

## ATCP 82 Subcommittee Meeting

*May 13, 2024 9:00A.M. – 11:00A.M.*

### Attendees:

Max Huebner, Laura Traas, Andrew Johnson, Tony Lampman, Lynn Thornton, Brandon Johnson, John Umhoefer, Katie R. Scheel, JR Neu, Alexander Beard, Mick Homb

### Transcript:

**Traas, Laura M – DATCP:** OK, Max has started the recording, Max, just to let you know I am working from the Milwaukee office today so I don't have the luxury of the two monitors. So if you could let me know if someone has their hand raised, and the other thing is I am working on - the Word document I'm working on is not pulled from the I: drive so I'll have to send that to you so it can get put back onto the I: drive when we're done today. OK, let's get rid of some of this extraneous stuff.

**John Umhoefer:** You don't mean me?

**Traas, Laura M – DATCP:** No, I mean, I mean other documents that I'm working on, so I don't bring up the wrong document and you go, what on Earth is she working on now?

**Brandon Johnson:** That's really funny, John.

**John Umhoefer:** We try.

**Traas, Laura M – DATCP:** OK. So we'll go ahead and get started here. So Max sent out the document to you all. You had another chance to read it and we'll go through this page by page and see if there were any concerns that anyone had. So the first section we have the definitions. Were there any concerns with the definitions from the document as you received it? OK, hearing nothing, one of my tasks from the last meeting was to add back in a definition for temperature measuring device and temperature recording device and so those should be showing on the screen right now. Any comments on any of that?

**Brandon Johnson:** Nothing here.

**Traas, Laura M – DATCP:** Yeah. I see, there's something in chat. OK. So 82.02 is the bulk milk tanker Grade A permit. We changed nothing in that section and I still have not gotten answers as far as a fee structure. Uh, moving forward, anything that you think we need to change in 82.02 that we have not done? Yeah. 82.04. Bulk milk weigher and sampler licenses. There was at least some language that we added to 82.04 and there are of course fees again for 82.04 and there was the removal of all of the special grade A requirements because the way it's being handled is a bulk weigher and sampler is a bulk milk weigher and sampler doesn't matter what grade of milk they are hauling. Any concerns? Anything in section 82.04? 82.06 is a real short section on bulk milk tankers, construction and maintenance, and the only change there was to update the 3A sanitary standard. Anything with 82.06? OK, 82.08. The cleaning and sanitizing a bulk milk tankers here we added language to allow for non paper records, electronic records and we also added in language that said that the facility shall have water supply that meets the requirements is 65, which is basically it shall meet the standards of potable water. Any concerns with 82.08?

**Brandon Johnson:** I think it was good. Everything that we discussed and modified.

**Traas, Laura M – DATCP:** 82.10 collection of the milk at the Farm. Uh, we changed the language to make a sample dipper optional. If you need a sample dipper, you need to have a sample dipper, but no longer will it say that you must have a sample dipper, even if you're doing direct ships or loading directly from the silo. Uh, we opened the door for things other than dippers, so we allow for sampling straws. And uh, we talk about us in line samplers. Any concerns with 82.10? We had a couple of questions that were left from the last time, which is do we make a supply of single service paper towels required on the truck? And I do believe we came to the conclusion that while the farm should always have a supply of paper towels, it's not a big ask to ask that the hauler also have a supply of single use paper towels, just in case they get to a farm and they are out. And then this is where we changed the language to say that if it is a temperature measuring device. Then it needs to be checked. Monthly and if it is a temperature recording device, it needs to be checked once every six months.

