

**DEPARTMENT OF AGRICULTURE, TRADE, AND CONSUMER PROTECTION
(DATCP)
DAIRY RULES ADVISORY COMMITTEE (DRAC)
MEETING MINUTES**

Date: July 6, 2023
Time: 9:00 AM – 11:00 AM
Location: Virtual Teams Meeting

Welcome and Introduction

Call to order:

Adam Brock called the meeting to order at 9:00 AM

Open meeting notice:

Adam Brock stated the meeting is a public meeting. The open meeting notice has been posted.

Roll Call:

Members in attendance: Andy Johnson, Bob Wills, Jessica Hansen, Ben Shibley, Jacquie Papple, Peter Hesprich, Adam Brock, Tim Neubauer, Kristen Houck, John Umhoefer, Jason Mugnaini, Mick Homb, Jim Schwartz, Daniel Smith, Kristen Strohmenger, Jen Pino-Gallagher, Shelly Mayer, Alex O'Brien, Scott Rankin, and Laura Traas

Others in attendance: Kara Caston-Olson, Mary Rollins, Troy Sprecker, Max Huebner, Andrea Northwood, Tyson Villarreal, James Pikka, and Michelle Steinmetz

Approval of agenda:

Peter Hesprich made a motion to approve the agenda. Motion was seconded by John Umhoefer. The agenda was approved.

Approve previous meeting minutes:

No corrections to the previous meeting minutes for the DRAC February 14, 2023 meeting. Peter Hesprich made a motion to approve the meeting minutes. Motion was seconded by Jason Mugnaini. Meeting minutes were approved.

Public comments:

There were no public comments.

Membership Updates:

The committee said farewell to Jim Schwartz and the Wisconsin Specialty Cheese Institute (WSCI), which is disbanding now that Wisconsin's cheesemakers have become more self-sufficient in the areas the WSCI was assisting with.

DATCP Update

Laura Traas presented the DATCP Update (**see slides from DATCP Update 7-6-2023**) and started with sharing the personnel changes within the Dairy Section. DATCP has sadly lost Milk Sanitation Rating Officer (MSRO) Robert Carrier and Environmental Health Sanitarian Sidney Kittelson. Assistant Division Administrator Amy Millard has left DATCP for a new position elsewhere within the State. DATCP has gained 4 new members to the staff: Sanitarian Allison Kirker, Laboratory Evaluation Officer (LEO) Melissa Francois, and 2 new Sanitarians who will be starting on July 17th. Nicholas Brost has accepted the Dairy Technical Specialist (DTS) position and Mike Mezera has accepted the Milk Sanitations Ratings Officer (MSRO) position. There is 1 sanitarian and 1 MSRO vacancy. There are 5 sanitarians and 1 LEO still in training.

The ATCP 82 scope statement has been approved and we can now begin to draft language. As discussed at previous meetings, some items we are looking to address include updating definitions to match ATCP 65 along with modernizing language related to milk pickup from silos, in line samplers, recording charts, and more. DATCP would like to start a subcommittee to discuss the draft language and are looking for volunteers from this committee. The names below were identified at the meeting, but any additional people who would like to participate can contact Max Huebner (max.huebner@wisconsin.gov):

- Adam Brock
- Andy Johnson
- Mick Homb
- John Umhoefer
- Helen Schmude
- Alex O'Brien

Laura discussed the meetings with the Performance Based Farm Inspection (PBFi) Subcommittee and, while members of the committee were interested in discussing their options, the majority of the group wanted DATCP to enforce the program as outlined in ATCP 65. Changes to DATCP systems have been made to accommodate this, and the re-categorization based on those changes will go into effect on August 1st. DATCP has been collecting data on farms who were marked for 6 or more debits since October of last year, as these are the farms who may be impacted by this change, and 75 farms were found. Not all 75 will be re-categorized.

14 farms were marked for 6 or more violations since April 2023, and they will all be re-categorized. 12 farms who were marked from October 2022 have gone past both of the 4 month inspections that would have occurred had they been re-categorized, so while they will be re-categorized they will not see any new inspections. 29 farms were marked from December 2022 to the end of January 2023. These farms missed the inspection that would have occurred in April, and since the letters regarding this change will not go out until mid-July, it does not seem fair to schedule an inspection in August that the farmer was not anticipating. They will be re-categorized appropriately, but no other action will occur. 20 farms were marked between February and April 2023, and the August inspection will continue as scheduled (this will be considered late) before another 4 month inspection occurs in December. Any farms with 6 or more debits after May 1st will be re-categorized normally.

