

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

Thursday, December 13, 2012

The meeting of the Milk Sanitation Board was called to order at 10:00 A.M. on December 13, 2012 at the Ohio Department of Agriculture, Bromfield building chaired by Mr. Roger Tedrick, Chief of the Dairy Division. The following board members were present at roll call:

Mr. Chuck Ellis	Mr. Tim Shipley
Mr. Jim Stockert	Mr. Chad Hollon
Mr. Roger Tedrick	Mr. Amos Miller
Mr. Jamie Higley (In place of Mr. Phillips)	

Others in attendance: Roger A. High, OFBF; Scott Higgins, ODPa; Nevin Byler, and Ken Fagan, Washington County dairy producer.

Also present with the Ohio Department of Agriculture: Deputy Director Sereana Howard Dresbach, Assistant Chief Brian Wise, Dairy Plant Section Supervisor David Mengel, and Dairy Division Secretary Reana Jackson. Also, present are Staff Attorney Dave Gorman and Julie Phillips. Prior to today's meeting both Mr. Rocky Volpp and Mr. Bill Riley communicated neither where available to attend. There are 7 members present out of 9, there is a quorum.

### **Deputy Director Dresbach and Other O.D.A and Division's Information:**

Chief Tedrick introduces our new Deputy Director, Sereana Howard Dresbach. Deputy Director Dresbach responsibilities range from Dairy Division, Meat Inspection, Food Safety, Animal Protection, and Consumer Protection Labs. Deputy Director Dresbach background comes from The Ohio State University Wexner Medical Center. She also has a background as a farm wife and Ag Economist. She explains how her experience will help her assist the Department of Agriculture.

Time was set aside for members to introduce themselves and who they represent.

### **Approval of Minutes:**

Mr. Shipley moved to accept the minutes from the August 2, 2012 meeting. Seconded by, Mr. Hollon. Passed by voice vote.

### **Update ODA – DWA, Puppy Mills, Bugs, Algae Blooms**

Deputy Director Dresbach discusses the team Director Daniels has put together. Deputy Director John Schlichter, who served as county commissioner for Fayette County and served in the House, is responsible for grains and water quality. Janelle Mead is in charge of government relations and communications. Also, Assistant Director Howard Wise is also a part of Director Daniel's team.

Deputy Director Dresbach speaks about Dangerous Wild Animals. They will be using the livestock care standards as a basis for the dangerous wild animals. This will allow a solid research base. She states puppy mills have a strong presence in rural areas. Discovery of black fungus are in same area as Asian long horn beetle. Walnut twig beetles are in the western part of the state. Overlapping of jurisdiction is being worked on to monitor some of these bugs and algae to help effected public. Deputy Director

Schlichter has worked on the overall water quality, the most since he's been with ODA. A new budget will also be in the works.

Mr. Tedrick comments that the holding facility for the dangerous wildlife animals is currently under construction. The veterinarians on ODA's campus will be able to quarantine and check animals before they are moved to other facilities.

Deputy Director Dresbach states many people have moved to other states from Ohio and sent animals to other states. Participation from the zoos and public has been phenomenal in dealing with dangerous wildlife animals. ODA is currently working on standards for these animals such as health, safety and facility wise are being addressed.

### **Dairy Division Activities, Staffing and Budget Update**

Mr. Tedrick states, for the past two years, the Dairy Division has broken even with our budget. Mr. Tedrick confirms the Dairy Division's mission to properly maintain inspections in order to safely transfer milk across state lines and to pass surveys. Our goal for enforcement score is to score a 90 or higher. Mr. Tedrick introduces Reana Jackson to the Sanitation Board. Mr. Tedrick explains Mrs. Jackson's duties and explains she will be replacing Bonita Cordi. Mr. Tedrick and Mr. Wise are in the process of interviewing for Reana's replacement. Mr. Wise has a prospect chosen for the position. Mr. Tedrick gives an update on Robert Pendlebury. Mr. Pendlebury has been out due to colon surgery, and will retire at the end of December. Mr. Tedrick states they will not be filling Mr. Pendlebury position. Mr. Tedrick is considering hiring a farm supervisor. This position will mirror Dave Mengel. The Farm Supervisor position will be posted the beginning of the year. If filled internally, that will leave the Dairy Division with 8 Farm inspectors.

