

***Idaho State Department of Agriculture***  
***02.04.05 Rules Governing Grade A Milk and Milk Products***  
***May 18, 2021, 8:30 a.m.***  
***Lloyd Knight, Dr. Scott Leibsle, Chanel Tewalt, Hosts/Facilitators***

Present: Dallas Burkhalter, Office of Attorney General – ISDA; Katy DeVries, Office of Attorney General – ISDA; Mitch Vermeer, ISDA; Martha Walbey, ISDA; ISDA; Kyle Wilmot, ISDA; Bob Naerebout, Idaho Dairymen’s Association; Marv Patten, Milk Producers of Idaho; Mike Wiggs; Antone Mickelson, Darigold;

**AGENDA ITEMS**

**WELCOME:**

Lloyd Knight started the meeting at 8:33 a.m. by teleconference. Mr. Knight discussed the house rules and indicated this was the first of three rule meetings, he then turned the meeting over to Dr. Scott Leibsle to present the strawman.

Scott Leibsle discussed the strawman by explaining Grade A rules, manufacture rules, dairy plants, and milk component, were previously four separate rules that have now been combined into one rule.

Scott Leibsle asked if there were any comments to the Grade A rules. No comments were provided.

Component rule – clarification of language not enforceable by ISDA.

Idaho Dairymen’s Association submitted a comment that we re-implement a representative to oversee the component samples when they are delivered to the labs every two weeks.

Milk Producers of Idaho submitted a comment to implement 3 out of 5 language for when a lab would lose its component testing license.

Scott Leibsle responded those above items have been addressed. No comment provided.

Manufacture rule – incorporate by reference language was incorporated.

Mike Wiggs asked to keep the bulk haulers language in 321.01.a.

Milk Producers of Idaho requested appearance and odor be left in.

Milk Producers of Idaho requested to leave the bacterial testing language broad to account for new or modified testing modalities in the future.

Milk Producers of Idaho and Mike Wiggs requested the coliform language for raw milk to be removed.

Section 351 - There was a comment to raise somatic cell count to 1,500,000.

Milk Producers of Idaho requested to leave the drug residue requirements intact.

Marv Patten asked should we be including camels, or water buffalos?

Scott Leibsle responded if you think it is necessary you can submit a comment.

Section 352 - Drug residue – Mike Wiggs made a comment that FDA has the authority to request compliance from the state.

Scott Leibsle said regarding the drug of the month, the state has to approve it before testing can be done.

Mitch Vermeer said he was fine with it.

Section 360 - Health of Herd section – the majority will be stricken, and the sanitation requirements will follow the PMO.

Marv Patten questioned the sanitation standards.

Scott Leibsle responded the sanitation requirements are currently a lesser standard than the PMO, which is used in both Grade A milk and unlimited raw milk. It was commented in the last meeting that manufacture should not be held to a lesser standard than raw milk. At the very least, it should be the same.

Bob Naerebout said there are currently no manufacture grade farms in the state and if a Grade A producer gets degraded they are going to work very hard to get back on Grade A very quickly.

Standards for manufacture grade bulk milk haulers – the state treats them the same if they are shipping manufacture or Grade A.

Mike Wiggs said are you saying you don't have to take the test or pay the \$25.00

Scott Leibsle stated that remains the same they have to take the test and pay the \$25.00

Mike Wiggs asked where does it say that.

Scott Leibsle brought up statute 37-309 and displayed where that requirement was.

Marv Patten asked about revoking a license.

Mitch Vermeer responded you can't revoke a license in Grade A milk. According to the PMO, you may only suspend a license.

Scott Leibsle said we are making the licenses consistent.

Mike Wiggs stated regarding the PMO, the only time you can go after someone is if they have repeat items. But the way the manufacture rules were written there were several items you had the authority as a state to go after them.

Scott Leibsle responded these rules are more stringent than the Grade A rules, so that is why we are striking those portions. However, if the stakeholders want manufacture rules to be stricter than the grade A rules you may make that suggestion. No comments provided.

Section 390 –simplifying the language.

Marv Patten said subpart E on USDA, that may refer to milk for manufacturing purposes or it might be referring to Grade A.

Scott Leibsle asked what would you like to look at.

Marv Patten said if plants are degraded from Grade A can they still process Grade B milk.

Mitch Vermeer said he'll double check to make sure there is no conflicting language.

Lloyd Knight adjourned the meeting at 9:14 a.m.