

## **Minutes of the Milk Sanitation Board**

Thursday, August 1, 2013

The meeting of the Milk Sanitation Board was called to order at 10:00 A.M. on August 1, 2013 at the FFA Conference Center chaired by Mr. Roger Tedrick, Chief of the Dairy Division. The following board members were present at roll call:

Mr. William (Chuck) Ellis	Mr. Tim Shipley
Mr. Jamie Higley (In place of Mr. Phillips)	Mr. Roger Tedrick
Mr. Chad Hollon III (In place of Chad Hollon II)	Mr. Doug Longenette
Mr. Richard Volpp	Mr. Jim Stockert

Others in attendance: Ken Fagan, Washington County dairy producer; Ron Geiser, DFA; Jim Patterson, AAG and Sandy Kuhn, Ohio Farm Bureau.

Also present with the Ohio Department of Agriculture: Director David Daniels, Deputy Director Sereana Howard Dresbach, Assistant Chief Brian Wise, Farm Supervisor Keith Thompson, Dairy Plant Section Supervisor David Mengel and Chief of Fiscal Cathy Dodson. There are 7 members present out of 9, there is a quorum.

### **Approval of Minutes of the Last Meeting (April 4, 2013)**

Mr. Longenette moved to accept the minutes from the April 4, 2013 meeting. Seconded by, Mr. Ellis  
Passed by voice vote.

### **Director Daniels – Update**

Director Daniels thanked everyone for their service on the Milk Sanitation Board. He pointed out that ODA now has regulatory authority for commercial dog breeders and those rules are presently being promulgated. Funding for this new regulatory effort will not cut into any other funds used for regulating existing food and animal safety programs. Director Daniels pointed out that the Administration has been very supportive of these new initiatives. The Director went on to encourage those in attendance to enjoy the fair and take in all they can.

### **Dairy Division Budget and Staffing**

Mr. Tedrick talked about how the Division has promoted Keith Thompson into the position of Farm Supervisor. Mr. Thompson has been an inspector for over 22 years. We have been planning for this to bring some synergy to the Division and to allow Mr. Wise to be more involved in the overall direction and perform duties that traditionally are handled by the Assistant Chief. This will allow us to free Brian Wise up even more to come up with new ideas and plans for our department.

Also, our administrative assistant Reana Jackson has had her twins. All are doing well. I would also like to mention we had an intern for the summer named Kelly Sybert. ODA has had a total of 15 interns working at the Department this Summer which was organized and structured by Deputy Director Sereana Dresbach. The interns had the opportunity to take numerous field trips one of which was a visit to Tamarack Farms Dairy.

Mr. Tedrick introduced Cathy Dodson, Chief of the Fiscal Office. Mr. Tedrick pointed out that Ms. Dodson has worked with us closely to make sure the Division has what it needs.

Ms. Dodson stated that there was enough money to update all computers in the Dairy Division and in addition we were able to order 3 new vehicles to systematically replace an aging fleet. This year we hope to replace a few more high mileage vehicles. We were able to do this by helping out on the administrative side with cost sharing.

In fiscal year 12, the Dairy Division ended the year with \$130,000 in the 4r2 fund, which was way lower than what we needed. By fiscal year 13, we ended with twice that much so the cash flow is up. We were able to meet the needs of the equipment that the division needs and hire one position which was our goal. The divisions GRF monies stayed level. There were no cuts and no anticipated cuts in the GRF. We hope to continue along the path we started under Director Daniels to help the Division get back to where you need to be.

Mr. Tedrick states he looked at the 4r2 balance, as of Tuesday, and our balance is \$312,634 in that fund. We typically have a goal to have \$250,000 in that account. Cathy keeps an eye on that and can code to shift bills being paid out of specific accounts.

Mr. Ellis pointed out that in the past when the 4r2 fund reached a certain target level, the industry fees would be suspended for a month or two. At what level would that be considered again?

Mr. Tedrick responds that although those numbers look good we are right at break even. Once we start bringing money out of 4r2 fund to purchase vehicles and other needed equipment that fund will go down quickly. Also, we tend to pull out of GRF first which leaves the 4r2 fund in good standing. Past chiefs differed on how they handled it. Since I've been here it's been stable. I believe certainty in business is more important than uncertainty. Again, Cathy is looking at the total ODA and realizes we have been the beneficiary.

