ATCP 82 Subcommittee Meeting

December 5, 2023 9:00 a.m. – 11:00 a.m.

Attendees:

Laura Traas, Max Huebner, John Umhoefer, Alex O'Brien, Adam Brock, Lynn Thornton, Anthony Canavan, Leigh Hamilton, Brandon Johnson, Andrew Johnson

Transcript:

Traas, Laura M – DATCP: So I'll go ahead and start the meeting, just being aware that unless we get more official committee members, we won't be able to actually vote on anything if anything comes up for a vote. The agenda is being displayed on the screen for those of you who can see it, I would like to make one addition to the agenda. The addition is we have had a request from the Wisconsin Dairy Field Reps Association to come to their February conference and just make a short presentation on what we've been doing with ATCP 82 since they are some of the folks that are going to have to live by this rule. I'll put it out there to the three committee members that are on right now, Alex, Adam and John. Does that sound like something we as a committee, or at least some members of the committee, would be willing to do?

Alex O'Brien: Yeah, I don't see why not. That's both me and Adam's position.

John Umhoefer: I support you and Adam doing that.

Adam Brock: The good news is it's in Middleton.

Alex O'Brien: Yeah.

Traas, Laura M – DATCP: Yes, yes, it is. February 6 and 7 in Middleton. So yeah, it's close by and I of course will be there. OK, I will let the planning committee know that they should plan on some representatives from the ATCP 82 Rules Committee doing that presentation. I suspect that, uh, Tony Lampman my might also be there, Andy Johnson will almost definitely be there, so there will be a couple other committee members that can speak to this also. So you won't be alone. Not that Adam or Alex or ever afraid to get up and do it on their own.

Alex O'Brien: We will be good and we appreciate the support.

Traas, Laura M – DATCP: Okay. So I forgot to do this at the very beginning. This is an open meeting. The open meeting notice was published, and so any guests that we have here, I welcome you to the meeting. OK, so let's jump back into where we were. We were having an in-depth conversation about

examining milk by sight and smell and who determines milk temperature and determines if the milk is acceptable to be received? So, the language we ended up with in this section is for milk temperature before a bulk milk weigher and sampler accepts milk, the bulk milk weigher and sampler shall assure that the temperature of the milk - and I see a typo there, we don't need that word too there – assure the temperature of the milk - oh nope, I was wrong, that does belong there - to be accepted is recorded, so this changes things from that. The sampler shall record the temperature. If there's an electronic means to record the temperature, the bulk weigher and sampler is to assure that the temperature is recorded. Any problems with that sentence? We spent a fair amount of time on that sentence last time.

Leigh Hamilton: I'm going to suggest that we use the word ensure instead of assure. Thanks.

Traas, Laura M – DATCP: Then, if the milk is collected more than two hours after the last milking, the bulk milk weigher and sampler shall reject the milk if the milk temperature exceeds 45 degrees. If the milk from two or more milkings is collected within two hours of the last milking, the bulk milk weigher and sampler shall reject the milk if the milk temperature exceeds 50 degrees. Milk which does not meet these temperature requirements may be collected if within 4 hours after collection, the milk has begun to be processed exclusively into milk or dairy products not designated as grade A product. Now one of the comments that was in the scope was a request that in this section we modify or add some language to indicate that if the milk has been outside of the temperature range for an unknown period of time, it should not be picked up. I'm not sure how we do that. I mean that would mean that if a hauler drove onto a farm that turned milking half hour ago, but the farmer is nowhere to be seen and there is no recording chart on the bulk tank because it's an older farm that is grandfathered into not needing a recording chart. I don't know any way to write the language that wouldn't have the bulk milk weigher and sampler rejecting that milk because they wouldn't know how long it's been since the milking stopped.

Adam Brock: Laura has have we ever have we, I mean, I'm going to assume yes, we've run into this scenario before. But if you look at the number of grandfathered farms, I mean, do we have an idea of how often this has the potential to occur?

Traas, Laura M – DATCP: There are actually a fair number of grandfathered farms, yet that don't have recording charts. And a fair number of them are grade A because most of the farms I've seen through going out with survey officers, so those are all grade A IMS listed farms and you walk into the milk house and there's a thermometer on the tank and that's it.

Thornton, Lynn: Could we write something in regards to it not meeting those standards that the weigher and sampler has to reach out to the plant and let the receiving plant make a determination on whether this milk should be picked up or not?

Traas, Laura M – DATCP: Do we have anyone representing a milk contractor on the call? My concern, I like the idea. My concern is with a milk contractor. Would the hauler always know where the milk is

going? Because they might be taking it to a transfer station or something like that and not know what plant that milk is eventually going to end up at.

Brandon Johnson: I agree, Laura. I was thinking the same thing. Uh, sometimes those determinations or decisions in different cooperatives get changed even so far as, like, five minutes from the plant you were originally going to take it to. Now it has to get relocated to another place. My thought is, I mean, if they don't have the recording chart or if that is a situation I don't, I don't know how you have proof to do anything but that.

John Umhoefer: So what would be the rule if you did know the time? Cause if you're talking about unknown period of time, what if you did know the time? What would you accept or reject?

Traas, Laura M – DATCP: Well, we would follow these rules. If the milk from two or more milkings is within two hours of the last milking, it shall not exceed 50 degrees. If it's more than two hours after the last milking, it shall not exceed 45 degrees. So you know, those are the standards you know when we can look at a recording chart and have a pretty good idea what milking stopped.

Leigh Hamilton: And how long do these grandfathered farms get to stay out of compliance, if you like? Because you're writing a law here that may have a long life.