Question: Is the policy for locations marked for 6 or more debits going to be an automatic reinspection moving forward?

DATCP: No automatic reinspection will occur; the location will just be re-categorized.

Question: How will this work with the enforcement scores?

DATCP: We will still see debits on our enforcement scores, but just taking the re-categorization debit off should bring the 88-89 scores up the 2 or 3 points needed to pass enforcement until the system is fully up and running.

For June Dairy Month, Laura took some time to thank the Committee for the assistance the group has provided DATCP while navigating COVID, the emergency timer and sealer pilot, the ATCP 82 scope statement, PBFi changes, and much more. Data showing some of the accomplishments DATCP was able to accomplish in the last 12 months was shared with the committee (**see slides from DATCP Update 7-6-2023**)

Question: Will we have another national blind drug study similar to ones done previously? The person asking this question noted that they believed that there is not a drug issue, but rather an issue with the people using the tools given. They are concerned that if there is a crackdown on the tools rather than the people, that it could cause animal wellness issues. They would like to have additional communication with the FDA during these studies.

DATCP: We are currently in the middle of a national drug residue study. This was discussed at the previous meeting, so notes from that meeting will have more information. Samples are being pulled monthly and labeled only with the date and time the samples were taken. They are sent to a facility in northern Illinois where they are held in a freezer for at least one month. The samples are then sent to a lab to test for a number of different drugs to identify if there are any unknown issues the FDA are concerned with. This process will be going on for 2 years.

The FDA State Program Evaluation took place a few months ago, and the report is being finalized. The FDA noted some strengths of the Dairy Program were that the Grade A Dairy Plant Operators show a strong interest in compliance and the rating personnel (LEOs and MSROs) are highly competent. Some weaknesses that noted include the Performance Based Farm Inspection (PBFi) program along with staffing issues and subsequent training. They did note that they believed progress is being made to address the items identified as weaknesses.

The 2023 NCIMS Conference happened in April of this year. Currently, we are in the FDA review period. The FDA have until October to review the proposals passed in the conference and offer a response. At that point, we will know what changes will be made to the conference documents. Some items that have a chance of being approved by the FDA include removing milking time from the survey report and a review of the policy surrounding separation in areas where CIP occurs.

The testing of soft Hispanic style cheese for *Listeria monocytogenes* continues. After 4 quarters of testing, there has been 1 total positive listeria test found – but not for *Listeria monocytogenes*. 1 more year of testing is set to be completed.

Question: Are these retail samples?

DATCP: Yes, and we are trying to focus on Wisconsin producers.

Subcommittee Updates

John Umhoefer reported that the Pasteurizer sub-committee has a chance to meet on September 27th. Topics that remain include the recertification of re-sealers, broken seal reporting and the associated industry trainings, and the M-b-383 memo from the FDA which addresses developments from electronic pasteurizer recordings. There will be presentations at the September 27th meeting to outline the Anderson Negele system for those in attendance.

Dr. Scott Rankin noted that we continue to offer the online certification training for resealing, but at this point registration has been cautious. There has not been a push to advertise the training, and working with DATP to ensure resources are available is important to the success of the program going forward. If anyone has any employees who would like to go through the training, you can reach out to Dr. Rankin and his team.

DATCP provided an update regarding their work with the reseal program. DATCP are working with a couple of facilities to get staff approved. Unfortunately, there were some gaps with the first person's testing and they realized during the process that there would also be some issues with the second. They are going back to review the process before continuing. Some larger companies are looking to explore their options as well. One person has passed and is looking to be certified in 2 additional plants – so 3 plants will have someone in place in the next few months. There are some concerns with the timing of the online program and the necessary practical tests, as some people are missing the window to complete their practical test and need to restart the process. DATCP and Dr. Rankin are working with these people to get the issues resolved.

Question: Do we feel the pilot is moving along or do we need to encourage industry some more?

DATCP: We are not sure what companies that have reached out to us are in the process of starting this cycle, and we are unsure if those who have dropped out will come back. John Umhoefer has

offered to put together a meeting between some of the companies and DATCP to see if we can get them interested in this program.

Question: Do we have the FDA's opinions on this program?

DATCP: Our lack of this program has come up previously on State evaluations, but it did not this time as we are receiving credit for making progress towards establishing the program.