Mr. Wise states for the past two years we did not purchase vehicles and we did that because funding just wasn't there. With Cathy we have been able to get that done. Now we're behind with vehicle purchases and it is imperative for safety and monetarily to update the fleet.

Mr. Tedrick states that we work with what we have. For the past 6 or so years we have not had the money to get vehicles. We paid about \$53,000 for three Jeep Liberties. We get pretty good prices for our vehicles purchases.

### **Grade A 72 hour Rule/ Manufacture Grade 96 hour rule**

Mr. Tedrick states the PMO did not address the 72 hour rule. We voted on it and it has been through the process. We are being told that August the 4<sup>th</sup> or 5<sup>th</sup> this will be state rule.

Mr. Ellis asked if Manufacture 96 will be a part of the same rule?

Mr. Tedrick responds no. As you recall, you wanted to pump the brakes on that and address your people about that and somatic cell count. If there is a movement to do that we stand ready.

## **Hauler Training Concerns**

Mr. Tedrick states one of the most critical components of the milk industry is the milk hauler. They will determine what the producer will be paid and what the processor will pay. It is crucial that good representative sampling takes place relative to butterfat, protein, and quality counts. Mr. Tedrick called upon Mr. Geiser to discuss some of his experiences that he related to be on the phone last week.

Mr. Geiser stated in the past three weeks we have had about a dozen loads rejected at plants because of temperature. Some loads were as high as 48 degrees. This tells me that temperatures are probably not being taken at the farm. I dealt with one this morning, a producer witnessed a hauler taking a sample out of the tank valve rather than out of the top. I know what haulers are up against with fast turnovers of drivers. I know training is an issue and the time frame to train them. My question to Roger was maybe some suggestions on how industry or what can be done to help train drivers? We have had some complaints from plants about drivers not washing the lids.

Mr. Mengel responds one of the problems we run into when inspecting is we know they're going to do it right when we're standing there. Your evaluation sheets like taking the sample out of the valve we haven't seen that because they know they have to use a dipper. So that's part of the problem. We actually did take a license because of the way he was taking a sample.

Mr. Geiser responds that a lot of people don't realize what that sample means to a farmer. I just did a spreadsheet indicating on what 1/10<sup>th</sup> of a point means to a producer on butterfat lose. It gets to be hundreds of thousands of dollars to a producer. Roger and I realized maybe we need to create a spreadsheet like that to give to a hauler so they can give it to their drivers to educate them.

Mr. Longenette stated that before this meeting we had this conversation about truck drivers. I have received more complaints on truck drivers in the past three months than I have in 23 years I've been in the business.

Mr. Mengel responds if you look at the numbers of weigher sampler applications that have been coming in, one particular hauler can't find drivers.

Mr. Longenette states we are going to bigger tractor trailers so they are moving away from smaller trucks. It shows their business is changing also.

Mr. Tedrick asks if the weigher, sampler and tester and the person who runs it to the plant are the same person?

Mr. Geiser responds that's the latest trend we see in the last 30 days. Because of some of these hauling issues producers are starting to haul their own milk. Now what you have is someone on the farm is a licensed weigher sampler and puts the sample in the ice chest and some guy off the street, who is not a licensed weigher sampler, takes the load to the plant. Now we have a custody issue.

Mr. Mengel responds you can do that as long as it's sealed.

Mr. Geiser continues that has happened and when it gets to the plant the ice is gone and the TC sample is 72 degrees. So who has permission to open up and make sure that the TC isn't ice water?

Mr. Hollon asks what happened to the second license we use to have.

Mr. Mengel responds you use to have a haulers and weigher sampler license but we did away with that a long time ago.

Mr. Tedrick states you and your dad are licensed haulers and you employee weigher sampler testers.

Mr. Hollon responds but each driver use to have a haulers license which showed you knew how to transport milk.

Mr. Tedrick states that would be our weigher sampler license and that may be something that person who doesn't have credentials cannot crack into that ice chest. Once it's sealed it takes another weigher sampler to open it to put ice in it.

Mr. Mengel states they shouldn't let it get to that point. I would begin to wonder how old it was. The plants have weigher sampler testers that receive that milk.

Mr. Ellis mentioned that they were victimized by a driver who was altering weights and we don't have scales to check. We later found out from a producer the driver was misreading tickets intentionally.

Mr. Tedrick responds if their intent to create fraud that fraud is sometimes hard to unearth.

Mr. Mengel adds we had one guy that changed the weights.

Mr. Tedrick states the farm ticket and manifest on the wall weren't the same.

