

Idaho State Department of Agriculture
IDAPA 02.04.05 Rules Governing Manufacture Grade Milk
July 22, 2014
John Bilderback, Facilitator

Present: Brent Olmstead, Milk Producers of Idaho; Bob Naerebout, Idaho Dairymen's Association; Marv Patten, ISDA; Bill Barton, ISDA; Mike Wiggs, ISDA; Sean Costello, OAG/ISDA; Scott Leibsle, ISDA; Ken McClure, Givens Pursley; John Bilderback, ISDA; Jane Wittmeyer, Darigold; Angel O'Brien, ISDA recording.

AGENDA ITEMS

WELCOME

John Bilderback convened the meeting at 10:05 a.m.

Mr. Bilderback provided the preliminary draft rule text on a projection screen. He explained that the rule had not been updated since 1993, and that most of the changes to the rule reflect an attempt to create consistency with the 2014 statutory changes and address formatting issues. He also stated that Section 300, Methods of Analysis, had been removed from the rule but is now covered at IDAPA 02.04.09, Rules Governing Milk and Cream Procurement and Testing.

Mr. Bilderback distributed copies of United States Standards for Grades of Butter (August 31, 1989 (USDA AMS Dairy Division)) as reference material as well as a proposed addition to the rule for Quality Standards for Butter and Whey Butter.

Marv Patten explained the Department's reasoning for adding quality standards for butter to the rule.

Sean Costello stated the rule governs raw milk and cream for manufacturing purposes. He asked Marv Patten if the Department is doing something else with butter.

Mr. Patten replied butter, whey butter and ice cream are manufactured dairy products and not Grade A products.

Mr. Bilderback added that he was not sure why butter was not included in this rule back in 1993. They did not specifically add it to the rule, like they did with whey butter. He stated that there is not a specific rule that addresses quality standards for butter, and that the Department would like to ensure there are some quality standards in rule.

Bob Naerebout asked Mr. Bilderback if High Desert submitted any comments regarding the rule.

Mr. Bilderback replied he sent the rule draft to them, but had not heard back from Derik Robinson with any comments. He added that he talked to Darigold that morning.

A stakeholder asked if anyone else was making butter.

Mr. Patten answered that Boise Milk and Cloverleaf are now making butter.

Mr. Bilderback introduced Jane Wittmeyer from Darigold to the group.

Ms. Wittmeyer spoke with her client right after the conference call and he let her know if she didn't hear back from him, everything is fine. She has not heard back from him.

Mr. Bilderback reminded the group that the public comment period is open until July 31st. If anyone would like to submit comments is encouraged to do so.

Mr. Bilderback directed the group to subsection 03, Frequency of Tests, in Quality Standards for Butter and Whey Butter. He stated that the Department will add the same language to Quality Standards for Ice Cream Products on Page 21.

Mr. Patten stated that the whey butter rules were written in the 1980's. Since this rule has been in effect, no one in the state is making it or selling it. He asked if it is prudent to leave it in the rule. USDA does not have a standard for whey cream butter. He stated that this would strictly be an Idaho standard.

Mr. Olmstead answered that there is no downside to leaving it in the rule.

Mr. Naerebout agreed with Mr. Olmstead.

Mike Wiggs directed the group to page nine (9), section 102.02(b) and to page twenty-one (21) Bacteria Standards. He questioned whether the two sections should be consistent as far as number of samples are concerned. Producer levels are two (2) of the last four (4) consecutive samples and the bacteria standards state more than two (2) of the last five (5) samples.

Mr. Costello stated that one relates to Grade B milk and the other one relates to manufactured dairy products. The testing is fundamentally different. Mr. Costello asked Mr. Patten to explain the testing for Grade B Milk.

Mr. Patten replied that during any consecutive six month period, the state has to test the producer of manufactured grade milk four (4) times.

Mr. Costello asked Mr. Patten to explain the testing for bacteria standards.

Mr. Patten read from the bacteria standard on page twenty-one (21). He continued by stating that if there is confusion, the same verbiage should be used for testing standards.

Mr. Costello agreed that if the Department is going to open the rule up, it should be consistent.

After some discussion, Mr. Bilderback stated the consensus of the group is that the rule will read "two (2) of the last four (4) consecutive samples".

Mr. Bilderback directed the group to subsection 02, Quality Standards of Section 400, Standards of Identity, Labeling, and Quality Standards for Ice Cream and Frozen Dairy Products and Desserts. He stated that a frequency of tests clause will be added to this section just as it appears in Quality Standards for Butter and Whey Butter.

Mr. Patten requested the following sentence be added to the end of the bacteria standard: “Whenever the Dairy Product is cultured, the bacteria test, using the standard plate count or equivalent method, would not be applicable.”

Mr. Costello asked whether “standard plate count” had been incorporated by reference or defined in the rule.

Mr. Bilderback clarified that standard plate count is incorporated by reference within the rule. He also stated the same verbiage will appear under the Quality Standards for Butter and Whey Butter.

Dr. Barton pointed out that the coliform standard should be changed to two (2) out of four (4) to be consistent with what was discussed earlier.

Mr. Bilderback directed the group to section 500, Standards for Whey Butter. It was suggested to add “Grading” before “Standards”.

Mr. Costello asked if the grading standards in section 500 applicable to whey butter and regular butter.

Mr. Bilderback replied no.

Mr. Patten stated when the whey butter standards were being developed, the Department had to allow for more deviation points because they couldn't compete with USDA standards for sweet cream butter.

Mr. Costello stated for purposes of the meeting, focus on the substance of the rule and numbering and formatting can be worked out later on.

Mr. Bilderback asked for comments from the group. He reiterated that comments will be open until July 31st.

There was a question whether the comment period is sufficient or should it be extended.

Ms. Wittmeyer stated the comment period is sufficient.

John Bilderback adjourned the meeting at 10:50 a.m.

Respectfully submitted by Angel O'Brien