Traas, Laura M – DATCP: Yes, the way our grandfather clauses have worked in the department he we set a date that says if this farm was built before say, 1994, and there is no change of ownership, they can continue to operate in that manner in perpetuity. There is no cut off that says you know, OK, we're writing this rule in 2024, you have to have this corrected in five years.

John Umhoefer: So Laura, my question was, right now if the milk is collected at two hours and five minutes from its last milking and it's 47 degrees, you were supposed to reject it from one firm. But the last sentence says if it doesn't meet the temperature requirement of collected within 4 hours, it has to be processed. So that means from 2 hours and one minute to, say 48 hours today, we would process that milk. So why do you care about an unknown period of time when the time right now is Infinity? Are you trying to change it so it's not Infinity anymore?

Traas, Laura M – DATCP: Yes.

John Umhoefer: So why don't you just set a new end game on that?

Traas, Laura M – DATCP: Yeah, I think that was Alex's voice I heard. Oh, it's Adam, OK.

Adam Brock: Sorry to interrupt. I thought you were done. What is the average cost of a recorder? Does anybody know offhand?

Traas, Laura M – DATCP: I do not.

Adam Brock: Just thinking outside of the box here, just ignore my thoughts. That'll be my little side project, so sorry.

Leigh Hamilton: And I say I think it's less than $1,000. I mean, maybe it's $1,000 installed, but I think it's, I think it's less than that.

Adam Brock: OK. Thank you.

Leigh Hamilton: No problem.

Brandon Johnson: So Alex, if I'm reading your mind, which it might be scary, but is to say for $1,000, if you're a farmer, you're putting however much milk you produce each day at risk if you don't spend the money and have one of those chart recorders, is that what you're thinking? Cost justification?

Adam Brock: I mean, I would think for the farm, like big picture, I know that's a cost for them. And I don't know how many farms you're talking about, but outside of this realm would really help to ensure the milk and the supply keeps moving by having those recorders. I don't know. It's again beyond the scope of the rule, but big picture, if there were funding or grants or something that cover a portion of that, then you could get those farmers a recorder, maybe at 50% or whatever. Again, this is outside of the scope, but it would eliminate us going down this rabbit hole of rejecting milk because we don't know the last milking at the time, and it would get us more into compliance from a regulatory standpoint. So again, I know that's out of the scope of ours. I'm just trying to think of solutions that would help us long term, but that'll be a thought for another day.

John Umhoefer: I still say I still say it gives us data but it doesn't give us a rule because you might learn that it was five hours and 13 minutes ago that they stopped milking. What does that mean? Today, it means you'd collect it and process it within four hours. Is five hours and 13 minutes wrong and four hours and 48 minutes, right? We have to pick the thing where it gets rejected or doesn't get rejected.

Alex O'Brien: Well, well, I think it comes down to, OK, what's the actual risk of, you know, I think food safety, right? And with that, Kathy Glass and the White Paper that we put together, you know it's going to be fine even at 72 hours from a [food safety] perspective. So I think it's, you know, obviously these

guys are picking up milk quite frequently, it's hopefully one go all the way. That's I guess the benefit of having that recorder if it were sitting that long you, you know. I think that's the that's the point where it becomes a food safety issue. Northwards of that 72 hours.

Traas, Laura M – DATCP: And Adam, just for your umm thought process there, I dug up 65, which has the rule “a temperature recording device approved by the division if the bulk tank on the farm was manufactured after January 1 of 2000”, so the issue is not so much the recorder, but a lot of the bulk tanks that were manufactured before January 1st of 2000 do not have the provision to put in the temperature sensor. For the recording device.

Adam Brock: OK. Thank you, Laura.

Traas, Laura M – DATCP: So it sounds like we're at a bit of a sticking point here. Do we want to move forward and I'll highlight this section as a section we need to come back to?

Alex O'Brien: Yeah.

Adam Brock: I think we need additional input. Yeah, hear from others. So it would be good to just get some additional thought processes.

John Umhoefer: Just to put one more note in it to help us remember why we turned it pink and why we chose pink is, I mean, what if what if we were to ask others “milk which does not meet the temperature requirement at X minutes or hours may be collected” I mean that to me that's a question on the table. What end time? It sounds like you want to put an end time and on when you would still collect. Because right now it's infinite.

Traas, Laura M – DATCP: Now the one thing we'll run up against there is we will have to keep this line in here that says it cannot be designated as grade A because the PMO is very clear. This language for the most part comes out of PMO as far as the two hours and the less than 45 and less than 50. So that's a grade A standard, but let's be honest, most of our milk goes into cheese. So we're going to move on from item A and we're still in the area of milk temperature. At least once a month or more often if necessary, the bulk milk weigher and sampler shall check the accuracy of each dairy farm bulk tank indicating thermometer by measuring the temperature of the milk in the bulk tank with the bulk milk weigher and sampler’s digital or dial thermometer. The bulk milk weigher or and sampler shall keep a written record comparing the temperatures recorded by the milk weigher and samplers thermometer to those recorded by the tank thermometer. Written record shall be kept at the dairy farm milk house for at least one year. So this brings us back to our discussion of what do we do with in line devices for direct ship loads, how do those get checked and how do we check the temperature? I think we solved this one.

How do we check the temperature of a silo where you can't just take your thermometer and put it in the top of the bulk tank and measure the temperature of the milk?

