

Idaho State Department of Agriculture

02.04.13 Rules Governing Raw Milk

May 18, 2021, 1:30 p.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; Celia Gould, ISDA; Bob Naerebout, Idaho Dairymen’s Association; Marv Patten, Milk Producers of Idaho; Steve VanNorman; Andrea Sater; Greg Collett; Meadow Thompson; Gail Ansley; Meadow Thompson; Michelle Metcalf; Doc Dugenske; Paul Herndon; Kami Jenkins; Leslie Tengelsen; Health & Welfare; Kathryn Turner.

AGENDA ITEMS

WELCOME:

Lloyd Knight started the meeting at 1:32 p.m. by teleconference. Mr. Knight discussed the house rules and indicated this was the second of three rule meetings. He then turned the meeting over to Dr. Scott Leibsle to present the strawman.

Dr. Leibsle introduced himself and explained that the strawman was structured as follows: the items highlighted in blue are attempts to simplify rule language, without changing the scope or impact of the rule. Yellow highlighted sections are changes that will alter the scope of the rule.

Scott Leibsle discussed the strawman by explaining the first section are documents that are incorporated by reference and if you are an unlimited raw facility you are required to be inspected and need to abide by the PMO for sanitation requirements.

Section 010 – was the definition section and Gail Ansley had submitted a comment requesting the number of goat and sheep be changed from 7 animals to 21 animals since they do not produce as much milk as a cow.

Scott Leibsle opened this to the group for discussion.

Leslie Tengelsen responded she understood the volume concept but does it equal the level of sanitation, can you milk 21 animals as cleanly as 7 animals.

Paul Herndon said that 21 goats could produce more than 3 cows, and that Leslie Tengelsen brings up a good point regarding sanitation. Milking more animals is going to take a lot more and you are more likely to introduce contamination.

Marv Patten responded when the rule was originally developed the animal numbers were taken out of thin air. It was somewhat based upon how counties define “animal units”. Marv Patten also commented that he disagreed with Paul regarding sanitation vs. number of animals.

Kami Jenkins said they milk more than 3 cows and 7 goats but only sell from the allowed amount and I have never had a bad result. I don’t think cleanliness is an issue.

Gail Ansley stated milking a cow takes longer than milking a goat.

Leslie Tengelsen asked if we had examples of what other states do in their raw milk program.

Scott Leibsle responded every state runs their program a little different.

Paul Herndon stated he was not against changing the number of goats to 21 but, the trend will then be to have more and sanitation standards would be a good idea.

Greg Collett stated he has visited goat facilities and he believes sanitation cleanliness is easier when dealing with goats than cows.

Kami Jenkins said she has both cows and goats and the goats are much easier to milk and the sanitation is also easier than cows.

Andrea Sater indicated she was not familiar with the unlimited rules and asked why there needed to be a limit at all.

Marv Patten said a lot of people think raw milk should not be allowed for human consumption and we have rules in place to protect the public, you have less chance of having issues if the milk is pasteurized.

Scott Leibsle circled back to Leslie Tengelsen’s question regarding the protocols for other states and their raw milk programs and indicated Utah allows the sale of 120 gallons per week without being inspected, and Connecticut allows less than 10 animals if you are enrolled in the state mastitis program.

Paul Herndon indicated he started with the Small Herd and then went to unlimited raw and goats are cleaner and once you move past a certain number of animals you should be required to have an inspection, and he also agrees there should be limits on the number of animals you can have.

Kami Jenkins asked Paul Herndon to explain his response in more detail. She feels if your milk test comes out clean then wouldn’t that point to good sanitation.

Paul Herndon stated not every batch is getting tested, if you did test every day or every week your test results would be different because there is enough variation in each milking and the more animals you milk the more important it is to have a cooling system and abide by Grade A standards. Only testing once a month can’t guarantee quality.

Gail Ansley asked under the unlimited raw permit how many times is their milk tested.

Scott Leibsle responded it is the same as the Small Herd which is once a month, however, if you are Grade A and unlimited raw you as the producer must test every load of milk.

Gail Ansley asked if ISDA was not testing unlimited raw any more than small herd.

Scott Leibsle said correct, however, they have sanitation standards they must adhere to.

Mitch Vermeer stated unlimited raw facilities are held to the inspection frequency and sanitation and construction requirements.

Scott Leibsle gave a brief description of Greg Collett's written comment requesting the change of limiting the coliform tests. Our dairy lab provided an analysis of testing for pathogens and to type them and the conclusion was it is not cost effective or feasible to do at this time.

