

**Minutes of the Milk Sanitation Board
November 12, 2009**

The meeting was called to order by Chairman, Director Robert Boggs, in the Bromfield building at the ODA campus at 10:00 AM on November 12, 2009. The following board members were present at roll call:

Mr. W. Charles Ellis	Mr. Thomas Fleming
Mr. T. Chad Hollon	Mr. Rudy Hershberger
Mr. Rocky Volpp	Mr. Steve Schmid
Mr. Tim Shipley	Mr. Gene Phillips

Also in attendance were: Ron Geiser, DFA/DMS; Sandy Kuhn, Ohio Farm Bureau Federation; Ken Fagan, Farmer; Frank Danalewich, OSU Food Industries Center; and Bill Hopper, Lewis Jones, Roger Tedrick, and David Mengel of the Ohio Dept. of Agriculture.

Director Boggs asked if there were any additions or corrections to the minutes of the meeting that was held on August 6, 2009. With no additions or corrections, Mr. Volpp made the motion to accept the minutes with Mr. Fleming seconding the motion. With a voice vote, the minutes were approved.

Old Business

Update of Label Rule

Mr. Bill Hopper of the ODA legal department gave an overview of where the labeling issues now stand. The rule is still in the 6th Circuit Court of Appeals. Mr. Patterson of the Attorney Generals Office is working on a brief on behalf of ODA that must be submitted by November 30, 2009. The hearing on the issue is not expected until sometime next year.

Mr. Schmid asked if it would be possible, in order to come to a final outcome on this issue, to meet with the opposing side to work out a compromise. Director Boggs interjected that after three meetings where ODA tried to reach common ground with the other side, it ended with ODA compromising their position and the other side would only request more compromises.

ODA Budget Update

Director Boggs related that, at three months into the current fiscal budget, State revenues are holding. However, there still is an \$850 million dollar shortfall in the State budget. ODA has asked permission to offer a third employee buy-out that would save the agency an additional \$300,000 dollars. That would result in the loss of some very talented

employees. Chief Jones stated that there are six employees of the Dairy Division that would be eligible for the buy-out.

Director Boggs brought to the board's attention a meeting that was held at ODA on October 14 to discuss the financial problems of many of the state's dairy farmers. In attendance were representatives of the Ohio Farm Bureau Federation, American Dairy Association/Mideast, the Ohio Dairy Producers Association, the Midwest Dairy Foods Association, the State Treasurer, Director of the Dept. of Development, three different branches of USDA: FSA Steve Maurer, NASS Administrator Jim Ramey and the Paul Huber Assistant Market Administrator, as well as a number of ODA staff members. While those in attendance agreed that they cannot solve all of the dairy farmers' problems, financial programs that are available to these farmers were discussed. State personnel will be going to parts of the state to meet with dairy associations to make them aware of all of the programs that are available to them. Mr. Ellis stated that at meetings he has attended, the problem mentioned most was that short term operating money for loans has dried up. The Director stated that it was his understanding that the state treasurer is accepting those kinds of loan applications. He also stated that they should contact Steve Maurer's office for assistance with that type of loan.

The Director mentioned the passage of State Issue 2 in the November elections. The implementing of the bill now needs to be worked out and definitions within the bill decided upon.

Dairy Division Budget Update

Chief Jones spoke on the Dairy Division's budget for this fiscal year, stating that it is just about on track with spending slightly less than anticipated. He stated that starting October 1, all employees who travel went on a program that mirrors the Federal program. This includes a per-diem for meals that is set to the Federal schedule, and they will no longer be turning in meal receipts. The lodging will also be set to the Federal schedule depending on what city they are staying in but still may be direct billed. Due to these changes, the division is expecting an increase in its travel costs. Mr. Hollon and Mr. Schmid asked questions regarding what costs would be increased under this new system. Mr. Jones replied that the traveler will be reimbursed a set amount per day for meals no matter the amount they actually spend. Consequently, there should be a slight increase in the amount that they receive as meal reimbursements.

Member Update

Director Boggs called on Chief Jones to discuss the current MSB members and sub-committee members. There are currently two board members, Rudy Hershberger and Steve Schmid, whose terms on the board expire at the end of this year. Letters will be sent out asking for recommendations to fill those positions. The new members and sub-committee members must be appointed by the Director and in place by January 1, 2010.

Manufacture Grade Subcommittee

Assistant Chief, Roger Tedrick reported on the meeting of the Manufacture Grade Standing Subcommittee that took place on August 26, 2009 at OARDC. At that meeting, Mr. David Mengel made a presentation on Coliform that was well received by all in attendance. The committee, after much input by its members and others that were in attendance, came up with new proposed rules regarding the presence of Coliform. If it is found at a rate over 100, it will be checked a second time for e-coli O157H7, which is the pathogen that affects human health. If found, the product will be destroyed. Mr. Ellis discussed the changes that will have to be made by some plants. He stated that what they had come up with in the way of changes will have to be revisited in a few years once they see how the new proposed rules will work. Mr. Ellis also discussed the reasoning behind there being a two step process before any action is taken against a plant. He stated that it is possible for a sample to have a bad test result due to bad sampling techniques rather than bad plant practices. Under this new process, plants will have to make sure that the sample is still available if needed for additional testing.

Mr. Tedrick discussed the timing on the samples that are sent for testing. Typically, they are picked up on Monday or Tuesday, and by Friday of the same week the laboratory will notify the division if there is a problem with a sample. Mr. Hollon asked about the frequency of the testing being done. Mr. Tedrick replied that spot checking of product is done once a month. Mr. Ellis added that he expected that his plant would pull two samples when the inspector is there and keep the second one on premise in case it would be needed later for further testing. Mr. Fleming interjected that if the sampling technique was the problem, you would have kept two samples with the same problem. Mr. Ellis replied that all instruments used to sample are sterilized and the samples taken from two different cuts of cheese. He went on to say that most Ohio cheese plants produce hard cheeses that are low moisture and low PH which make them less susceptible to e-coli growth.