Leigh Hamilton: Yeah. So starting on a on a practical level. So how you do compare temperatures is quite similar to the way, on an inline system that I'm aware of, very similar to how you would do it today. But instead of measuring the temperature of the milk and the bulk tank, you simply insert the weigher and sampler's thermometer through a sampling port so that it comes into contact with the milk and the line and then you can compare the read on that thermometer with the read on the screen of the system effectively. So that's how you would, on a very practical level, do that compare.

Thornton, Lynn: The paragraph, the way it's written is really talking about, I think the dial indicating thermometer on a bulk tank, but don't we need to incorporate language in there on the chart too.

Traas, Laura M – DATCP: So what I added there was the accuracy of each dairy farm bulk tank indicating thermometer or other temperature measuring device.

Alex O'Brien: Then a little bit further down, you know it's says shall keep a written record. Should that just be keep a record or like because there might be a digital means of collecting or saving that?

Traas, Laura M – DATCP: Now I'll ask a question from my geekiness, which is that shall keep a record comparing the temperatures recorded by the bulk milk weigher and samplers thermometer. Should that word be indicated rather than record it because the thermometer doesn't record?

Alex O'Brien: Yeah, yeah, I like that.

Leigh Hamilton: And Laura, just before you get that, you may have to make a change where it says by measuring the temperature of the milk in the bulk tank. Umm, because obviously you need to cover in the line or in the in the silo.

Thornton, Lynn: So as we write this rule in what Leigh said about in the line, so currently on direct ship farms, field reps go out and certify the chart recorder every six months. But we're not necessarily bulk milk weighers and samplers, so by writing this in the line, adding that in there are we saying that that's going to be a requirement to be a bulk milk weigher or and sampler to go out and certify the chart on single producer load farms.

Traas, Laura M – DATCP: Nope. Good point. We discussed that a while back as we used to say it had to be the bulk milk weigher and sampler and then we I believe wrote a policy document that said that it could be or a person designated by - umm, I forget what the language is - I'm just going to put dairy plant in here at this point. So yeah, you're right. We did change that to say that it needed to be the bulk

milk weigher and sampler or a person designated by, I forget if it was the milk contractor or dairy plant or something like that.

John Umhoefer: As a third party reader, the phrase “in the line” is a little bit jargony like no third party would have no idea what that means. Like me, you mean the in the milk line or in the?

Leigh Hamilton: Do you need to say or in the case of a direct ship farm, the milk and the line? Do you know do you need to call out that you're referring to a direct ship scenario, if you like? So you could say sorry, I'm confusing matters, but “in the bulk tank or silo or in the case of a direct ship farm in the milk line.”

John Umhoefer: And is direct ship farm defined? I forgot.

Traas, Laura M – DATCP: Yes.

Leigh Hamilton: I think.

John Umhoefer: OK. Good to use defined terms.

Traas, Laura M – DATCP: Let's make sure I'm using the right term. OK. No, we did not define direct ship farm. No, that's single firm pick up that we had that defined somewhere. Yeah, need to include the definition for direct ship. So, we did talk about it. We just didn't put it in. OK. I think that was my fault that I was supposed to go look up what the official definition is.

John Umhoefer: OK. By the way, we keep saying that bulk weigher and samplers this and the bulk weigher and samplers that and this third, but we're saying it doesn't have to be the bulk weigher and sampler.

Traas, Laura M – DATCP: OK, so let's read that “shall check the accuracy seat each dairy farm bulk tank indicating thermometer or other temperature measuring device by measuring the temperature of the milk in the bulk tank or in the silo, or in the case of a direct ship facility in the milk line.” So does that work for everyone?

Thornton, Lynn: Doesn't it need to be a, what do we call it? Not a certified or an accuracy check thermometer.

Traas, Laura M – DATCP: It needs to be traceable to a certified thermometer. So what needs to happen

is that it needs to be checked in the facilities lab and they should have a certified thermometer in the lab, and then they go out and do the plants or do the farms.

Thornton, Lynn: So does that need to be added to this or did we already define that up above on the thermometer?

Brandon Johnson: I feel like we define that I thought I saw a NIST in there (NIST) I think somewhere we define that when we talked about thermometers.

Thornton, Lynn: Maybe when we talked about equipment that was needed.

Traas, Laura M – DATCP: Nope, we didn't define OK.

Brandon Johnson: John, this is where you say the same thing you said before.

John Umhoefer: Right. We keep saying you have to go find some other guys thermometer.

Traas, Laura M – DATCP: OK, so where we talked about that is the pieces of equipment that a bulk milk weigher and sampler needs to have on them when they're performing is the dial or digital thermometer calibrated for accuracy against the thermometer traceable to the National Institutes of Standards and technology. So we need to say that it meets the standards of…

John Umhoefer: 82.10

Traas, Laura M – DATCP: OK, I lost my place. Assuring milk samples for testing loading milk. We're not that far.

John Umhoefer: Can we just say with a dial or digital?

Traas, Laura M – DATCP: Okay so I took out the reference to the bulk milk weigher or sampler here also and said that because we're allowing a person designated by the dairy plan to check this accuracy, that the person measuring the temperature of the bulk milk tank or silo or milk line width, a dial or digital thermometer which meets the standards of 82.10(2)(e). And getting rid of bulk milk weigher and sampler here, saying that the designated person shall keep a record comparing the temperature indicated. OK, so we identified this thermometer as traceable to NIST. So what I did here was again remove the bulk milk weigher and samplers thermometer and it said that it was indicated by the

traceable thermometer and those indicated by the bulk tank, and we need to change this to temperature measuring device.

Leigh Hamilton: Do you also need to take out the words bulk tank before temperature measuring device?