Mr. Tedrick hands out the most recent financial statement to attendees. Mr. Tedrick states the Dairy Division is \$69,000 in the hole as of December. Part of this is due to there being 3 pay periods in November. Another reason would be 29% of indirect cost. As of December 12, 2012, the 4R2 Fund has \$236,289.52. Some of the 4R2 fund will be used to purchase new cars. It has been over 3 years since the Dairy Division has purchased new vehicles. Mr. Tedrick states a few vehicles are over 150,000 miles.

Mr. Wise states there are a couple of vehicles with over 200,000 miles.

Mr. Stockert asks if the motor vehicle line is the maintenance line on the budget?

Mr. Tedrick states there are a few cars that have had a lot of maintenance due to mechanical issues.

Mr. Wise responds in August and September Mr. James Black and a few other sanitarians have purchased new tires, brakes and necessary maintenance done to vehicles.

Mr. Tedrick states sanitarians are getting from 60-80,000 miles on old sets of tires.

Mr. Shipley asks is there a reason why salaries have jumped?

Mr. Tedrick's responds there have been months with 3 pay periods.

## **Mid – Atlantic Dairy Leadership Team**

Mr. Tedrick states Mid-Atlantic industry efforts need to be explored. Mr. Tedrick attended the Harrisburg, Pennsylvania Mid-Atlantic Dairy Leadership Team meeting in December. The meetings northeast region has addressed issues that are of interest to dairy. Mr. Tedrick states that Ohio and Pennsylvania have similar issues. Issues pertaining to availability of milk, water quality issues and school milk calorie reduction. States in attendance for the meeting were New York, Pennsylvania, New Jersey, Maryland, West Virginia, Virginia, Ohio and Vermont. During the meeting each states production and their concerns were discussed. They are looking into the possibility of using a system or group called the State Ratification Committee which will focus on dairy.

Mr. Higgins responds to Mr. Tedrick's question about the fluid reduction issues. Mr. Higgins speaks about being heavily involved with the Dairy Association. Dairy Management Inc. has been discussing this for the last six months. They will work with the businesses that transform their raw milk into dairy products to find new ways to make their dairy products more desirable to consumers. In Ohio, The American Dairy Association Mideast boards has allocated \$40,000 of check off funds to reach out to dairy processors interested in finding new opportunities for sales. He has a new project with Quaker Oats and their goal is to get Quaker to partner and promote making their oatmeal with milk. If they can get 1 out of 7 servings to use milk, they can increase milk consumption by 2 billion pounds in the United States.

Mr. Tedrick comments there has been a decline in fluid milk consumption.

Mr. Stockert states, as a father of teenagers our school milk is awful.

Mr. Mengel states, the plants did not like doing that to the milk.

Mr. Higgins states the dietary guidelines and committees that assess and determine the fat content of milk, there are new flavors and opportunities being pursued. National Dairy promotion program has approved doing a study on milk fat and the value of milk fat in a child's diet.

Mr. Stockert states that the calorie intake of a child is challenging due to each child requiring different caloric intake.

Mr. Tedrick states that the group of states from the meeting are in agreement with Mr. Scott with the school milk and flavor program. The group will focus on dairy and other issues mentioned. They will send details to Director Daniels to make a decision on bi-laws.

## **MSB Terms Expiring**

Mr. Tedrick presents two terms expiring and up for nominations. Mr. Tedrick sent notices out and received a few responses back. The committee has nominated Amos Miller and Bill Riley. This will be their second term once the Director gives okay on their nomination.

## **Update of FDA Tissue Residue and Aflatoxin Testing & Appendix N Drug Residue Testing**

Mr. Tedrick opens with an update on FDA's sampling at the last meeting. FDA did sampling of 900 targeted and 900 random with a total of 1800. FDA did not find a lot in their testing. At the next meeting, there will be a hearing about FDA's standards on testing. FDA had an executive committee

conference and Mr. Tedrick states they are still waiting for the results from that conference. The results will tell if the FDA will open new compounds or if new testing will be involved.

Mr. Tedrick states a number of states have FDA's approval to blend grains to lower the Aflatoxin. Ohio doesn't have that authority to do so. FDA wanted the Dairy Division to open the availability of testing in the plants. Under the conference, the PMO doesn't state anything about Aflatoxin testing. The Dairy Division has a test that goes one part per trillion. Industry has done some testing. Other states have had positive loads that have been rejected and destroyed. Ohio has not.