**Brandon Johnson:** I thought we got to a place where that was acceptable for everyone from my recollection.

**Traas, Laura M – DATCP:** Other folks?

**Andrew Johnson:** I agree with that statement.

**Traas, Laura M – DATCP:** OK. And then 82.10 is also where we added the language that if there is an on farm in line measuring device that the department may approve the farm to use that measuring device for obtaining the volume of the of the milk. And so this was a parallel language to sampling to say that, at least one person at the farm has to be a licensed milk weigher and sampler. They can train other people to use the inline device to measure the amount of milk, and that it is the responsibility of the licensed individual to train all of the people at that farm. We had the issue where if sampling takes place directly from the bulk tank, no additional milk may be added to the bulk tank until all of the following are completed. So we worked on that language last time. Umm, everybody's still OK with that milk sample for testing out of a bulk tank? OK. And that concludes Section 82.10. Any concerns with the 82.10? 82.12 samples for testing we added language to allow for the sampling to be done with inline samplers, saying that if it's done by a bulk milk weigher and sampler using an inline sampling device on the truck that they need to follow proper procedure and adding language for sampling procedures from silos and sampling procedures from inline samplers on the farm. Any concerns with 82.12?

**Brandon Johnson:** I think it was good.

**Thornton, Lynn:** Hey, Laura, this is Lynn.

**Traas, Laura M – DATCP:** Yes.

**Brandon:** Yeah, go ahead.

**Thornton, Lynn:** Whoever else can go ahead.

**Brandon Johnson:** No, Lynn, you go ahead because I was going to say from my recollection, I thought we were good. But go ahead.

**Thornton, Lynn:** Yeah, I'm actually moving backward. Sorry, now I'm where we were talking about weighing in when measuring the milk by weight at a receiving facility. The facility uses a certified scale. What about plants that are using certified meters?

**Traas, Laura M - DATCP :** OK, let me see if I can find it. Oh, it should be 82.10.

**Thornton, Lynn:** It's right above 9, and that's point C. Right there.

**Traas, Laura M – DATCP:** OK, so the way this is covered is if you go measuring at the farm or receiving facility using the department approved inline measuring device, you need to follow this this item 1 bulk milk weigher and sampler shall ensure that the meter volume is recorded only when measuring by weight, so we cover, we cover the inline measuring device at the receiving facility under item B.

**Thornton, Lynn:** So I may and I may still be missing this. I might be kind of slow today. It's Monday, but so then C is talking about weighing a single producer load at the receiving facility, right? Not waiting sampled at the farm.

**Traas, Laura M – DATCP:** Right.

**Thornton, Lynn:** But again, you only talk about a scale and I know there's multiple plans that don't have scales. They have a meter.

**Traas, Laura M – DATCP:** Right. And so if you go up to item B above when measuring at the farm or receiving facility using a department approved inline measuring device. So that's where they use the meters and by the by department approved, that means that we've approved the that it's certified, yeah.

**Thornton, Lynn:** OK. Now I get it. That inline. OK. Thank you and sorry.

**Traas, Laura M – DATCP:** Nope. Nope, that's why we do these things to make sure that we are clear.

**Andrew Johnson:** May I ask a stupid question?

**Traas, Laura M – DATCP:** There are no stupid questions.

**Andrew Johnson:** Does weight and measures come and check those meters every so often, or how do they work?

**Traas, Laura M - DATCP :** They're supposed to. I cannot attest to that.

**Andrew Johnson:** OK. Does anybody on the call that has a meter know if that's happening or?

**JR Neu:** We have a meter at Sartori and we have Anderson Instruments comes in and calibrates it once a year, but I don't know that weights and measures has ever come in.

**Andrew Johnson:** OK. Is that something that I know we've talked about legal looking at these this kind of stuff? I don't know. I'm just throwing it out there because I know we've dealt with plants with meters and there's always seems to be a little bit of a grey area. I think it's one of those things. As long as both parties agree to it that it's still allowable or something like that. But I'm just wondering if it's something that has to be certified by weight and measures or not.

**Brandon Johnson:** I would say from my experience, I would echo what was just said before the different application. We had a scale and we would do our own annual what our responsibility was to have it certified and checked, but weights and measures, I don't ever remember checking in. Everyone's just supposed to play nice, have everything current, I guess. Maybe.