Traas, Laura M – DATCP: OK, so I'm going to do something here. OK, so what I did is I just removed from the screen all the markups. And this is the paragraph we're reading “at least once each month, and more often if necessary, a bulk milk weigher and sampler, or a person designated by the dairy plant shall check the accuracy of each dairy farm bulk tank indicating thermometer or other temperature measuring device by measuring the temperature of the milk in the bulk tank or in the silo, or in the case of a direct ship facility in the milk line with a dial or digital thermometer which meets the standards of 82.10(2)(e). The designated person shall keep a record comparing the temperatures indicated by the traceable thermometer with those indicated by the milk temperature measuring device. The written record shall be kept, and we need to remove that word written.

John Umhoefer: I would argue that you might want to in the second last sentence. the one that's not as long, keep the bug milk weigher and sampler for designated person shall keep a record because there you're talking about the person again and not the tool they're walking around with.

Alex O'Brien: And then it is my question would be how it? Right now it says the record shall be kept in the dairy farm milk house for at least one year. Does it have to be in the dairy farm milk house or like if it's kept digitally? Yeah, I'm just asking the question.

Thornton, Lynn: Some of these bulk tank recording charts now are all digital, so it's stored in the cloud. So I think we need to reword it somehow. There has to be access to that record, right?

Traas, Laura M – DATCP: Yes.

Thornton, Lynn: But it is it is stored in the cloud on a lot of these current temperature recording charts?

John Umhoefer: I think we wrote a phrase like that before in this workout where we talked about access to it versus storing it in a certain place. Yeah.

Brandon Johnson: Yeah, I think something like the record should be, uh, must be accessible for up to a year or something like that.

Alex O'Brien: Cool.

John Umhoefer: Yeah, there's one.

Traas, Laura M – DATCP: OK, forms of evidence must be readily accessible and must be retained provided under paragraph C.

John Umhoefer: Must be readily accessible is a good phrase.

Thornton, Lynn: Isn't there some rule on what the difference can be between those two devices until you have to have a calibration done? I think I've asked the survey guys about that. Is that something and I can never remember what that rule is. Is that something that needs to be in here or not?

Traas, Laura M – DATCP: No, that that comes out of the lab rule and all thermometers in our program need to be accurate to ± 1 degree centigrade, which we usually translate to not totally accurately to degrees Fahrenheit.

Thornton, Lynn: So meaning, if you had more than a two degree difference between your traceable thermometer and the chart, we need to have a calibration done, right? OK. Thank you.

Traas, Laura M – DATCP: OK, so let's just look at this one last time. And again, it's this paragraph here “at least once each month, and more often if necessary, a bulk milk weigher and sampler, or a person designated by the dairy plant shall check the accuracy of each dairy farm bulk tank indicating thermometer or other temperature measuring device by measuring the temperature of the milk in the bulk tank or in the silo, or in the case of direct ship facility in the milk line with a dial or digital thermometer which meets the standards of 82.10(2)(e). The bulk milk weigher and sampler or designated person shall keep a record comparing the temperatures indicated by the traceable thermometer with those indicated by the milk temperature measuring device. The record must be readily accessible for at least one year.

Thornton, Lynn: So I just thought of something on single producer loads with chillers. We only do it once every six months and now we're just said we have to do it every month. So the six months, usually we make it correlate with the glycol samples when we have to do glycol samples, we certify the chart recorder and I don't really want to go out and do it every month.

Traas, Laura M – DATCP: So where did that six month interval come from?

Thornton, Lynn: Is that in some of the PMO language for single producer loads?

Alex O'Brien: I think that sounds about right, but I'd have to check.

Traas, Laura M – DATCP: And then the question runs through my mind: If we're doing that for single producer loads, are we also doing that for direct ship loads?

Thornton, Lynn: Yeah, that's what we do every six months. So when I say single producer load direct ship, I'm talking about farms that are weighed and sampled at the plant.

Traas, Laura M – DATCP: Yeah, looks like I'm not going to find that anytime soon, so. Back to all markup. In fact, I'll have to look that one up and I'll ask you folks to look it up also, if you've got the resources to do so. So, we get to come back to this section and some detail. Okay, hopefully C should be fairly straightforward. OK, so bulk weigher and sampler or designated person uses a dial or digital thermometer to measure the temperature of milk at a dairy farm bulk tank. And I'm going to propose this change: measure the temperature of the milk at the dairy farm. Anytime they make sure the temperature at the milk at the dairy farm, they need to sanitize the stem of the thermometer in a sanitizing solution. And then I added the bulk weigher and sampler or designated person again at the end, the last line. Any issues with paragraphs C? I probably should read it because I see we've got at least one person on the phone “before a bulk milk weigher and sampler or designated person uses a dial or digital thermometer to measure the temperature of milk at the dairy farm, the weigher and sampler, actually, the weigher and sampler or designated person shall sanitize the stem of the thermometer in a sanitizing solution of not less than 100 parts per million or more than 200 parts per million of chlorine or its equivalent. The bulk milk weigher and sampler or a designated person shall use the sanitizing solution according to label directions. That work? OK.

Thornton, Lynn: Yeah, I found the section in the PMO that says the temperature recording device shall be verified every six months. It's on, in my document it's on the top of page 60 under point B. Right there.

Traas, Laura M – DATCP: Umm, I'm going back to see what this section is. So this is administrative procedures with regard to all raw milk cooling. OK, so that takes me back here and I have a question to ask and, there's very few people I can say this about who have more years of experience than I do, why we went with monthly if the PMO says… ok... now I know that just from a lab thermometer, geek kind of person that I recommend you check dial thermometers monthly because you look at dial thermometers cross eyed, and they'll go out of calibration. But the question is, is that what we need our rule to say? So something to think about will come back to this section. Thank you for looking that up, Lynn.