Mr. Mengel states one screening test was positive, but the presumptive was negative. With Aflatoxin testing both tests have to come back positive.

Mr. Tedrick states there are 20 loads from Iowa to Pennsylvania that have been affected. Mr. Tedrick continues that the Dairy Division continues to try and learn more about Aflatoxin. It's known that drug residue can affect people with allergies immediately. Aflatoxin has a long term effect and affects the liver.

Deputy Director Dresbach responds she's going to research on human tolerance of Aflatoxin.

Mr. Higley has received questions from the state representative about the mixing of grains. Other states have allowed exemptions on the mixing of grains. I referred the inquiry to ODA.

Mr. Tedrick responds Matt Beal knows more about grain.

Mr. Mengel states allowable are less than .5 parts for billion in milk.

Deputy Director Dresbach also responds she will check on that answer and get back to Mr. Higley

Mr. Tedrick states Mr. Mengel talked to Dr. Bill Wise at ORDC and that helped to get the background. Mr. Tedrick asks what is the immediate human health aspect? Mr. Tedrick responds it's accumulative.

Mr. Tedrick moves on to Appendix N & Drug Residue testing. At the last meeting there were a number of issues including screening locations, paperwork and documentation.

Mr. Mengel states that a couple of changes have been made. Because of misreporting at plants, plants are now submitting paperwork to be sure they did the presumptive positive correctly. The Appendix N class now has hands on work. Part of the class is filling out paperwork which includes five parts as a practice. Mr. Mengel also states that training includes telling plants if anything is wrong with Appendix N the plant immediately fails and you stop your survey.

Mr. Tedrick responds a one page sheet for Appendix N was created to make the process easier.

Mr. Mengel states we are losing one of our lab evaluations officers, Renee Schmauch will be leaving and going back to school, so Tom Kitsmiller will be the lone LEO.

Mr. Wise responds his brother is a veterinarian and when asked about Appendix N replied when a vet gives a producer medication with a label they are not there to make sure the medication is being used as instructed. Veterinarians can't change the right of administration. Producers need to be aware that if they administer drugs incorrectly that is also the Vets license on the line.

Mr. Wise also states the way the PMO is written they are in charge with that duty to regulate veterinarians. Sanitarians have to make sure the medications are labeled and stored correctly.

Mr. Higgins asked if the Dairy Division is aware of the farm programs most recent updated residue program for dairy and farmers? They have been documenting repeat violators list. No one in Ohio has been on that list. Also, the Ohio Veterinarians Medicine Group, OVMA dairy vets have been including ODPa in several meetings. They have been strongly communicating with the vets and producers about medication usage.

Mr. Wise responds that the FDA will go after whoever is misusing medications.

Mr. Tedrick asked if Farm Bureau had their antibiotic meeting.

Mr. Higgins states they had their symposium there and it was well attended. It was three days filled with interaction with public industry and research. The outcome of the meeting was increased dialogue and interaction. The interaction still needed is between Academia, veterinary medicine, university medical center and animal sciences. This interaction could result in quicker resolutions.

Deputy Director Dresbach responds she attended.

Mr. Wise states if there is milk drug residue it is in Ohio administrative code that they need to complete the National Dairy Farm drug residue program. The veterinarian signs the certificate along with the producer and is maintained on file in the Dairy Division.

Deputy Director Dresbach asks if that is only when producers have an occurrence or can anyone do it?

Mr. Wise responds if a producer has a positive drug residue they are required to do it.

Mr. Tedrick asks if there have been any repeat drug residue violators this year?

Mr. Wise responds not until this afternoon.

Mr. Tedrick gives an update on an investigation about a complaint. A call from a citizen in Canal Fulton, Ohio reported a place called Shiloh Healing Center was placing milk in 5 gallon jugs in cars. Upon arrival to investigate, the owner states he would not disclose which farm he got his raw milk from. So actions were taken to prosecute the owner. The verdict came back and it was a no contest plea, \$421 court cost, sentenced to 90 days in jail, suspended, and placed on five years' probation.