**Traas, Laura M – DATCP:** Yeah.

**Andrew Johnson:** Yep, that's a very good statement.

**Traas, Laura M - DATCP :** OK, so I've got a note in there to have legal look at this and see if and I'll also have our trade folks because the trade folks get involved with is the farmer being paid properly and so they might have something to say about it

also. Other things in 82 I believe this is 82.10. OK, 82.12 with was where we were. So we're talking about all of the additions of all the other ways that sampling can be done and the concerns with 82.12. 82.14 is the delivery of milk and we just added or milk products just to expand things a little bit to say that this rule does also, at least from the transport angle, cover milk products. 82.16 we added the section on that records shall be kept for the time frames as required under this chapter, but then also expanding things to say that the records may be in hard copy or electronic format or both as long as the department can obtain ready access to the records and that the operator has reasonable security measures in place. And that is the end of the document. So - unless there are other comments, the next thing that will happen is we will prepare the documents that would need to be prepared to go out to public hearing. And do what those documents will show is those documents will show this section was changed in this way. And it'll be a pretty lengthy document and then we will announce public hearings by your you are all free to attend those public hearings. Other folks will be notified of those public hearings. Then, after the public hearings, we will take all of the comments that are brought forth in the public hearings and probably bring them back to this committee to discuss if there are other things we want to change before we go to the legislature. And at this point, I'll ask put Max on the spot. Max any other things that you think the folks need to be aware of?

**Huebner, Max K – DATCP:** Not that I'm aware of, no. This will be my first time running through this process with DATCP here too. So I guess as things come up, if relevant items for the committee are addressed, I guess I can bring it back to the group. But for now, I think we have everything covered.

**John Umhoefer:** Can I ask you a question? The and it's out of my league, but in 82.14 is that account for say a load that might be going to a manure pit?

**Traas, Laura M – DATCP:** Absolutely.

**John Umhoefer:** Because that's not a licensed dairy plant. So for whatever reason, if you're dumping milk into a manure pit or some dirt product because you're basically disposing of it, is that covered?

**Traas, Laura M – DATCP:** No, that is not covered under this rule. As soon as that load is designated for waste, umm, the categorization changes and that milk or milk product can go on to a non licensed tanker.

**John Umhoefer:** Mm-hmm.

**Traas, Laura M – DATCP:** It does not have to be a licensed hauler in any way. It is waste at that point.

**John Umhoefer:** OK, so that's why it doesn't need to be in 82.14. Alright.

**Traas, Laura M – DATCP:** Right.

**John Umhoefer:** Appreciate that.

**Traas, Laura M – DATCP:** Other comments or concerns?

**Brandon Johnson:** I think there should be like a mini celebration. I mean, we're only one step in the journey. One mile marker, but this is this is pretty great.

**Traas, Laura M – DATCP:** Yes it is. It has been on my list because we have a Monday morning meeting. It has been on my list as a celebration that, you know, we've we've gotten this far. We are on schedule. We are actually a week or two ahead of schedule because I wanted to have us to this point by the 1st to June to give us enough time to get through the rest of the regulatory processes. So yeah, we are a couple of weeks ahead of schedule and that's a good thing.

**Brandon Johnson:** Yes, everyone's been able to meet. So that's been a wonderful thing.

**Traas, Laura M – DATCP:** Yes, and I greatly appreciate all of the dedication that that everyone that been on this call both the official committee members and those who, while not official committee members, have taken time out of their schedules to say this is important to me and I want to be there. I thank you all for your input.

**Andrew Johnson:** I think it's the consensus of this group, Laura, that you've done a wonderful job and we appreciate you immensely.

**Traas, Laura M – DATCP:** Thank you.

**Brandon Johnson:** Agreed. I think if you did it any other way than how you do things or do all the things that we've witnessed, it would be less exciting to continue to meet and donate our time. But it's right, it's a good thing and you're handling it really well. So thank you. Leading it really well.