Greg Collet stated the state doesn't have the intent in testing for pathogens and I noticed in the laws it requires rules to address Title 37 chapter 11 and the interpretation infers, but doesn't prohibit the sale of raw milk.

Scott Leibsle displayed Title 37 Chapter 11 and read the first sentence which explained the allowance of raw milk for sale and from that the department developed these rules.

Greg Collet indicated the rule doesn't prohibit the sale of raw milk, but the departments' rules prohibit the sale of raw milk unless you do this or this.

Chanel Tewalt commented that our agency has the authority for rule making and the legislation has reviewed our rules many times and has approved them and our department is operating within our authority and scope.

Marv Patten said raw milk has been in law for a long time and it was an attempt to try to come to an agreement to make raw milk work, and there was a lengthy discussion on coliform limits.

Greg Collet responded he didn't think our agency is operating within its' scope. He also said there are two other issues with coliform; it is an arbitrary number and it doesn't address when the milk is taken from the cow and how long it has been sitting before testing. Coliform numbers will be different for each product and cream will test higher for coliform so why would there be the same tolerance levels for coliform.

Scott Leibsle asked Greg if he had a proposal he would like to make.

Greg Collet answered to eliminate the bacteria criteria.

Scott Leibsle asked if Greg could clarify if he wanted to eliminate all bacteria and coliform counts.

Leslie Tengelsen indicated there are many human pathogens, what do you propose to test instead of coliform. How would you provide a safe product for consumers?

Greg Colett answered test for pathogens that relate to cleanliness.

Marv Patten said what about SCC, that's what's in the udder.

Greg Colett responded he considers SCC different than bacteria testing.

Paul Herndon stated he found bacteria limits to be very helpful. It was a good indication of sanitary conditions, and that protocols are being followed.

Greg Collett said the testing that the state is doing now is not acceptable and more thought needs to be put into it.

Scott Leibsle said he encourages any stakeholder to submit any comment or suggestion in writing and the agency will post it on the website and it can be reviewed.

Scott Leibsle responded to a comment by Marv Patten requesting clarification of brucellosis.

Marv Patten said that helps people understand what is required.

Kami Jenkins asked for clarification if brucellosis needs to be done on cows.

Scott Leibsle responded you don't have to test your cow for brucellosis, our lab does it through a BRT test of the milk, which cannot be done on goats or sheep and that is why your vet needs to draw blood for those animals.

Scott Leibsle gave a summary of a comment submitted by Jennifer Hays that stated each year she has to get her test results submitted earlier and she tries to combine her vet visits with other tests and it becomes difficult and was suggesting a grace period after the test have lapsed before getting taken off the market.

Paul Herndon replied he understood because he has the same issues. He proposed to have the due date within the month and not on a specific day of the month. He also wanted an option to change the anniversary date.

Marv Patten asked how long had it been since we have had a positive TB test.

Scott Leibsle said it has been a very long time.

Marv Patten stated if we are a TB free state do we need the requirement.

Scott Leibsle said TB is a public health concern that can arise without pasteurization.

Leslie Tengelsen stated TB testing is important and it should remain.

Greg Collet said the testing should just be within the year.

Scott Leibsle said you can certainly change your anniversary date to whatever you like. You would call your vet a have them do the required testing and that would change your anniversary date.

Section 014 - labeling this language was simply clarified. It was re-clarified due to a request from Greg Collett and Mike Reid.

Greg Collett said that is acceptable.

Section 020 - clarified unlimited raw.

Marv Patten asked if you have a small herd can you also have a herd share permit at the same time.

Scott Leibsle said that's correct, you can only have one.

Marv Patten said it's not clearly stated that you can't have both on the same facility.

Scott Leibsle responded we have had a legal interpretation that you can only have one permit at a time and the Department has never allowed a producer to hold 2 types of raw milk permits, since the program was created in 2011.

Section 030 - Small Herd Exempt we are simplifying the language.

Section 040 – Herd Share, this language is verbatim out of the statute and is redundant....proposing to strike it.

Section 050 - Permit enforcement – no changes.

Kami Jenkins asked if the state was still testing for QFever.

Scott Leibsle responded we are not testing milk for QFever.

Kami Jenkins asked if it could be tested. There are some herds that have it in South Eastern Idaho from birthing fluids.

Scott Leibsle said the department has the ability however, it is a very hardy bacteria and it is difficult to get the farm cleared of it.

Gregg Collett said his landlord requires his animals to be tested for QFever and false positives are extremely high.

Lloyd Knight adjourned the meeting at 3:01 p.m.