### **Milk Market Administrator Lab Labels**

Mr. Tedrick asks if anyone has heard that the Milk Market Administrator is coming up with new labels for the milk bottles?

Mr. Wise states starting January 1, 2013, currently on the Grade A, they will go from bar codes to QR codes. The codes you can scan with a QR reader and you can hold a lot more information on a QR code than you can with a bar code. The switch was on hold until ELS was on board. ELS tie the producer information and barcode to a license number.

Mr. Ellis asks are you saying they should have been distributed by now?

Mr. Tedrick responds no they haven't been rolled out yet.

Mr. Tedrick states he has a meeting lined up with Alan Christensen. Our main concern is everyone's technology lines up. ELS uploads the information every night. We just want to make sure the information syncs up.

Mr. Ellis states the cheese association wants to do more promotion for Swiss cheese so they will put a QR label on the deli case, once you scan it you will find out a lot of information about Swiss cheese. Mr. Ellis also states there are other markets in the area but not sure if they have switched to the QR label yet.

Mr. Wise states he doesn't think you can scan the information with the smartphone, but with the amount of information contained in the QR label its far more than what a barcode can contain.

Mr. Tedrick states for years we have spoken to the Market Administrator to include our license number within the barcode, but that was unable to be done. Maybe this QR label will allow that to happen.

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

Mr. Mengel states the growth of the Greek yogurt is huge. This allows an interesting topic. Some people are mislabeling their products. They have Greek yogurt butter, Greek yogurt cream and it's really not.

Mr. Mengel continues licensing small processors and we keep receiving applications. I met with a person and she is a herd share producer and she is putting in a processing plant because she's scared to death about what's going on with people getting ill. She no longer wants to sell raw milk.

Mr. Mengel states on February 26, 2013, there is going to be a sanitation course on artisan cheese production. Tracy Enslin has included us and will be holding the class here at the Bromfield building. We're going to try getting all of our artisan cheese manufacturers there as well as our on farm raw milk processors. Thank you Scott for getting this here because you are funding it and it was well needed. People all over the state are attending.

Mr. Higgins responds that the Mideast board is not accepting check off funds from them. Whatever funds are collected go to national. Our main concern is consumer safety and this class was needed and the whole industry benefit when all milk is of high quality and safe. If this is a good session, we will continue and partner with you to make sure this happens.

Mr. Mengel asked if Mr. Higgins knows how many states have been notified about this class?

Mr. Higgins responds all of our neighboring states have been informed.

Mr. Tedrick states that all licensees in Ohio have been invited and if there is room we can put ice cream manufacturers in there.

Deputy Director Dresbach asks when you say full room, is this a lecture base program verses a hands on. What kind of numbers are we expecting?

Mr. Tedrick responds we can expect about 100 attendees.

Mr. Mengel states Mr. Ellis you mentioned something about your meeting about cheese at the state fair the small processors?

Mr. Ellis responds the cheese association holds three contests to award a grand champion at the Swiss cheese maker every year. Last year we tried to include the farmstead cheese makers and included a separate class. We had cheese judging for Swiss, open class and the farmstead class. The first contest we had several farmstead participants, a couple of goat and cow milk cheese makers. There was some controversy where the goat milk cheese makers felt there was a prejudice against them. They did not attend the second contest or the third. By the third contest nobody came. So after that we decided to keep our three contests and if goat milk cheese makers want to attend they can participate.

Mr. Mengel states the artisan cheese class is put on by a professor from a university in Vermont.

Mr. Tedrick opens the floor for any further questions.

Mr. Tedrick states he was in Pennsylvania meeting with other states, every state had farm processors coming on board from Vermont, New York, Pennsylvania, New Jersey and Maryland. This seems to be a growing trend. We will deal with it and make them do the same thing we make everyone else do.

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

Mr. Wise states as of December 1, 2012 we are at 3,009 total farms in Ohio. Every year that keeps going down. So far this year we have lost 92 farms in 2012. Production and cow numbers keep going up and that tells us that farms are bigger and getting more production.

Mr. Tedrick responds that Ohio has gone up 3 percent month to month over a year ago, which is almost amazing considering the drought we went through.

Mr. Wise states 2239 Grade A farms as of December 1, 2012. There are 770 manufacture grade farms and a little over 500 farms milking in cans. The goat and sheep farmers are about 20 as of December.