Mr. Wise adds the guy was recording every day on the farms and had pretty consistent weights. One farm had a tank recording chart. One of our sanitarians saw there was an issue so they start checking the weights and it comes out that the hauler was the issue and didn't know it was a big deal to not show accurate readings on the farm.

Mr. Wise states at the end we were able to catch him on his fraud by asking him for receiving records for our producers. Our sanitarians had pictures for us to compare the tickets to.

Mr. Geiser states if you start out with a low PI count at the farm level it will take more to elevate the PI count. If you have a problem already at the farm, science shows bacteria will double every 20 minutes.

Mr. Tedrick responds you have the recorders that go in the coolers.

Mr. Geiser our sampler coolers have recording thermometers in there. Every 12 minutes it records. If it is flashing red they will take it back and analyze within 15 minutes when the temperature spiked.

Mr. Ellis asks but does that stop the hauler from forgetting to put ice in the cooler.

Mr. Geiser responds no. That is between the sampler driver and the time it leaves the farm where the issue seems to be.

Mr. Tedrick states that goes back to hauler training and weigher sampler tester training. If we could come up with something to put in the training info that we send to the temporary license packet that would inform drivers the importance and what it means dollar wise to an average size producer.

Mr. Mengel states while doing plants I would always put a note on the sample. It would say do not use for quality because it's been compromised.

Mr. Wise asks Mr. Geiser what's the cost of the recording devices?

Mr. Geiser responds I'm not sure I would have to check with ELS.

Mr. Wise asks what option would be to have all the haulers carry it in their ice chest?

Mr. Tedrick asks if they are waterproof?

Mr. Hollon states it might help if you sent the license to me. If I hire you to drive give it to me to hand to them and reiterate the importance of certain things.

Mr. Tedrick responds that's an excellent idea but we assume that hauler does some of that with their weigher sampler tester.

Mr. Hollon responds we do but you can't say it too many times.

Mr. Tedrick states from what we hear, the turnover of drivers is reaching astronomically.

Mr. Ellis states bad samples and bad care of those samples impacts everyone. We are considering not using those samples for pay purposes. There needs to be some other mechanism for sampling milk outside of those drivers.

Mr. Mengel states once the application comes they become a temporary weigher sampler tester. They then have 90 days to send training material out to the applicant. This explains how to pick up and everything. They are then to contact a sanitarian to take a written exam and be evaluated. Once they have passed that with 70% they will then become a full WST.

Mr. Tedrick states we have even addressed the bilingual nature of the Hispanic worker.

Mr. Mengel mentioned that on the WST inspection sheet there are items that FDA considers critical violations. If the items highlighted in black are violated, the licensee will receive a warning letter which will be followed by a follow up.

Mr. Tedrick states we work with FDA to determine those highlighted critical violations.

Mr. Hollon states the written test needs to be updated.

Mr. Tedrick agrees that the written test needs to be refreshed.

Mr. Wise states that there's a video on the Dairy Divisions homepage.

Mr. Hollon said that the outline and checklist has helped his guys.

Mr. Higley states in regards to temperature in the food service industry there are a lot of data loggers that record temperature. As part of their HACCP plan they have to record temperatures. Its sends alerts if the temperature fluctuates.

Mr. Wise states short of having that data logger in the coolers on the truck I don't know if you're ever going to close that gap completely. Is it even feasible to do that?

Mr. Longenette states that United has GPS systems in all of their trucks. The technology is there and not too expensive.

Mr. Tedrick states Ron and I can work together on creating an example so they can talk to their drivers. Secondly, we have talked about having training for weigher samplers. With that said if any of the plants would have a night to have us there we would be more than willing.

### **NCIMS Conference Recap**

Mr. Tedrick states somatic cell counts came up for vote again. It was the traditional 400,000 vs. 750,000 debate. This time it failed by about 6 votes. We tried to get it back on the floor the next day but it was unsuccessful. There are still a number of states that don't feel it's a food safety issue it's a food quality issue. I feel it will continue to be addressed.

Mr. Wise states there weren't many changes that came out of this conference. The robotic milking installation proposal final solution is in the works. All the robot manufactures are coming to us with proposals so they can meet the requirements of the PMO. Dry cow drug storage issue passed. It was really a clarification of what we've been doing. Proposal 108 allows hand drying devices to be used on dairy farms if they so desire.

