

Minutes of the Milk Sanitation Board

February 8, 2007

Chief Lewis Jones introduced the new Director and Chairman of the Milk Sanitation Board, Robert J. Boggs of Ashtabula County. Chief Jones pointed out that Director Boggs has been a county commissioner, spent 24 years in the Ohio House of Representatives and the Ohio Senate and was a former Senate Minority Leader.

The meeting was called to order by the Chairman, Director Robert Boggs at 10:00 a.m. The meeting was held at the Ohio Dept. of Agriculture Department of Agriculture, Bromfield Building. The following Board Members were present at roll call:

Mr. Charles Ellis	Mr. Thomas Fleming
Mr. Rudy Hershberger	Mr. Chad Hollon
Mr. Steve Schmid	Mr. Tim Shipley
Mr. Rocky Volpp	Mr. Gene Phillips
Director Robert Boggs	

Also attending the meeting were: Will Moore and Ron Geiser, Dairy Farmers of America; Ken Fagen, dairyman, Washington County; Ted Strouth, State of Ohio Health Department, Kristen Mullins, Midwest Dairy Foods Association, Chief Lewis Jones, Charles Twining, Walter Brown, Jr., Mick Heiby, Roger Tedrick and William Hopper, Ohio Department of Agriculture.

Chairman Boggs took a minute to mention how energized, enthusiastic and challenged he is at being Director of Agriculture. Governor Strickland made it very clear that he expects Agriculture to be one of the key tools in 'Turnaround Ohio'. Understanding that Agriculture is one of the state's biggest industries, this is good advice. Chairman Boggs thanked all the Board Members in their efforts to do all they can to promote, regulate and set policy for dairy in the state. Chairman Boggs said that dairy hits home because his brother and brother's son operate a 150 head dairy farm in Ashtabula County.

Chairman Boggs asked for approval of the last meeting's minutes.

Mr. Tedrick interjected with a couple of corrections to the mailed minutes. The corrected minutes were handed out to the Board Members.

The minutes were approved by voice vote.

Old Business

Grade A Subcommittee Report

Mr. Brown updated the Board on the Grade A Standing Subcommittee's effort to adopt the 2005 PMO. The Subcommittee started the review process in March of 2006. On

December 7, 2006 at Wooster, the Subcommittee passed the motion to adopt the 2005 Pasteurized Milk Ordinance as amended. Mr. Brown handed out two sets of rules to the Board. The set of rules, 901:11-1 simply updates and cleans up the rule language for adoption of the 2005 Pasteurized Milk Ordinance. A new rule was added which deals with in-line samplers. Mr. Brown pointed out that some farms in Ohio want to direct load milk onto a tanker forgoing the traditional on farm pick-up bulk milk tank truck. This rule will allow producers to collect an official in-line sample (drip sample).

Mr. Schmid thanked Mr. Brown for his effort in this endeavor.

Mr. Schmid moved to submit to the Legal Department of ODA the language and changes needed to adopt the 2005 PMO.

Mr. Volpp seconded the motion.

Chairman Boggs asked for discussion, hearing none he asked for a show of hands in favor and opposed. It was a unanimous vote in favor of the motion. Motion carried.

Chairman Boggs then asked Mr. Hopper to explain where the Department goes from here relative to the motion.

Mr. Hopper explained the Department would file electronically and at that time a 65 day JACARR jurisdictional period begins. Included in that is a public hearing to be held here at the Department. Then there will be a formal hearing before JACARR followed by another public hearing. The rules will be filed at the end of this period. Ten days thereafter the rules become effective.

The second set of rules Mr. Brown discussed referenced were the Hauler, Weigher, Sampler rules. ODA Legal suggested the Dairy Division review all division rules in this calendar year as the division rules need to be review and updated every five years. Completing the rule review at this time will put all division rules on the same rule review time table.