Mr. Wise states as mentioned earlier Bob Pendlebury will be retiring at the end of December. He's floating helping out the other sanitarians with water sampling, hauler inspections and tank inspections.

Mr. Wise continues since the last meeting we have started up two more robot markets. One robot is in Sigma, Ohio north of Findlay. Also, there is another installation in Adamsville. We currently have three more under construction and 12 more robots coming on board by February. Some farms will only put in one unit which can milk up to 60-80 cows. Over the next 5-10 years robotics will be the biggest trend we see.

Mr. Hollon asks how many have we got total?

Mr. Wise responds we have 7 active farms right now. We will have three more by February. The biggest one we have is four units in Ashtabula County.

Mr. Hollon asks what's the price per unit?

Mr. Wise responds it depends per manufacturer but generally \$200,000 per box and that does not include building or cooling. That price doesn't include a bulk tank, buffer tank or plate cooler. The control system can carry many boxes, but it will be about \$170,000 per box after that. Most of the installations have been in older facilities that have needed a change. Those that have upgraded to robots say it has penciled out for a better price.

Deputy Director Dresbach states the one she saw she was very impressed and the technology is very impressive.

Mr. Wise responds there are a couple of manufacturers that are developing units for the larger farms. As of right now the robotics are tailored to the smaller or medium size farms. Surge has a rail system set up that could probably work on a larger dairy. Rotary robotics are available as well but they are not here in the United States.

Mr. Tedrick comments Mr. Wise has been very hands on with any robotic issues. Mr. Wise is prepared for any issues FDA may have.

Mr. Wise states the issues FDA may have with robotics is they are in many states and now they have the time and resources to devote.

Mr. Ellis asks what are the rules for seasonal producers? Does he have to be re-inspected before he starts them back up?

Mr. Wise responds every producer that shuts down for any length of time we would like to be notified and be able to inspect that farm before they start back up. Once a producer shuts down for a season we see a gap in records we don't have lab counts and we may not catch it. If they shut down any length of time we would like to check it. Also they need to notify the sanitarian.

Mr. Ellis asks about pipeline with no welded connection. If they shut down and you come in to re-inspect do they have to have back up?

Mr. Wise responds no what Mr. Ellis is referring to is a 3A sanitary standard that states all pipeline connections need to have a continuous weld. If you are an existing dairy you were grandfathered into that rule. It usually doesn't affect the seasonal farms because they are only down for a couple of months. If a dairy shuts down and starts back up, if it's been more than six months at that point we treat them like a brand new start and ask that they weld it at that time.

Mr. Ellis asks how long has the welding rule been in the book?

Mr. Wise responds it's been about five or more years.

Mr. Ellis asks what about glass pipelines?

Mr. Wise responds glass pipelines are still allowed.

**NCIMS Conference (April 19-24)**

Mr. Tedrick states in 2013 there will be another National Conference on Interstate Milk Shipments. It will be in Indianapolis April 19-24. Mr. Wise and I will be attending and I will be on Counsel 1. We will go through any proposals which are due by February. We will probably have fewer proposals than normal, but one will be the somatic cell proposal. Ron Geiser may be on a committee and they are putting together a proposal on somatic cell count and regulation. As you know, we voted for the last one and since then we haven't changed. The only way we probably wouldn't vote is if it came back so complicated and if it added cost to this division to monitor. I know there is an Aflatoxin proposal coming forward. We will look at that and see where that takes us. Also, we allow pasteurized water or equivalent to push water in a plant so we will be looking at a proposal for that also.

Mr. Hollon asks what did we vote on last time for somatic cell was it 750 or more?

Mr. Tedrick responds last time we decided three years ago we decided it would be 400,000. In the European market, they have been putting pressure on the USDA and exporters to use geometric means.

Mr. Tedrick asks Mr. Ellis you may know more about the exports have you gotten into any of the exports?

Mr. Ellis responds we don't directly export but we sell to a company that does and we have to stay in compliance. We have a set of different record keeping and calculating. We have several people on the derogation list. Once you're on that list you are on there for 12 months. We have implemented things to deter people to stay off of the derogation list such as bonuses and things like that.

### **Public Comment Period**

Mr. Tedrick opens the floor for any public comments. There were no public comments

Mr. Ellis asks what does geometric means?