Mr. Tedrick reported on the manufacture grade farm side changes since the October meeting. During the discussions at the meeting regarding the suspension of a producer for bacteria, it was asserted that there really was no monetary penalty for that producer. It was the consensus of the sub-committee members and others in attendance that the rules should be changed to a 7 day suspension for bacterial reasons. Board member, Mr. Hershberger, inserted that it is a problem of the cleanliness of the cans with those producers that use them and that ODA needs to enforce the new rules in order to force them to pay more attention to cleanliness. Mr. Hollon related a recent trip he made to Heini's Cheese where the employees in the receiving area feared that the new 7 day suspension rule will put the can farmer out of business or force them to ship bulk. Mr. Hershberger stated that shipping bulk instead of cans might be a good idea but either way, enforcing the rule will make the serious can farmer clean up.

Mr. Ellis asked for clarification on the reference in the new rules to “first violation”. He asked if it referenced the first violation after they had received their warning letter. Mr. Tedrick answered in the affirmative. Mr. Ellis explained to others that after the first violation they are warned, they are warned again after the second violation and with a third violation under the new rule they will be suspended for 7 days. There was no change in the present rules on somatic cells. Mr. Tedrick stated that there was a motion at the meeting not to institute the new rules until January 1, 2010. Board member, Mr. Phillips, asked Mr. Tedrick how the new rule differed from the Grade A rule as far as suspension. He replied that with Grade A, 2 out of 4 bad reports is a warning letter, 3 out of 5 is a shut off and a letter goes out to the producer to send back to the department stating that they have corrected the problem and are ready to be inspected. Mr. Hopper asked if the department was imposing a more stringent requirement on manufacture grade than on Grade A. The answer from Mr. Tedrick was yes but with a less stringent bacteria count and standard. Mr. Ellis asked if the new rules needed to go through JCARR or any other oversight group. Mr. Tedrick stated that the rules were originally set up by the sub-committee and he felt they were just tweaking the rules already in place. Mr. Hopper of ODA legal department stated that he thought they needed to look into whether or not they needed to go through the rule making process and that if they do, it will slow down the implementation of the new rules. Mr. Schmid stated that he hoped the new rules will eliminate the repeat offenders. Mr. Hershberger stated that it can be done if the farmer takes care of their cows and keep their cans clean, along with getting the milk cool faster. Mr. Hollon asked Mr. Hershberger if he then was in agreement with the new rules and he stated he was. He went on to say that he had attended several meetings in the Kidron area where he stressed the importance of cleanliness to the next generation.

Director Boggs called for a motion on the recommendations of the Manufacture Grade Sub-committee. Mr. Ellis made a motion that the recommendations of the Manufacture Grade Sub-committee regarding the “Finished Cheese Product Enforcement Grid” and the “Manufacture Grade Producer Quality Enforcement Grid” be accepted by the Milk Sanitation Board. Mr. Volpp seconded the motion and the motion carried on a voice vote.

Plant, Hauler, WST Section Update

Mr. David Mengel reported on “Cheese Classes” he has been assisting with in Ashtabula County. He stated that participants are coming from all around the United States to learn the cheese making process. Mr. Mengel also mentioned to the board that the “Herd Share” arrangements are beginning to become a concern on the plant side also.

Farm Section Update

In the absence of Brian Wise, Mr. Tedrick gave the report for the farm section. He advised the board that the first robotic milkers are now installed on a farm near Plain City. As a regulatory agency, there are concerns that all of the controls are on the milker to read which cow the milk is coming from, whether it should be kept or discarded, etc.

Brian has been working closely with the manufacturer of the equipment and the farmer to get the process going.

Mr. Tedrick called the board's attention to their hand-out listing the numbers of farms, including both cow and goat. The Dairy Division is still getting many calls from individuals interested in starting a goat operation or others that have lost their market for the goat milk. Mr. Ellis asked if goat milk processors had to follow the same rules and pay inspection fees as processors of cow's milk do. Mr. Tedrick answered that they do.

Mr. Fleming asked Mr. Tedrick to go back to the comment that Mr. Mengel had made regarding the "Herd Share" agreements affecting the plants. Mr. Tedrick said that raw fluid milk is now operating in the "Herd Share" realm. It was never intended that it be used to make other products such as butter or ice cream. Chief Jones spoke up and said that since none of these facilities are licensed and are making the products in their homes, the department cannot inspect them. The department occasionally learns about them when they start selling their products at farm markets. Mr. Fleming added that many of the dairies that are doing this are not licensed dairy farms. Mr. Phillips added that products sold at farm markets are supposed to be from an approved source and food from an unlicensed facility cannot be sold at farm markets. Mr. Ellis questioned whether the minimum fee of \$25 for the inspection of the smallest licensed facilities was enough if the farmstead cheese operations are expanding.

Public Comment Period

Director Boggs asked if there was anyone present that would like to address the Board. No one present indicated that they would like to address the Board.

Next Milk Sanitation Board Meeting

The next meeting of the Board was set for April 8, 2010 at 10:00 AM; the second Thursday in April. Chief Jones stated that if the changes to the manufacture rules need to go through JCARR, this date will probably need to be moved up to an earlier date.

Adjournment

Director Boggs asked if there was any other business that needed to come before the Board. With no response, he asked for a motion to adjourn the meeting. Mr. Hollon made the motion to adjourn. The meeting was adjourned by a voice vote.

_____ Approved

_____ Attested

_____ Date

_____ Date

