

ATCP 82 Subcommittee Meeting

December 19th, 2023 9:00AM – 11:00AM

Attendees:

Laura Traas, Adam Brock, Helen Schmude, Brandon Johnson, Tony Lampman, Leigh Hamilton, Andrew Johnson, John Umhoefer, Anthony Canavan, Alexander Beard, Alex O'Brien

Transcript:

Traas, Laura M – DATCP: So it is 9:05. Hopefully some more folks will be able to join us. I have to start off every meeting with the verification that this was indeed a meeting that went up to the open meeting notice site of the State of Wisconsin, so this is an open meeting. Anyone is free to attend. Then the next thing on our agenda is to continue working on proposed draft language. So hopefully you should be seeing my screen and what I have as far as notes is that we need to start in the section - this is a big section - on milk temperature. I take that back. It's the section on measuring milk, and we did some modification of this earlier portion as well. Separated out into three separate sections when measuring milk from a bulk tank at a farm, when measuring milk at the farm using a department approved inline measuring device, and those two sections we got through. My notes say that we need to start at item C, which is when measuring milk when weighed at the receiving plant. So remove the b and the bolding. And Helen, I believe your plant - does your plants do some of this? Thoughts on how that should be worded to talk about how to weigh the milk in the truck for measurement purposes?

Helen Schmude: Boy, so now you're talking about direct agitation?

Traas, Laura M – DATCP: Not agitation.

Helen Schmude: Just sampling?

Traas, Laura M – DATCP: This is just the measuring of the milk, so this would be things like making sure that the facility has a scale that has been checked by someone.

Brandon Johnson: Certified by the state or, yes, an association.

Helen Schmude: Well, the scale actually would be weighing the milk, right?

Traas, Laura M – DATCP: Yep.

Helen Schmude: So we use a certified scale. We don't have a scale on our property, but we have some

agreements with local co-ops. So it's a certified scale where the truck is scaled full and then scaled empty.

Brandon Johnson: Laura, I was just going to say from my experience back when we had the transfer facilities that was the same for both our plants is it was just a certified scale and exactly what Helen said. Empty, loaded, empty and then you just had to worry about that winter period where drivers come in with a lot of snow on their truck and they want to wash it off. You know it's, but that's the shrink issue with the cooperative or whoever is in charge of that now.

Leigh Hamilton: So, Laura, do you want to do, do you want to say shall use a certified scale or do you want to leave room for plants to have the ability to use, for example, a certified meter on the intake? Could you say certified measuring device?

Traas, Laura M – DATCP: Yeah.

Leigh Hamilton: And again, it's not for me to say it's for you guys to say, but just if you do want to leave it open for them to use a certified meter, obviously. All sorts of plants have all sorts of issues with how they have their meters installed in their plants, which can lead to measurement of air. So I'm not for one second suggesting. That uh, using a meter at the intake is foolproof, but I think it does depend on how you execute on that, whether you do it properly or mismanage.

Traas, Laura M – DATCP: OK. So, taking that into account, what I did is I went back up into b and added into b when measuring milk at the farm or receiving facility using a department approved inline measuring device. So that opens the door to use an inline measuring device at the receiving plant, and then change c to say when measuring milk by weight at the receiving plant. That sounds like it can cover all of the options we have that either exist or we have imagined.

Leigh Hamilton: Yes, and yeah, that that looks good. I can't remember who said it last week, but that person was saying what we're going to have 3 sections and one is in the bulk tank or shipping out of bulk tank, one is direct loading, and the third one is receiving at the plant. So we're changing that a little bit now in structure, but I'm fine with, I think the way you've done it is very clean.

Helen Schmude: So Laura does c then need to say the facility shall use a certified scale or meter?

Traas, Laura M – DATCP: Well, we covered the meter now up in B. So we're saying that the receiving facility is using an approved inline measuring device.

Helen Schmude: OK.

Traas, Laura M – DATCP: So that that's covered there. And so this is strictly if you're doing it by weight at the receiving plant.