Alex O'Brien gave an update for the phosphatase sub-committee. They are still looking for funding for the particular study they are working on. The phosphatase method is not practical for each individual type of cheese, so the sub-committee is pursuing a separate method that is supposedly more stable. Additional testing will need to take place to verify this. There will be a meeting next quarter to re-evaluate the status of the sub-committee to get everything moving forward again.

Question: Once industry has a broken seal and milk samples are taken, the rules seem to say the lab cannot run a test on the milk if it is more than 48 hours old – the concern with the timeframe is the phosphatase reactivating and generating a false positive. Why can we not run the test and, if it comes up with no phosphatase, use the product? Product that ends up on hold could be cleared if someone ran the test.

DATCP: While correct that the primary concern with the testing window are false positives, there are also occasional false negatives – we cannot confirm either way. If a lab has submitted a phosphatase test that is invalid, we use that as evidence to say that we believe the samples are safe.

Question: Is there anything we can do when the labs refuse to run samples after this timeframe? Industry cannot use the testing as evidence if the tests are not completed.

DATCP: Laura will communicate with the LEOs so they can discuss the sampling process with the labs.

Peter Hesprich gave an update on the Performance Based Farm Inspection (PBFI) sub-committee. The Secretary asked to have farmers involved in this decision, and on April 12th there was a 2 hour discussion involving the farmers and the sub-committee. After the discussions, farmers asked DATCP to enforce the rules as they are written. Since 56% of farmers are current on once a year inspections, it would be hard to convince them that a move to twice a year was better. With the enforcement changes, and the re-categorization that we will see from August 1st moving forward, we may see the numbers shift. The sub-committee would like to review the decision a year from now to see if attitudes have changed.

The sub-committee put together a problem statement for the Secretary's Office (**see PBFI Problem Statement**). After discussion, it was determined that moving forward with the PBFI rules as they are written in ATCP 65 was the preference of the committee based on a vote called by Ben Shibler and seconded by Andy Johnson. 11 votes in favor, 0 votes in opposition, and 0 noted as abstaining from the vote. From here, the sub-committee will move forward with the letter to the Secretary.

Question: Is there a need to continue with this sub-committee?

Peter Hesprich: We believe it would be of interest to gauge the sub-committee's feeling about this decision in the future, so we do not believe it is the time to dissolve the sub-committee.

Discussion of Cheese Curd 24 Hour Rule

Adam Brock asked if there was any concerns about this rule that we would like to bring forward during the meeting, as there have been discussions about completing a study to see if there was scientific backing to adjust this rule. There have also been discussions about a potential sub-

committee to discuss these issues. A few members of industry have asked for the science behind the 24 hour rule and want to see the timeframe extended. After discussion, the consensus of this committee was the discussion needs to be taken back to the retail equivalent of this committee for additional discussion, as the rules surrounding this practice fall in their realm. If the retail committee decides to take on this issue and form a subcommittee, we would then ask to have a small group of impacted individuals from the dairy industry included.

There were additional discussions based on the current guidance available to industry regarding the handling of cheese curds (**see Cheese Curd Food Code Fact Sheet**). Most of the guidance DATCP has given comes from the National Food Code, which has been adopted by the State. It was noted that we may be the only State in the country that does cheese curds outside of refrigeration. The guidance on cheddar cheese curds is already a deviation from the national standard and based on a study conducted in the past. Additional studies reviewing other cheeses may be necessary to validate any potential changes to the timeframe.

Member Concerns

Alex O'Brien: A product was supposed to be pasteurized, but an issue occurred with the unit. Modification made to the pasteurizer were not sealable, and there was an agreement made between DATCP and that individual facility to resolve the issue. Are there several instances of this occurring across the state where a small modification is made to a pasteurizer takes it out of compliance, or is this an isolated issue? Specifically, there was a reducer that changed the hold times of the product causing issues with cleaning and filling – an advisory was put out by the manufacturer, but no recall was issued.

DATCP: The belief is that this is an isolated incident. A decision was made going forward that if there are required pieces in the divert system, this will be identified on the test report in the seal location and this can be verified.

Summary of Action Items and Person(s) Responsible

Foremost Farms in Middleton will be hosting the next meeting on September 7th.

Peter Hesprich motioned to adjourn meeting. Alex O'Brien seconded. Motion passes.

Meeting ends at 11:02 am.