Thornton, Lynn: You're welcome.

Traas, Laura M – DATCP: OK, so any concerns with paragraph C? Paragraph D. The bulk milk weigher and

sampler or designated person shall immediately notify the milk producer and the dairy plant operator if the bulk milk weigher and sampler or designated person finds that a dairy farm bulk tank is not cooling properly, or that the temperature recording device is not indicating or recording temperatures accurately. So this goes back to the question of how far off can we go? Like I said, this is normally in the lab portion. Umm, do we want to put it in this rule?

Thornton, Lynn: If we don't put it in there, could we refer to where it's found at? Because what we don't want them to do is get out of sync, right? Like if the lab document gets changed and then the two documents are out of sync.

Traas, Laura M – DATCP: Let me check with our legal department if we can do that, because what that would have us doing is referring to…

Alex O'Brien: Well, I I think in ATCP 65 you know there's references to the, you know, DNR like NR, I forget what the number is, 85 89 water regulations you know, so like that has been referenced in the past and other regulations from Wisconsin, so wouldn't be surprised if it would be OK.

Traas, Laura M – DATCP: Yeah. And the reason I hesitate here is because referring to state statute in state statute is OK. Now we're starting to refer to, I don't know how many of you are aware of this, they are changing all of the 2400 series forms. They will no longer be FDA forms. They are just going to be NCIMS forms. So now we're referring to what is no longer a regulatory agency document. Because the NCIMS has no regulatory authority. When they were FDA documents, we could refer to them all day long, but now that they're not that, I'll have to check with legal on that.

Alex O'Brien: Alright, good to know.

Traas, Laura M – DATCP: OK. So we know we've got in section 6 sections A&B we need to come back to section 6 quite a bit and section B is just the frequency. And are we comfortable with sections C&D? Hearing nothing, and we can always go back. Section 7 refers specifically to collecting milk from a standard, or maybe it won't say standard, but a traditional bulk milk tank and so it talks about before a bulk weigher and sampler collects milk from a collector, connects a bulk milk tank hose to a dairy farm, the bulk milk weigher and sampler shall examine the fittings of the bulk milk tank hose and the bulk tank to ensure that both are clean before connecting the hose. The sampler shall clean and sanitize the bulk tank outlet if the outlet is leaking. Bulk milk weigher and sampler shall attach them help close to the bulk tank outlet in a manner that does not contaminate the hose or hose cap. The hose shall be connected through the horse port in the milk house, not through the milk house door. Considering that is isolated to how we handle, traditional bulk milk pickups, does any of that need to be changed? Now I will ask one question here which is do we need to also say connecting to a silo? Or do we need, is picking up from a silo significantly different that we need to have a separate section for picking up from a silo? And I don't see our gentleman from Mueller here today. He was here last time.

Brandon Johnson: Laura, I was just going to ask and wonder if in Wisconsin, I'm just drawing from other states, but is it required to have the port to connect to a silo inside an alcove or inside a building?

Traas, Laura M – DATCP: The rule is not very clear, but that is how we have been enforcing it to this point is that yes, while most of the silo can stand outside, the connection needs to be undercover. Because I believe, and I believe the PMO requires that also that this be done under protection.

Thornton, Lynn: So do we have a couple situations going on with silos in this state? There's some farms pumping it out with a pump on a truck, like a bulk weigher or sampler would do out of a bulk tank and then and it's being measured there and then there's some pumping it out like they're a direct load, right? So they're backing up and over the road tanker to a dock just like we do single producer loads, they pump it out and it's weighed and measured at the plant. So those are the two I think are going on in the state. I guess and I don't know, do we need to spell out all of that in here or it it's just covered in another area kind of depending on how it's being done?

Traas, Laura M – DATCP: Now the one thing that ran through my mind is bulk tank. We made the definition of bulk tank to mean of semi permanent tank container or silo permanent or semi permanent tank container or silo used to receive cool store bulk quantities of milk on the farm. So with that definition, when we say here, Dairy farm bulk tank, that would include a silo. And so I think we're covered there.

Leigh Hamilton: That's a good catch, Laura.

Traas, Laura M – DATCP: And yes, I believe that moving forward we will require all silos, umm, regardless of whether the milk is getting, you know, where the milk is getting weighed and measured and things like that we're going to require all of that to be undercover. So any issues with item 7?

Brandon Johnson: I think it's good.

Traas, Laura M – DATCP: That's good because item 8 is going to be fun. How do we measure milk now? There was some language already in some of the comments for the scope statement that said we need to cover single farm pickups measuring at the plant and scaling at the plant. So part of that got added, except in the case of the use of bulk milk tank truck mounted in line measuring systems under paren D which we had up above. But we need to also add something that refers to if the milk is going to be scaled at the plant.

Thornton, Lynn: Does the title of the paragraph need to change? So should it say measuring milk in the

bulk tank when weighed and sampled at the farm, and then another paragraph for measuring milk when weighed and sampled at the plant?

John Umhoefer: It's a good idea, but you always have to watch your renumbering.

Alex O'Brien: Yeah.

Traas, Laura M – DATCP: Yeah, yeah. So he's still got the caveat at the beginning, “except in the case of a bulk milk tank truck mounted inline measuring system under paren D”, which is down here, “before milk is transferred from the dairy farm bulk tank to a bulk milk tanker, the bulk milk weigher and sampler shall accurately measure the amount of milk in the bulk tank.” Bulk milk weigher and sampler shall measure the milk and, now we get into the using a gauge rod or other measuring device that is specifically designed and calibrated to measure milk in the bulk tank. And actually I guess that would still apply because if you had a silo, that silo would need to have a gauge on the outside if it was being used to measure the milk.