Mr. Tedrick responds you take three months average and do the cube root of that.

Mr. Wise states it would be a benefit for the small producer.

Mr. Tedrick responds the biggest issue would be the timeliness. We won't know the monthly average for example until December 31.

Mr. Ellis asks is there anything in Europe for Grade A bacteria counts?

Mr. Tedrick responds in here we do incoming milk for Drug Residue testing. In Europe they do the finish product. We are testing products before they get to the jug not after.

Mr. Ellis states they had a Swiss cheese maker from Switzerland visit and he said if they have somatic cell count of over 150,000 from raw milk then if it was over 250,000 they would accept the milk.

Mr. Stockert asked if we have good data from Michigan and other states?

Deputy Director Dresbach responds in the Nutrient Management arena there are professional organizations that are working together with states like Wisconsin and their university state regulators and

manure haulers. They are looking at weights on the road study to know why the restrictions are so low. There is a professional nutrient haulers association in the Great Lakes region and will be happy to put you in touch with them. She doesn't foresee any changes in the state of Ohio right now but she believes it is yet to come.

Mr. Stockert asks is there enough constant water monitoring to tell a real number?

Deputy Director Dresbach responds I think that's manager by manager not by plan by plan. It's the relationship by that hauler and application area.

Mr. Tedrick asks Mr. Stockert are you asking about Grand Lakes, St. Mary's is someone out there testing?

Mr. Stockert responds yes is there real data 3/21/12, 3/21/11 and 3/21/10 it was monitored.

Deputy Director Dresbach responds we can't really say but I know what this particular manager is doing. What he's doing in his area isn't because it's regulated but it's because of good management practice on behalf of the nutrient after care.

Mr. Stockert asks what I'm trying to get at is there any good data out there to say its working?

Deputy Director Dresbach responds I will find out.

Mr. Tedrick states the group of states around the table water quality was number one. Urban areas control the country and we fight over nutrient claims and water quality. They look at the law differently than we do. To us water quality is better to us than 1972. I would say its better today than what it was but today's citizen in the city doesn't see it that way. We have to start fighting fire with good data and science.

Mr. Higgins states the ODPA board is on record, articulating our disappointment and opposition for December 1 to March 15 period where no manure hauling can occur through that area. We believe that smaller amounts of manure being applied at the right time when weather and soil conditions are appropriate should be allowed and we're not getting that. There are a number of data sources through the weather systems where we can track predictions versus occurrences and actual rain monitoring. We will be pulling data from the past 10 years to see how it matches up against the data that's being expressed to us. Trying to build a case for the weather patterns and how predictable they are and the concern we have for the future for dairy farmers. The perfect storm is the one we don't need because it will cause serious problems. Then we will have more problems if we disband the whole manure protocol.

Mr. Stockert asks Mr. Higgins if there is Michigan data on residues? How long have they been doing this, 10 or 15 years? They have a ban don't they from a certain time of the year where they can't haul. I just feel if we have someone already out there doing this for so many years we should have data.

Mr. Higgins responds we know in Indiana they don't have as many regulations but I don't know about Michigan. I do know there are some researchers working and there is a need to upgrading the P-index information. There is a movement to do that and they have reached the \$2 million water mark. So more data will be collected Jim as proof points to make sure regulatory isn't being fed incorrect information.

Deputy Director Dresbach states there is a Nutrient Managers meeting held at the end of January in Wisconsin. We don't want to get into the situation two years ago we were when rain was overflowing. Then last year where it didn't show up. We don't want to be in the position to have someone make policy reacting to that situation. Because when we make policy based on the out wire everyone loses.

Mr. Tedrick asked Mr. Higgins to please keep us informed on that. Any information on that we wish to keep coming because it's going to be a hotter and hotter issue.

**Set Next Milk Sanitation Board Meeting Date**

Next Sanitation Board Meeting will be held Thursday, April 4, 2013, it will be held in the Bromfield Building.

**Adjourn**

Mr. Tedrick asks for motion to adjourn, Mr. Hollon moves to adjourn. Mr. Ellis seconds the motion to adjourn. Voice vote to adjourn carries.

\_\_\_\_\_ Approved

\_\_\_\_\_ Attested

\_\_\_\_\_ Date

\_\_\_\_\_ Date