Mr. Tedrick adds that one came out of committee. If you have a hand dryer but you have a measuring stick that it was the farms responsibility to have paper towels. It was two points if they didn't have paper towels. We made a quick amendment and put that on the hauler to have paper towels.

Mr. Wise responds when you look at the requirements they have quite a few requirements. Most of them have paper towel. Most of the farms have a hand dryer in the restroom.

Mr. Tedrick adds that the Appendix N Committee has been dealing with testing for drugs other than Beta Lactams. We have a number of plants that will run Sulfa and Tetra drugs. This puts us in a corner of how we're going to move forward without an approved FDA certified test. We're very close with something we can work with and FDA is giving us some backing. We wanted to let you know that there's an effort out there to address more drugs than just Beta Lactams.

### **FSMA (Food Safety & Modernization Act)**

Mr. Tedrick states Food Safety Modernization Act has been in the news and it was passed by Congress in 2011. Here it is 2013 and no one really knows when the ultimate rules will come out. Bad news for dairy is they looked at our PMO and did not see fit to exempt us like seafood and juice. So what we're trying to keep from having another layer of regulatory oversight We feel the PMO is a preventive document. It is

a HAACP program. We would like to have the same exemption that seafood and juice HAACP has. FDA has extended the comment period through September.

### **The Case of Jecky Hershberger**

Mr. Patterson states this was a criminal prosecution that was handled by the local prosecutors' office. He was recently convicted of the illegal slaughter operation and the selling of raw milk. The judge did not put him on probation. He was convicted because the sale of raw milk issue is pretty straight forward from the legal stand point. The meat inspection division was involved because to operate a facility to have people bring their animals to you need to be licensed and inspected by the division of meat inspection. ODA involvement was for the support of investigative standpoint. It's not unusual for ODA to be involved with assigning investigators for any violations of the criminal statutes covered by ODA. Bill Lesho covers a large geographical area and this case fell under his geographic area.

Mr. Wise adds there were initially 32 counts brought against Mr. Hershberger. He plead guilty to 14 counts, got a fine of \$1250 plus court cost. ODA recommended probation and suspended jail term. If he violates any of those provisions in the next five years he would serve jail time. He ended up just paying the fine and went along his way.

Mr. Ellis asked how did he get away with just a fine?

Mrs. Dresbach replies the county prosecutor office has their own discretion.

Mr. Ellis asked if there was anyone sick from this case?

Mrs. Dresbach replies we're not going to know.

Mr. Patterson states there's some overlapping jurisdiction and the department has the authority to ask for a civil injunction to deal with it. Many times you get a little more impact if there is a criminal prosecution.

Mr. Tedrick states it would have been more logical if he was on probation for five years because it would have been hanging over his head.

Mrs. Dresbach states it was presented to him to come under the meat inspection and through his attorney he says he did not want to do that and would cease what he was doing.

Mr. Wise adds he was and is currently manufacturer grade licensed producer selling manufacture grade milk.

Mr. Ellis asked if there was a case of raw milk sales in Wisconsin that was overruled by a judge? It was a prosecution attempt against a farmer and the judge ruled against the state rules. It was a jury trial and the jury ruled in favor of the farmer.

Mr. Tedrick responds on the main issue he won but on the issue of not owning up to the embargo he violated that. We watch those to see how the court views herd shares. We look at these other states because we're interested on what will be precedent set.

Mr. Patterson states the definition of sale in the dairy law was insufficiently specific to hold someone liable for a sale using the herd share arrangement. It was based strictly on statutory interpretation on that case.

### **Dairy Quality Conference –Oct 15, 2013**

Mr. Wise states this year's program will include derogation issues as they relate to SCC. We thought this would be an opportunity to educate some people in the industry as far as how that's all handled. The National Farm Program we have someone to speak on that as well. Milk quality and farm audits and we have Fabian Bernal from DFA to speak on the milk quality and farm audits that he's doing. Maurice Eastridge from OSU has lined up Nicole Martin from Cornell University. She will speak on milk quality assurance. She will talk about once milk leaves the farm until it's purchased by the consumer what are some of the quality issues and assurance. We will give an NCIMS update a little more in-depth of the farm issues. We'll have an ODA update to discuss hauler issues, chemical burns, any new information on Aflatoxin. We also have pathogen study results from an FDA sampling program. We're lining up someone to discuss stainless steel welding.

Mr. Tedrick states that Daisy brand from Texas is coming to build a culture plant (sour cream and cottage cheese) in the Wooster area. We're looking forward to working with them from the ground up. Breaking ground the end of this year and will be building 2014 hoping to be up and running 2015.