Leigh Hamilton: So sorry, Laura, to drag you back to the beginning of the paragraph, “except in the case of the use of a bulk milk tank that” should it be truck mounted in line sampling system? Or should it just be any inline measuring system. So are we saying except in the case of the use of either a truck mounted measuring system or an inline measuring system?

Thornton, Lynn: This paragraph would also fit with a piper system installed on the farm in a single producer load too, right, Leigh?

Leigh Hamilton: Yes, potentially.

Thornton, Lynn: Because then in the piper system, you could potentially be taking that sample and that weight measurement as its loaded into the tanker.

Leigh Hamilton: Yeah, so then you've three scenarios that you're accepting, I suppose so, except in the case of…

Traas, Laura M – DATCP: The use of a, and I am proposing removing that, case of using an inline measuring system under parent D before the milk is transferred.

Leigh Hamilton: OK, perfect. So that covers where you're pumping, metering and sampling out of a silo with a farm based system where you're direct loading and where you're using a tanker based system. OK, great. And then we may have to just tinker around with D when we get that far. Thank you.

Andrew Johnson: Good morning. This is Andy Johnson. I'm a little late to the party I've been listening in a little bit on you'll have to confuse me and I'm sure I'm maybe not on the same page, but is the wording requiring that there is a sampling and a weighing device on a silo or is it providing an option? Because could we not weigh and sample the load at the plant?

Traas, Laura M – DATCP: Yes, and that's why we added this language up top "measuring milk in the bulk tank when weighed and sampled at the farm." So we're going to need to add a new item 9 and change all the rest of this to talk about measuring milk when we measure at the plant.

Andrew Johnson: Because then that also helps with single farm pickups like, say on a quad axle. If the farm has enough milk to make a single farm pick up load.

Traas, Laura M – DATCP: So yeah, this this section 8 through D applies only when we're weighing and sampling the milk at the farm. So unless they're using an in line system before the milk is transferred, the bulk milk weigher and sampler shall actually measure the amount of milk in the bulk tank, shall measure the milk using a gauge rod or other measuring device that is specifically designed and calibrated to measure the milk and the bulk tank, and immediately before using a gauge rod, the bulk milk weigher and sampler shall wipe it dry with a single service disposable towel.

Leigh Hamilton: And Laura, really, the only reason we're adding that language at the beginning to cover systems is because of that before, isn't it? It's because of the timing of it.

Traas, Laura M – DATCP: Yes.

Leigh Hamilton: OK, so your option there if you were looking at drafting options, you would say for example in if you didn't want to add that specific metering system language, you could say and whether before or during the loading process, but I think this probably gives you a little bit of a tighter regulation because you still want everybody to do it before, except where there's a metering system.

Traas, Laura M – DATCP: Yes.

Leigh Hamilton: OK, great.

Traas, Laura M – DATCP: OK, paragraph B says bulk milk weigher and sampler shall not measure the amount of milk in the bulk tank until the milk is motionless. If the milk is being agitated, the bulk milk, aware and sampler shall turn off the agitator and wait for the milk to become completely motionless before measuring the milk.

Leigh Hamilton: Yeah, and again we're in except aren't we? And so maybe we want to make both of these subparagraphs of that except. Unless you want to restate your exception there.

Traas, Laura M – DATCP: So what I've done there is this is paragraph one, except in the case of the use of the in line sampler, and I changed the in line sampler to paragraph B and then took these two and made them sub paragraphs of the measuring using some type of measuring device calibrated to that bulk tank. So the bulk milk weigher and sampler shall wait until it's completely motionless and then after measuring the milk width gauge router or other device, the bulk milk weigher and sampler shall use the back measurement to calculate the weight or volume of the milk in the bowl tank using the bulk tank manufacturers conversion chart. OK, so now we get into the shall record that weight.

Andrew Johnson: Maybe I have a stupid question.

Traas, Laura M – DATCP: No, go ahead.

Andrew Johnson: Do metering devices have to be certified by weights and measures in Wisconsin?

Traas, Laura M – DATCP: Yes, I believe they do and that has been a major issue from what I am understanding.

Leigh Hamilton: Yeah, there are very few certified agents who are familiar with certifying milk meters. Most would be on fuel, very familiar with fuel, but quite unfamiliar with the scenario where the product is being pumped on rather than being pumped off and needs to be measured being pumped on so they do have to be, obviously the meters go out calibrated, but finding a local agent that understands that calibration can be a challenge.

Andrew Johnson: So us as field reps, we have several in our capacity that we have to be certified by weights and measures. We have a calibrated can that has to go in every so often and get certified in Madison. Is there capability you think on these meters where you could, you know have a reducer or something on the hose and be able to, because basically our cans are 5 gallons and then we just use the 8.6 per gallon, every bulk tank on the on the chart has so many gallons have to go in the tank to reach a certain stick reading. Do you think these meters could be somehow set up that where we're licensed to do bulk tanks that we could also be licensed to do these meters and basically run 5 gallons out and make sure that that's the corresponding weight that's on the meter? I mean I'm thinking most dairy companies, you know, we are certified as a private in Wisconsin. We also have testing coops that are certified to do the calibrating with weights and measures. But I think you know, I don't know if the mechanics, I mean, I don't know enough about the meters. I mean, it's obvious you're going to have a hose that's going to go to a truck and to be able to, you know, clear that out and then draw out enough water to match it. In my mind it it could be a little bit cumbersome, but I'm thinking it's possible, but I

think as far as having the certified people that can actually check the calibration, I think they're in place. But you just have to be comfortable that that they're able to do that in a in a way that's accurate.