Brandon Johnson: I think it is straightforward and understandable and clean also.

Traas, Laura M – DATCP: OK. Anything else we need to say here to assure that, let's say, a single farm pickup or a direct ship load is measured accurately? Wait, we talked about the snow, but if I heard the group correctly the snow, if anything, would add to the producers weight, not detract from the producer's weight. So that's something that the plant would have an economic interest in, but all we care is that the farmer is paid for the milk they have. If the facility chooses a method that ends up paying the producer more, we generally do not get involved in that.

Brandon: That is correct with what you said, Laura.

Leigh Hamilton: Brandon, is there anything that needs to be addressed in terms of what vehicle pulls the trailer on the scale? You know, sometimes there's a drop yard scenario or is there anything more needs to be addressed?

Brandon Johnson: In the situations I'm only familiar with, like in our transfer facilities, and I think of the plants that umm for our other trucking company that we hauled into, if you have a trucking company that is truck and trailer farm pickup. Maybe there should be something said, I don't know how it would say it. Does it have to be the same truck or does it have to be a double drop where that trailer gets a you know where they have to unhook? Yeah, maybe. I mean, not in the situations I've dealt with, no one did that or no one does that. Everyone who was hooked to the trailer stayed hooked to the trailer through the whole process. So either we say they have to do that or they have to if they're going to unhook from that trailer, they have to drop that trailer on the scale loaded, and then drop that trailer on the scale empty.

Leigh Hamilton: Yeah, I wouldn't recommend restricting it to it having to be the same vehicle pulling the trailer all the time because I think if you guys are looking for -

Brandon Johnson: Yeah, you're right. Things change. So if someone wants to change a model and we don't have a way for that model to be changed, that's not good and we haven't addressed it. So I agree, Laura, does that make sense?

Traas, Laura M – DATCP: That makes sense. Andy, I see you're joining us. Thank you for joining us.

Andrew Johnson: Good morning.

Traas, Laura M – DATCP: You might have some input on this.

Andrew Johnson: Yeah, we have what's called a reweigh, so they initially come through when we drop trailers and if it's going get reweighed, then it requires that it's dropped that then at least then we can recognize that whatever tractor attached to the trailer has to reweigh before it's allowed back into the intake. That's just our way of tracking it. So if we hit reweigh, then we know that that trailers dropped, and then when that it's attached, if they pulled into the intake, you know somebody would recognize that it was dropped and then that they have to scale back in before they come into the intake. So that's just how we do it.

Brandon Johnson: Andy with you saying that's how you do that, how would you propose - I see what Laura's writing here and maybe this would cover that - but is there any specific way then that you would propose this in writing?

Andrew Johnson: Well, I think you look at what we've done before on the top, you know in this section, we're specifically given examples of what if we make it a little more vague like you know an approved weighing system or approved devices you know then it just doesn't limit it to - I mean, I'm just thinking out loud, you know.

Brandon Johnson: Sorry, I was just going to say maybe what Laura has there is a is enough.

Helen Schmude: I think what Laura has is enough because whether it be an independent or if the dairy plant has a yard horse and there picking up drop and they're going to go cross the scale, they're going to empty it, wash it, scale it, put it back in the yard for the independent pick up. So I think that's really back to the dairy plant, you know, as to what's the procedure for their plant as long as they know by rule it has to be weighed on a certified scale. You can have all different kinds of scenarios and one offs and so I don't know that you can put in writing for every case scenario. I think what Laura has there written right, it must be weighed and that covers it, because then each plant has to figure out how they're going to conduct their business.

Andrew Johnson: Right. I think you know this, this obviously is beyond the food safety part of the Department. But if you look at weights and measures or commerce or whatever, I think as long as the two parties are agreeable on how it's done between the patron and the and the plant, then I mean it covers the bad part of it.

Traas, Laura M – DATCP: Yeah.

