

Minutes of the Milk Sanitation Board
April 15, 2010

The meeting of the Milk Sanitation Board was called to order at 10:00 A.M. on April 15, 2010 in the Bromfield Building of the Ohio Dept. of Agriculture by Mr. Robert Boggs, Director of ODA. The following board members were present at roll call:

Mr. William Ellis	Mr. Thomas Fleming
Mr. Chad Hollon	Mr. Amos Miller
Mr. William Riley	Mr. Rocky Volpp
Mr. Gene Phillips	

Also in attendance were: Ken Fagan, dairy producer; Frank Danalewich, OSU/FIC; Sandy Kuhn, OFBF; Ron Geiser, DMS/DFA; Kristin Mullins, MDFA; Jim Patterson, Ohio Attorney General's Office; William Hopper, Lewis Jones, Roger Tedrick, David Mengel, Brian Wise and Diane Schorr of the Ohio Dept. of Agriculture.

Mr. William Riley was introduced as one of two new members of the Milk Sanitation Board. Mr. Riley represents the milk processors through his employment with the Dean Foods Co. and the Reiter Dairy in Springfield, Ohio. The second new member, Mr. Amos D. Miller, was also introduced. Mr. Miller represents the Manufacture Milk Producers. Director Boggs asked the other members of the board to introduce themselves and give a short biography of who they are. Others in attendance were also asked to introduce themselves and tell who they represent.

Livestock Care Standards Board Update

Director Boggs announced that the Livestock Care Standards Board will have their initial organizational meeting at the Ohio Dept. of Agriculture on April 27. The Director stated that there are several members of the board that have dairy backgrounds, making the industry well represented on the board. He also stated that it is the intent of the board to hold hearings around the state to receive input from the public regarding livestock care standards. At the present time, the Humane Society of the US is circulating petitions around the state to have another constitutional amendment that would limit certain agricultural practices.

Update of Label Rule

Mr. James Patterson, Assistant Attorney General, was asked to update the board on the milk labeling rule. Nearly a year ago, Judge Graham ruled in favor of the labeling rule. Those in opposition appealed his ruling to the Sixth Circuit Court of Appeals. Mr. Patterson stated that on June 10, oral arguments will be made to a three judge panel of the court. The department's position will be presented by the state solicitor's office and sometime after the oral arguments, usually three to six months, the department will get a ruling from the Sixth Court of Appeals. If the court upholds Judge Graham's ruling, the plaintiffs could appeal to the United States Supreme Court but Mr. Patterson does not expect that to happen. He stated that very few cases are accepted by the Supreme Court. He anticipates that the ruling should come by the end of this year.

ODA Budget Update

While discussing the ODA budget, Director Boggs stated that there have not been many problems in the State budget. He related that revenues for the state have been down slightly but the expenditures have been down even more. With regards to ODA's budget, the Weights and Measures division funding was hit the hardest, resulting in 8 lay offs.

Dairy Division Budget Update

Chief Jones stated that the Dairy Division through 3 quarters of the year has used approximately 75% of its funding, so it is right on target. He gave credit to the field staff and the office staff for doing more with less, given the budget constraints the division has had for the year. Chief Jones stated that he did not foresee any increases in fees. Expenditures for the year should end up at 63% industry fund and 37% general revenue funds. The Chief concluded by stating that the dairy budget was in good shape and should make it through the end of the fiscal year with no problems.

Manufacture and Grade A Rule Changes

Chief Jones stated that the changes to the Grade A rules were the results of the adoption of the new PMO. A public hearing on the new Grade A rules was held on March 9, on March 29 the changes went before JACARR, April ninth was the final filing and they will become effective on April nineteenth. The Manufacture rules had their public hearing on the same day as the Grade A rules, March 9 and went to JACARR on March 29, with their final filing on April 12 and becoming effective on April 22.

Chief Jones went on to further explain the changes to the Grade A rules, noting that most of the changes are date changes from adopting the new PMO. Additional changes had to do with grammar in changing the wording of "shall" to "may".

Mr. Tedrick went on to explain the changes to the Manufacture Rules. The Manufacture Milk Subcommittee was convened in Wooster on August 26, 2009 with a good turnout. Mr. Ellis added that there were at least four cheese plants represented at the meeting along with an equal number of can producers and bulk producers. Two areas were looked at during this meeting: producers on the farm and the plants. After lengthy discussion and much input from those in attendance, the following enforcement grid was adopted. The finished product in cheese plants are sampled and tested at ODA/CAL for coliform. If the coliform count is over 500, they automatically go into a generic ecoli test. If that generic ecoli test is over 100, a hold will be put on that lot of cheese in that plant. The subcommittee then asked that, for the protection of the plant, another sample of that lot be tested. If the coliform count is below 500, the product will be released. If the second sample is over 100 and the E-coli 0157 test comes back greater than 0, that lot will be destroyed. Mr. Tedrick stated that this standard will give greater protection to the consuming public. On the farm side, the committee discussed the routine somatic cell and bacteria counts that are taken on a monthly basis. They concluded that the enforcement grid in these areas needed to be more stringent. The new rules to be adopted state that the first violation

consisting of 3 out of 5 high counts on bacteria should be a 7 day suspension. The second violation in a 12 month period will be a 14 day shut off. Any subsequent shut offs will be for 30 days. With regard to somatic cell counts, the new rules kept the 1 day suspension for the first violation, with a 7 day shut off for the second violation, 14 days for the 3rd and 30 days for the 4th violation within a 12 month period. These rules will take effect April 22, 2010. Mr. Fleming asked if producers would be notified of these changes. Mr. Tedrick replied that Brian Wise would be notifying the marketing organizations and the plants. Mr. Ellis asked if the changes had been posted on the Dept. of Agriculture's web site. He was informed that by the time the rules take effect, they will be on the web site. Mr. Fleming asked if a batch of cheese marked for destruction will be observed by ODA when it is destroyed. Mr. Tedrick replied that it would.