### **Plant, Hauler, WST Section Update (Mr. Mengel)**

Mr. Mengel states Dannon is expanding and continuously building. They continue to expand their operation in the Minster area. Their main focus is Greek yogurt. Also, our small processors continue to apply for licenses. We have two on-farm bottlers in process.

Mr. Mengel mentioned that hauler invoices were sent. We changed them a bit this year. The piece that goes on the license now has an expiration year on them. We only have about half of our haulers renewals in and we are in August. So unfortunately we have to send out that second letter because we need to get them in.

Mr. Tedrick asks if there are any questions.

### **Farm Section Update (Mr. Wise)**

Mr. Wise states that as of July 1, we have 2,187 Grade A dairy farms in Ohio. We have 742 Manufacture Grade. That is a grand total of 2,929. That's a drop of about 70 farms from the first of the year. Milk production is still going up so even though we're losing farms we're still gaining on production. USDA milk production numbers continue to increase year to year.

Mr. Wise informed the Board that the 13<sup>th</sup> robotic dairy farm was cleared to start last Monday. They had four Lely units they installed on that farm. We have five more farms that are in some stage of construction. One interesting thing a new manufacture the AMS Galaxy by Insentec its out of Israel. They had a unit in Pennsylvania for two years now. We're getting a unit in Wayne county. It should be here in Ohio by end of August. That will be the third manufacture with a robotic milker in Ohio.

Finally Mr. Wise pointed out that the sampling of manufacture grade farms on July 10<sup>th</sup> resulted in an abnormally high bacteria counts. We had 175 results greater than 1 million on bacteria. As a comparison, from January 1 to July 17<sup>th</sup> we only had 227 total high counts. On one day we had 175. We made calls to check with the lab and some of the plants to see if there were any issues. According to the lab, everything was handled correctly. The data loggers there were no issues with what they recorded. I talked to a few of the locations with issues to reiterate the importance of samples and keeping them cool. These are can producers that use well water to cool. Some of the producers were good and some were bad. There were no correlations to loads but there were no similarities with loads. We tried to pinpoint where it was happening but we couldn't. Bottom line is it comes to keeping the samples cold and the cans clean. Warnings and suspension letters went out. We have to resample by August 16 so we have to be sure we resample by this date.

Mr. Wise informed the Board that the Dairy Division will be interviewing to back fill Mr. Thompson's old position. We're going to keep eight farm inspectors in the field. Once the person is selected, we're not sure if they will take over his old territory, but we will look at that and make that decision. We're hoping to have someone in place by mid-September.

Mr. Tedrick states that the Dairy experience is getting harder to come by. We've got a good group but we are about 4-6 years away from losing half of them. We need to have infrastructure ready for when that day comes. That is a concern of ours.

Mr. Ellis asked if we have a handle on information as to how much milk is processed in the state?

Mr. Tedrick responds what I can do is compile some numbers of what everyone reports and send an email.

### **MSB Terms Expiring**

Mr. Tedrick states we have terms expiring on the board. There should be a list of board members in your packet. The two gentlemen with terms expiring are Tim Shipley and Rocky Volpp. We will send notices out to the industry inquiring nominations for the next three year term. One representing Grade A milk producers and one a swing position.

Mr. Hollon mentioned that it looks like Dad's term is up too.

Mr. Tedrick responds you are correct we have three.

### **Public Comment Period**

Mr. Tedrick opens the floor for public comment.

Mr. Tedrick continues Mr. Patterson was telling me about the fair charging a fee what about the buildings close sign at the state fair.

Mr. Patterson states what the open meetings law requires is a public meeting have to be held in a forum where the public can attend. It's freely open to the public. There are some board meetings that are held at the state fair which requires an entrance fee. But if someone wanted to attend just the board meeting and not the state fair, then you would have to escort them to the meeting and escort them out.

**Set Next Milk Sanitation Board Meeting Date (December 12, 2013)**

Next Sanitation Board Meeting will be held, Thursday, December 12, 2013. It will be held in the Bromfield Building.

**Adjourn**

Mr. Tedrick suggest a motion to adjourn, Mr. Volpp makes the motion. Mr. Longenette seconds the motion to adjourn. Voice vote to adjourn carries.

\_\_\_\_\_Approved

\_\_\_\_\_Attested

\_\_\_\_\_Date

\_\_\_\_\_Date