Leigh Hamilton: Yes. And so Andy, I really welcome talking to you offline on that. There are two very, very simple ways to calibrate meters like this, One is run a meter in series, the second is compared to a calibrated scale and you know they're very low intervention, low impact, I guess on the producers operation and very, very straightforward. So if you had somebody who was a licensed and measurement official, then I really love to sit down with that person and go through how you might do it. And it's something where we could at that could be incredibly useful I think for producers to have a simple, straightforward way of calibrating those. Of course you can do it with a calibration truck, we've done it that way as well, but and there it's very, very straightforward if you have these other options on the table too.

Andrew Johnson: And I'm thinking in, you know, as far as it being a requirement that they're certified that obviously not all plants utilize the scale we do at our facility. So if we have a certified scale, we're probably basically calibrating it with every load, and we're going to know if it's off. But if it's going to have to be traced back to the state that this has been certified, you know, I'm not sure. I think in our situation we would just use our certified scale weight if it's that, you know, if it's not going to be far off. But in other facilities that maybe don't use a scale and require the measurement on the farm that it could become a problem possibly so anyway.

Traas, Laura M – DATCP: Yeah, and that that works that gets covered by two other groups of the Department of Agriculture. So it's not something we've got control of in this group.

Leigh Hamilton: Yeah. Maybe it would be helpful to have a conversation, I'd certainly appreciate it if you had time on that and that would be great.

Andrew Johnson: Yes, I would welcome that and uh, I'll get you my contact information.

Leigh Hamilton: Appreciate it. Thank you guys. Sorry for the interruption.

Traas, Laura M – DATCP: OK so, with the measuring of milk when weighed and sampled at the farm do we, other than we do need to deal with this written collection record, shall be recorded, a record of that weight or volume.

Thornton, Lynn: Earlier in this document, didn't we use some specific language to talk about a written or digital recording of information? Could we use that same language here?

Traas, Laura M – DATCP: First of all, I need to get rid of that. Up here. Dial or digital thermometer. Dial or digital thermometer. Make sure that includes digital.

Thornton, Lynn: I think it might have been under the section of what tools they needed to have with them. Or supplies that they needed.

Traas, Laura M – DATCP: OK. So that's the examination, so it should be after that section. OK, and acceptable method to prepare milk collection records. OK, so back down to page 11. OK, so after measuring the milk with a gauge rod or other device, milk weigher and samplers show you some measurement to calculate the weight using the bulk tank manufacturers, concierge and chart. The bulk milk weigher and sampler shall have an acceptable method to record that weight or volume under sub 10 and sub 10 talks about what all needs to be on that record. So does that work?

Leigh Hamilton: Yeah. And again, we're in the exception, aren't we?

Traas, Laura M – DATCP: Yes.

Leigh Hamilton: So it's not relevant to how it affects metering systems.

Traas, Laura M – DATCP: Correct. We have not gotten to the metering systems yet. So we've got section 8A. And we changed it to 8A and then sub one and sub two. And that's going to need to be fixed. But yeah, I'm going to need to go through all of this and check all the numbering. So anything under 8A, which is when weighing and sampling the bulk tank at the farm. OK, that takes us to 8B. And we need to change that. When using an inline measuring device, the bulk milk weigher and sampler shall follow all manufacturer requirements for the use of that device as the milk in the dairy farm bulk tank is being transferred. We actually don't need the last half of that sentence, because when you're using it, you need to follow the requirements for that device wherever it's mounted. If its mounted on the truck or if it's mounted in line.

Leigh Hamilton: Yes, I'm effectively lower of what this section does because we're not specifically calling out well, you have to measure properly and you have to sample properly and you have to blah blah and we're just saying you have to follow the manufacturers advice effectively that puts a duty or responsibility on the regulator, I think to either allow a system the guidelines of which and the manufacturer guidelines of which you trust to be used in the state, and then conversely, where you don't believe a system is proven, I suppose not to allow it, but I what I'm calling out there, I suppose for your attention is that creates a responsibility on Wisconsin in the case of various manufacturers, to ensure that what they're doing in their process gives an equivalent to what you've laid out for the manual process in the in the paragraphs above.

Traas, Laura M – DATCP: Now I'm going to ask a question here. Which is do we need to say something along the lines of the bulk milk weigher and sampler shall ensure…

John Umhoefer: Could you show all of it on the screen, Madam? Thank you.

Traas, Laura M – DATCP: So are you OK with this or do you want to see it clean?

Leigh Hamilton: And do we want to put in, you know equivalent? Equivalent requirements for the automated sampling. As for the, you know the requirement is that you follow the manufacturers requirements. Yes, there's that we're saying now, there's going to be a requirement that you ensure the weigher volume is recorded. Do we want to put in a requirement that the you know that you ensure that the sample is taken in a hygienic and representative manner?

Traas, Laura M – DATCP: That comes in item 9.

Leigh Hamilton: OK.

Traas, Laura M – DATCP: Item 9 is the milk sample for testing, so I'm actually thinking that we need to remove this here and we're going to have to take nine and split it into 2 or 3. OK. So are we OK with eight where we've got it thus far, recognizing that we're going to need to add this new 9, which is going to be measuring milk at the receiving plant.

Leigh Hamilton: Laura, I'm wondering and on a D there, where is it, B? It's B. Do we want to require for example, that the equipment is approved? Or can anyone use any equipment?