Andrew Johnson: I guess that's how we kind of look at it. I mean, the farmer is aware that he's dropping trailers. We have a system in place that's making sure he's getting paid for what he's selling. It's really as

long as we both agree to that system, I think then we're good. You know, it's not going to jeopardize food safety at all. The way we measure it.

Traas, Laura M – DATCP: Yeah, yeah. I need to take into account two other groups within the department. One you had identified, which is weights and measures, and that's why we identify it needs to be some type of certified scale, but the other one is trade practices. Like I said once to assure that the farmer gets paid for their milk if the plant uses a process that ends up paying the farmer more than they should have, say that they bring in they weigh tankers full of snow, bring them in and measure them going out without any snow on them. That is something that the plant needs to work out with the patron, but trade will want to make sure the patron was paid for the amount of milk they had. Anything else we need to add? Now, I did change item B where we indicated that you can use the approved inline measuring devices at the farm or at the receiving facility and the rest of that language stayed the same. But then here we added facility shall use a certified scale, the tanker shall be weighed when full, and then again after it has been emptied. Care must be taken to assure that the configuration of the tanker is taken into account for both ways. Not saying that they have to record that or anything if they assure that it is the same or similar way to equipment that is on the scale both times they're taking it into account.

Brandon Johnson: I think it's good.

Traas, Laura M – DATCP: Milk sample for testing - this one's going to get probably a lot of additions because right now - well, let's go see what 82.12 says. OK, 82.12 is down here, so we might not have to change this section significantly because this section says the bulk milk weigher and sampler shall collect test samples according to 82.12 and so we might just need to update 82.12.

Leigh Hamilton: There's just one thing, which is that it's saying that the timing of it just there at the beginning of a, the wording is before milk is transferred from a dairy farm bulk tank to a bulk milk tanker and obviously in an inline scenario. First of all, it doesn't go into a bulk tank and then second of all, the sample is actually taken during that transfer, which is happening constantly, I guess as the load is being built. Yeah, looks good.

Traas, Laura M – DATCP: You can't, so I've removed the before language and started this paragraph with using an approved sampling method a bulk milk weigher and sampler shall collect a representative sample of that milk from the bulk tank for testing.

Leigh Hamilton: Do you want to prevent people from taking a sample once it's loaded? You know, when looking at the language you have before is the aim of that language, in part to make people sample before the load is transferred, if you like. And if so, do you want to keep timing language in and do before or during the transfer - before during the loading period - and using an approved sampling method of bulk milk weigher and sampler shall? That's just, I don't know if you guys are a sensitive to

the timing, in which case that's probably appropriate or whether actually it doesn't matter if they do it after they've put it into the trailer.

Traas, Laura M – DATCP: What the language and 9 b is there for is we have had farmers that have expanded their operation without increasing the size of their bulk tank and so we have had - and this has been on more than one occasion - farmers who will store additional milk in 55 gallon drums and then add it back to their tank after the tanks been empty. So that's where this language came from.

Leigh Hamilton: So you're kind of covering the timing element with that piece anyway, aren't you? So I think your new language probably works then in that case. Because you've specifically prevented additions.

Traas, Laura M – DATCP: Yeah, I think there's one thing I want to add here. And that's just sampling and or measuring, because we could have a situation where the sample is taken in line loading the truck, but the measuring is going to happen at the plant through weight. So after the sample is taken and is identified as representative for that load, no additional milk can be added.

Leigh Hamilton: Are you leaving a little loophole there and B1? Because are you leaving a loophole to allow people to do the measuring and then add milk if you're saying sampling or measuring so they may have just measured for example.

Traas, Laura M – DATCP: Usually in legal language, if we say and or, it means that if you sample, even if you haven't measured, you can't add milk if you've measured. Even if you haven't sampled, you cannot add milk. Or if you do both, you cannot add milk.

Leigh Hamilton: Okay.