Mr. Tedrick spoke to a pathogen study that ODA is participating in for FDA. FDA provides the supplies to collect and send the samples of comingled milk from the plants and they in turn are studying the samples for a host of pathogens. A detailed report will be received once the study is complete. The sources of the samples are kept anonymous and not used for regulatory purposes.

Approval of Minutes of Last Meeting

The Director asked for a motion of approval for the minutes of the last meeting. Mr. Hollon made the motion that the minutes be approved with Mr. Volpp seconding the motion. By a voice vote the minutes from the November 12, 2009 meeting of the Milk Sanitation Board were accepted.

Plant, Hauler, WST Section Update

Director Boggs called on Mr. Dave Mengel to report on the plants. Mr. Mengel reported that the dairy plants in Ohio continue to expand and grow. With the automation taking place in many plants, it keeps the Dairy Division plant personnel on their toes figuring out how the new systems work. Mr. Mengel touched on the FDA study that the dairy division participated in and expects to have the report from that study by June. The study should show the pathogen load from throughout the country.

Mr. Mengel related that Ohio now has 19 small and on farm cheese processing plants. Some of them are buying their milk, but if they are not receiving it from a bulk tank truck, they are still considered small. There are 8 goat milk, 10 cow milk and 1 using both. There is one small grade A goat milk bottler and one other farm that is expected to start bottling on farm.

According to Mr. Mengel, the Weigher, Sampler, Testers are still a problem to keep up with for their 2 year evaluations. There are now 938 of them. He stated it would be helpful if the plants would help by checking the paperwork as they come into the plants.

Mr. Mengel announced that he will be speaking at another cheese school in Ashtabula County on April 26.

Replying to a question from Mr. Ellis regarding whether or not the milk being bottled on farm was pasteurized, Mr. Mengel stated that, yes, it had to be before they could sell it.

Mr. Hollon inquired about the situation across the state regarding the sale of raw milk. Chief Jones stated whenever there is evidence that raw milk is being sold at the farm, a form is sent to the farmer for them to indicate that they are involved in a herd share agreement and to have them send the form in to the dairy division so that it is on record that they are selling raw milk. Mr. Fleming stated that there is a lot of raw milk being sold from unlicensed farms. Mr. Hopper, ODA legal department, made note that the Whole Foods markets had announced that it is removing from sale all raw milk. Mr. Fleming reported that National Milk has made a request of FDA and Congress to come up with a National raw milk policy. Mr. Ellis asked if only those who are signed up as a legitimate part of a herd share are allowed to take raw milk from those farms? Chief Jones replied that only the members are allowed to receive the raw milk. The question was raised as to whether or not ODA is doing any testing on the raw milk sold through herd shares. Mr. Patterson, Assistant Attorney General, replied by stating that since it is illegal to sell raw milk in Ohio, it is outside the jurisdiction of the state to test the raw milk being sold through herd shares.

Farm Section Update

Brian Wise, Farm Section Head, reported that there are now two robotic milking operations in use in the state of Ohio. He stated the ODA has been working with the installers to make sure that they meet all of the state standards. Another interesting development on the farm side is the introduction of water buffalo milk being produced and being sold from a farm in Washington County. The milk is being sold to a processor in Virginia called Blue Ridge Dairy to be used for the production of *true* Italian Mozzarella cheese that is made strictly from water buffalo milk. The milk is all grade B milk.

Mr. Wise stated that the milk rule changes will be sent to the marketing organizations and the processors and it will be their responsibility to notify the producers. Going into the summer season when the highest counts on the bacteria side are usually seen, Mr. Wise stated that it will be interesting if the new rules make any difference.

Currently there is one sanitarian on the farm side, Mr. Chuck Sharpe, who is off on medical leave. Two other farm sanitarians are taking care of his inspections and all of his territory is being covered.

Mr. Wise related a new way of sending the farm reports by conveying them to the field reps., marketing organization and plants electronically. This is saving one hard copy and the cost of mailing those copies.

The number of farms is down slightly with a loss of 26 Grade A farms and 47 Manufacture Grade farms. A few Manufacture grade farms have switched to Grade A without a problem.

Mr. Ellis asked about milk production. Chief Jones reported that milk production is up over this time last year. Mr. Fleming stated that he expects a loss of producers in 2010 because of the economic situation.

Public Comment Period

At the appointed time, Director Boggs asked if anyone in attendance had any matter they wished to bring before the board. With no one coming forward, the meeting continued.

Set Next Milk Sanitation Board Meeting Date

Director Boggs announced that the next meeting of the Milk Sanitation Board will be August 5 in the FFA Conference Center during the Ohio State Fair.

Chief Jones announced his retirement at the end of this calendar year, with his effective date of January 14, 2011.

Mr. Ellis announced that, through the work of the American Dairy Association, the Kroger Co. will market the Grand Champion Swiss Cheese from the Ohio State Fair. They have agreed to purchase \$35,000 worth of the cheese and market it in Ohio Kroger stores.

Adjourn

Director Boggs asked for a motion to adjourn the meeting. Mr. Hollon so moved. The meeting was adjourned by a voice vote.