Adam Brock: Approved by who? DATCP?

Traas, Laura M – DATCP: Yes. And I believe we talked… ok. So yeah, it's later in the document that I did add some language that used a department improved inline sampling device. So yeah, we probably should say that up above.

Adam Brock: I think that would be a good idea, Laura.

Traas, Laura M – DATCP: OK, so this is actually the first use of that term. So we'll have to make sure and I think, ok, the next two have it - I did it in most places - but yeah, we're going to have to make sure department approved inline measuring device shows up everywhere.

Traas, Laura M – DATCP: OK, we have about 17 minutes left and we need to move into the new a totally new section of measuring milk when weighed at the receiving plant question for the group, do we want to move into that section now or are there comments that need to be brought up by any member of the committee or any of the guests on this call?

John Umhoefer: I have a brief, just kind of semantical comment. I think since you are… what you're having here is the potential for an 8 ABC and I think you could simply do that then and you could say measuring milk at the farm and A is when measuring milk in a bulk tank, before milk is transferred for their from bulk tank to bulk milk tanker. So you could… a isn't an exception. It's when you're measuring the bulk milk tank, B is when using a department approved in line measuring device, and C is when measuring milk weighed at receiving plant. So there's no exceptions. There's just three scenarios ABC. Or it's just measuring milk. I guess this one it is.

Adam Brock: Laura from and I don't know from my status we've made a lot of progress today and I think before we dive in, I think it could be again another long discussion. I think it might be worth taking the time to digest what we have today before moving forward, but that's just my opinion. If the group prefers to move forward, we can move forward.

Traas, Laura M – DATCP: Well, it sounds like maybe we just need to go back and do a little bit of tweaking in 8.

Andrew Johnson: What is our timeline for this subcommittee? I mean, when are we not necessarily due to have this all done or or what? I mean, what do we have available going forward?

Traas, Laura M – DATCP: Ideally we want to have is this from the committee point of view. Uh, sometime spring of next year to then take it to public hearings. And then we go to the public hearings. At that same time we have to do a cost analysis. And then we take all of the public comments, look at that as a as a group to determine you know what? What comments are ohh yeah, we should have thought about that and what comments are, yeah, we appreciate your comment but it doesn't fit with our model and hopefully by summer of next year, we're through the public comment period and can take it to the legislator later in the their fall session. And if we miss the fall session, then we're looking at the spring session, the late, late winter spring session of 2025. Now the election in 2024, it's going to mess with that timetable just a little bit. But I believe and Max if you have the dates with you, you can correct me if I'm wrong. I think we have until June of 2025 to get it through the legislature.

Andrew Johnson: Do we as a group have to, as a subcommittee, take it to the full committee for their vote to recommend that this is what we propose?

Traas, Laura M – DATCP: No generally not. We will go to the full committee and say this is what we've done and you know I'll make them aware of the public comment period.

Andrew Johnson: OK, that's good. Because I just didn't want to miss one of their meetings and then push it to the spring if we can get it to the fall, that would be great.

Traas, Laura M – DATCP: Yeah.

Huebner, Max K – DATCP: And Laura, you had that the date correct. Sorry, you had the date correct there. We have to get the draft out a little sooner so they can get through that whole process, but yes, we have until June 2025.

Traas, Laura M – DATCP: OK, so following John's recommendation I've removed the except and just changed it to when measuring milk from a bulk tank at the farm, before the milk has transferred from the bulk tank to bulk milk tanker, the weigher and samplers shall do these things. And that's all paragraph a. Then we have paragraph a when measuring milk at the farm, using a department improved inline measuring device, bulk milk weigher and sampler shall follow all the manufacturers requirements for the use of that device, and then we'll have a paragraph c and won't have to do as much renumbering. Yay. When measuring milk – OK, don't want to do that, just want that change accepted – when measuring milk when weighed at the receiving plant, and then that's where we'll start next time is talking about what rules we need to put around measuring milk at the receiving plant. So a new comment. And that brings me to the next item which is we are starting to enter into the Christmas or holiday season whatever holidays you observe. So we are at December 5th, what is the committees pleasure for a next meeting?

Brandon Johnson: I can do the 19th if we want to stay on every other Tuesday.

Traas, Laura M – DATCP: What are other schedules looking like? I know a lot of people, it's the end of the year, your company say you have to use your vacation. What are other people's schedules looking like for that week?

Alex O'Brien: 11 again, would it be from 9:00 a.m. to 11 again?

Traas, Laura M – DATCP: That would be up to the committee. I can do that. 11.

Andrew Johnson: I'm OK with that.

Alex O'Brien: That works for me.

Traas, Laura M – DATCP: OK. And Adam?

Adam Brock: Yeah, that'll work for me. I might be off jump off like five to 10 minutes early, but that would work.

Traas, Laura M – DATCP: OK, John.

John Umhoefer: Laura, I jumped into my calendar and I have to – remind me which day you're talking about again, sorry.

Traas, Laura M – DATCP: December 19. Tuesday at 9:00 a.m.

John Umhoefer: OK, let me check. Yeah, it's OK.

Traas, Laura M – DATCP: OK, Max, if you could send out the invitation now, I know Max will not be with us next time. So I'll have to set a reminder for myself to record the meeting. So if you don't, next meeting for those of you that will be on there, if you don't see me hit the little button that that gives you the forewarning that this is being recorded, please remind me to do so. But we will, barring any unforeseen circumstances, schedule for Tuesday, December 19 from 9 to 11. And once again, I thank you all for your willingness to keep pushing through this even as we enter the holiday season. Any last comments from anyone?