**Traas, Laura M – DATCP:** Thank you.

**John Umhoefer:** Laura, have you done another rule in this fashion before?

**Traas, Laura M – DATCP:** Yes, I did ATCP 77 in this fashion.

**John Umhoefer:** Do you know of any other rule that was done like this before? I can't think of one; it's a whole new way of doing it and it's brilliant because we used to just come to public hearings cold and try to do it in that forum and this is so much more collaborative and you're bringing experts to the table except me and it's really great.

**Traas, Laura M – DATCP:** No, no this. Yes. And actually I do need to take back what I said because the retail rec group is doing one of their rules this way they're on a very similar path as we are.

**John Umhoefer:** It's an absolute glide path. Then through the hearing process, I mean somebody might pick up a thing or two, but we used to do all this work at public hearing and after so much clunkier. So this is really great.

**Traas, Laura M – DATCP:** Yes.

**John Umhoefer:** It's really great.



**Traas, Laura M – DATCP:** Yeah, the first, the first time I did 77, it was that way it was, it was painful. And so the second time we did 77, we were very clear about what we were, what our goals were, and someone in that group referred to it as a very surgical type of process to keep the things that we're working but fix the things that weren't.

**John Umhoefer:** Really good. Thank you.

**Traas, Laura M - DATCP :** Thank you. Unless someone else has something else to add, I will once again say thank you very much for your participation in this process, and you'll be hearing probably in a month or so. I hope I actually I'll probably take longer than that because we have to get it through the secretary's office, so that may take some time to secretary's office and the Department of Agriculture Board. And then we'll be coming back to public hearings. And then as I said, we'll be coming back to you to evaluate what was said in the public hearings.

**Mick Homb:** Laura, this is Mick Homb, can you hear me?

**Traas, Laura M – DATCP:** Yes, I can.

**Mick Homb:** Umm, I'm sorry about being late to the meeting. I again, like everybody else, appreciate everything you've done, Laura, and I really and truly appreciate getting to know everybody and learning a lot from you folks. But I don't know if you heard or know that I have been promoted to the general manager of Farm First Dairy cooperative, and I'm just looking at things that the board wants me to look at, things that they need me involved in and the business to run. So my first question, Laura or anybody on the committee, do you know where my commitment is or what when I'm up for renewal, do you know that, Laura? Or would anybody know that?

**Traas, Laura M – DATCP:** On the dairy rules? Yes, Kate Angeles would know that. Do you - you should have Kates email, Kate. Yeah.

**Mick Homb:** OK. I do. I just wanted to know. And I'm not saying I'm getting off. I just got to come to the board and present them with the stuff and we might have

somebody that's better or more capable or can spend the time to do this and get more value out of it.

**Traas, Laura M – DATCP:** Yep.

**Mick Homb:** And I don't mean by value, just be more up to date. I got other fish to fry, is what I'm saying. But uh, no. Everything was good.

**Traas, Laura M – DATCP:** OK.

**Mick Homb:** I appreciate you putting me on the committee and I really enjoyed. I didn't say much, but I learned a lot, so thanks again Laura.

**Traas, Laura M – DATCP:** OK. And congratulations, Mick.

**Brandon Johnson:** Yeah. Congratulations, Mack.

**Mick Homb:** Thank you.

**Traas, Laura M – DATCP:** Anything else? Hearing nothing, I will thank you all and I will definitely be in touch so.

**Brandon Johnson:** Yeah. Obviously reach out to us if there's something in between that you need any help with so.

**Traas, Laura M – DATCP:** Oh yeah. Oh, absolutely.

**Brandon Johnson:** And I like your three a day lanyard.

**Traas, Laura M – DATCP:** Yeah, yeah.

**Brandon Johnson:** That's great.

**Traas, Laura M – DATCP:** Yeah. And the Proudly Wisconsin button on it too. Hey, but thanks.

**Alexander Beard:** Take care.

**Brandon:** Right.

**Andrew Johnson:** Have a great day.