Manufacture Milk Production and Manufacturing Subcommittee Report

Mr. Ellis addressed the Board concerning meetings held to address repeat violations of manufactured grade producers. After the first meeting, the Subcommittee voted to adopt an inspection fee relative to those who were suspended. Upon presentation of the Manufacture Subcommittee recommendations to the Milk Sanitation Board, it was agreed to convene a joint committee made up of representatives of the Grade A Subcommittee and the Manufacture Subcommittee to discuss a re-instatement fee. At that meeting, Dairy Division staff reported to the joint subcommittees they had run the proposed re-instatement fee past legal and found no provision in law for a re-instatement fee. As a result, the subcommittee is proposing a change in the enforcement grid. Mr. Ellis explained that a second or third suspension due to bacteria or somatic cell during a 12-month period will now have a resample taken after 7 and 14 days respectively. This is an

increase from the 3 and 7 day penalty previously. Dairy Division Staff provided a written copy of this new enforcement grid.

Mr. Volpp moved to accept the changes to the Manufacture Milk enforcement grid.

Mr. Hollon seconded the motion.

Motion was adopted by unanimous hand count.

New Ethics Requirements

Mr. Hopper explained the new ethics requirements and handed out Executive Order 2007-01S. Mr. Hopper told the Board that the Director has asked him to be the Ethics Officer for the Department, and if anyone has questions as to the policy, to call him.

Organic and rbST Free Milk Producers

Mr. Heiby reiterated the fact that Chief Jones has sent out a letter to industry back in November of 2006. This letter requested those processors or marketing organizations with organic or milk produced from cows not injected with rbST to file affidavits with the department. Mr. Heiby said that he has received a number of these documents.

Mr. Hollon asked how this effort would be updated.

Mr. Heiby said these producers would remain in this status until told otherwise by the producer or marketing organization.

Upcoming 2007 NCIMS

Chief Jones pointed out to the Board that the conference is held every two years on the odd year. The 2007 NCIMS is to be held May 5-10 in Salt Lake City. Chief Jones explained that he would be attending the planning committee meeting which is scheduled for later in February. This meeting will also be held in Salt Lake City. The proposals will be catalogued and assigned to the appropriate committee.

Mr. Twining went over the 8 proposals that Ohio is submitting to the 2007 NCIMS. Each of the proposals were handed out and explained by Mr. Twining.

Mr. Hollon asked about the proposal submitted by Ohio that would change Appendix N language requiring transfer stations to sample and test each load of milk. He said it would be beneficial to transfer stations such as his for this to pass.

Mr. Twining explained that Mr. Tedrick was the author of this proposal. The thought process is that testing at the transfer site is redundant since the transport load will be tested again at the receiving site.

Mr. Hollon agreed and added that the cost of testing was getting prohibitive. In addition, to that the load will be checked at the processing location anyway regardless of any testing at the transfer site.

Mr. Volpp concurred that his plant would test the load regardless of what the transfer station does.

Mr. Ellis asked Mr. Hollon if the testing protocols and lab standards are the same for his facility as they are for processors.

Mr. Hollon said that they were.

Chief Jones wanted Mr. Twining to explain that proposal 6, FULL or PARTIAL listing of Single Service Manufacturers was the same as what was proposed at the 2005 NCIMS.

Mr. Twining agreed that it was, and during that proposal's time in committee, it was sent to a study subcommittee. Since that time until now, the single service subcommittee did not address the proposal. The single service subcommittee has since told Ohio to resubmit instead of the proposal coming out of subcommittee of which there is not enough time to do that.

Public Comment

Mr. Ellis commented on his involvement with Governor Strickland's meetings held early on in his administration dealing with getting feedback from the dairy industry. Mr. Ellis said he came away from that meeting with some new understanding or issues and problems facing the dairy industry. The environmental aspect of dairying seems to be of great concern for the industry. It seemed to be a consensus that one of the restrictions for growth in dairy may be the restrictive environmental policies.

Chairman Boggs addressed this by saying that he is proposing to the Governor in terms of organization, that many times there is confusion relative to promotion, marketing and regulating. Chairman Boggs is proposing to have a regulatory side and a promotion / marketing side. Therefore, those questions that inhibit growth in the dairy industry would be given to promotion and marketing. Chairman Boggs does not want people to claim the Department is lax in regulations in order to promote an industry. Chairman Boggs told the Board that he is planning to have a Deputy Director who will do promoting and marketing.

Next meeting of the Milk Sanitation Board is scheduled for May 24, 2007 at the Ohio Department of Agriculture.

Mr. Shipley moved to adjourn.

Mr. Fleming seconded. Voice vote in favor of adjournment. Meeting adjourned.

_____ Approved

_____ Attested

_____ Date

_____ Date