

**IDAHO DEPARTMENT OF AGRICULTURE**  
**2270 Old Penitentiary Road**  
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**02.04.05 RULES GOVERNING GRADE A MILK AND MANUFACTURE GRADE MILK**  
**Minutes of June 15, 2021 Meeting**

**HOSTS/FACILITATORS:** Lloyd Knight, ISDA  
Dr. Scott Leibsle, ISDA

**STAKEHOLDERS PRESENT:** Bob Naerebout, Idaho Dairymen’s Association  
Marv Patten, Milk Producers of Idaho  
Mike Wiggs  
Shauntay Berber

**DEPARTMENT STAFF:** Dallas Burkhalter, Office of Attorney General – ISDA  
Katy Devries, Office of Attorney General – ISDA  
Pamm Juker, ISDA  
Mitch Vermeer, ISDA  
Dicsie Gullick, ISDA

Lloyd Knight called the meeting to order at 8:32 AM MDT. He explained that the comment period was open until June 20<sup>th</sup> and then turned the meeting over to Dr. Scott Leibsle to present the strawman.

Dr. Leibsle presented the strawman draft and explained that this draft looked different because there were no highlighting or track changes shown, just the official strike and score, which will be submitted to DFM. He also showed where to find the rules draft on the ISDA website.

Each subchapter was presented in turn. Subchapter A had some changes to the documents incorporated by reference in order to update them to their latest versions. However, they will need to be updated again later this year when the documents are updated.

Subchapter A had language struck that was unnecessary or redundant. There was language added regarding supervision for sample deliveries to labs that had been specifically requested by industry. Dr. Leibsle stated that while supervision for out of state labs could be difficult, supervision for all in-state labs should be manageable.

Bob Naerebout asked if clarification could be added to section 241 showing that these rules do not apply to goat milk. He also conceded that having supervision for out of state labs can be worked out at a later date.

Dr. Leibsle added the word “bovine” to section 221.01 for clarification.

Dr. Leibsle continued with subchapter B showing where the language regarding 3 out of 5 testing had been added per industry request.

In subchapter C, regarding manufacture grade milk, the documents incorporated by reference had been changed and the definition for adulterated milk had been added. Section 321 was struck because it is redundant and incorporated by reference. The methods of testing were simplified to simply say as approved by Department. This change was requested by industry. The somatic cell count permitted for goat and sheep milk was changed to be consistent with typical standards. There was additional language that simplified, but not changed the rule.

Marv Patten asked to review the first part of the subsection, but found no issues.

Dr. Leibsle continued the review of the subchapter beginning at rule 370 regarding Dairy Farm Permits. Language was stricken to simplify the inspection standards, which were now to be conducted pursuant to the 2019 Pasteurized Milk Ordinance.

Marv Patten disagreed with using the PMO as the standard and preferred to have the USDA standard utilized.

Mitch Vermeer asked why would manufacture grade milk be held to a lower standard than raw milk, which is held to the 2017 PMO.

Marv Patten would like to see grade B standard stay the same for small operations that are just starting.

Dr. Leibsle stated that there are currently no grade B facilities in the program. He continued his review of the strawman explaining the unnecessary and redundant language that had been removed. A large section regarding whey butter had been removed, but were covered by the US standards that were incorporated by reference.

Subchapter D was very short and had no changes.

Marv Patten stated that he would like the USDA subpart B incorporated by reference instead of the POM.

Dr. Leibsle called for further discussion and questions. Hearing none, he again stated the deadline for comments is June 20<sup>th</sup>. After all comments are received and reviewed the final draft of proposed rules will be posted in the July bulletin. There will be a comment period following the July publication, but only for those requesting official public hearings.

Dr. Leibsle thanked all that had contributed to the rule making and turned the meeting over to Lloyd Knight.

Lloyd Knight gave the email addresses where comments could be sent and adjourned the meeting at 9:03 AM MDT.