds that in the state of Ohio you can get a CDL at the age of 18. But, federal law requires that once they cross state lines they be 21 years of age. The biggest majority of insurers want them to be 23 with 2 years' experience. He has contacted 4-5 insurance companies and they all have the same regulations.

Roger Tedrick has closed the public comment section.

Mr. Sidle asks, Last September/October the PMO/ODA adopted the rule that these farmers' tanks need to be emptied and washed every 72 hours. Here's the problem I have, on my route I have 79 Amish farmers, out of these 79, 72 do not want a truck in their drive on Sunday. So, if we pick up on Friday morning at 10 a.m. we may not back to them until Monday at 10:20 a.m., so we miss that 72 hour window. He asks if that is then considered dirty equipment with a 10 point deduction.

Mr. Wise answers, that rule was put in place by the Ohio administrative code, not the PMO.

What we have to go by is what the drivers put on the wall, unless there is a tank recorder and we have a more accurate account.

Mr. Sidle states when we do a partial pickup during milking, there is not any place to note that. So, we just write PPDm and they accept that. Most of these Amish farmers wash their trucks by 4-5 that evening. Would it be sufficient for the farmer to note that they cleaned the tank at that time?

Mr. Wise says that we can talk to our field staff about using a written wash log. Something we will take into consideration.

Mr. Tedrick mentions the rule changes in 2015.

Julie Phillips from the ODA legal department, states that the rule is reviewed at each 5 years. A list of rules set to be reviewed we passed out to the board, Ms. Phillips asks if anyone has any thought on any of these rules.

Mr. Tedrick addresses the timing of the August meeting is mentioned, as the state fair is starting deeper and deeper into July. This is a long standing tradition we would like to uphold. We will look at the rules governing this.

Lastly, there is an ethics form in your packet that we need to have completed and returned to us, along with your expense report.

Tim Shipley calls to adjourn the meeting and Jim Stockert seconds the motion.