Traas, Laura M – DATCP: Thoughts on this section? And looks like I need to move these two notes down to section 82.12 because that's where we will need to add the instructions for how to pull a sample. Let's do that. Can I? Yeah, I'll worry about that later. I'll make a note to. OK, milk collection record whenever a bulk milk weigher and sampler collects a milk shipment from a dairy farm, the bulk milk weigher and sampler shall make a written or electronic collection record for that shipment. One duplicate or electronically printed copy of the collection record shall be posted in the dairy farm milk house and an identical copy shall be provided to the dairy plant operator when the milk is delivered to a dairy plant. The milk collection record shall be legibly signed or initialed by the bulk milk weigher and sampler and shall include the producers client identification number. The bulk weigher and samplers information, date and time when the milk was sampled and collected, temperature of the milk when collected, and weight or volume of the milk collected as determined by the bulk milk weigher and sampler so we'll we've got some work here. First thing that stuck out in my mind is how do we define electronically printed? Do we think that language includes electronically downloaded to the system?

Alex O'Brien: Laura, you're you would be referring to like a mobile manifest capabilities then?

Traas, Laura M – DATCP: Yes.

Alex O'Brien: OK.

Andrew Johnson: To avoid the written or the electronic, could we just say that the records have to be available and these are the records that have to be available at the farm in some form? You see what I'm saying? We've got these systems now with bulk tanks that don't have any written record temperature recording but as long as we have access to them then the data is there. It would be righted in in that form of wording that you know that the following has to be available on the farm you know temperature, weight that kind of thing.

Brandon Johnson: I like that, my one question is what do we do with the allegedly signed or initialed? Can we include language that says like a digital signature or do we need to?

Traas, Laura M – DATCP: Yep.

Brandon: OK.

John Umhoefer: And good morning everybody. And I agree as well, but I just wanted to note that I think that you had addressed this in earlier language that you might be able to peek back at and duplicate.

Leigh Hamilton: Laura I wondered about, you know it, can we really say that its the bulk milk weigher and sampler who's making this written or electronic record? Is it always the bulk milk weigher and sampler is who's doing that?

Traas, Laura M – DATCP: OK. Yeah, no.

Leigh Hamilton: Or is it more accurate to say that the that record is being generated?

Traas, Laura M – DATCP: Yep. OK, so Nope, that's OK. I'm at the top of page 12. And John is right, we did. OK. Before the bulk milk weigher and sampler accepts the milk, this is the tops line. It's the language we have up above about temperature. OK, before a bulk milk weigher and sampler accepts the milk. So this, they're not collecting the milk, they're accepting it. So they could be accepting it at the dairy plant. The bulk milk weigher and sampler shall ensure the following information regarding the milk to be accepted. It's recorded and so that will bring us down to this section. This information shall be readily available at

the dairy farm and provided to the dairy plant operator before or at the time the milk is still delivered to the plant. Alex, do you need me to read it again? Since you're on a phone.

Alex O'Brien: Nope, I caught it. I caught the most of that and I'm just getting ready to log on back here at my desk, so I'll take a look.

Traas, Laura M – DATCP: OK.

Brandon Johnson: I think it sounds good, Laura, but I'm just continuing to look at it.

Leigh Hamilton: Laura, so I like the change that you've made there in 10. I'm wondering, do you need to make kind of follow that through in the following sentence? So when you're saying whenever a bulk milk weigher and sampler collects milk shipping from a dairy farm, both shall make a written or electronic collection record for that shipment. Do you need to put some kind of, again, more slightly more passive language in there where you're saying, you know, shall ensure a written or electronic record has been creative?

Traas, Laura M – DATCP: Yeah, I'm just going to take it out.

Leigh Hamilton: Perfect.

Traas, Laura M – DATCP: Yeah. So let's see if I can do this without. OK, so this is the section as it reads without any of the changes before a bulk milk weigher and sampler accepts milk, the bulk milk weigher and sampler shall ensure the following information regarding the milk to be accepted is recorded. This information shall be readily available at the dairy farm and provide it to the dairy plant operator before or at the time the milk is delivered to the plant. The collection record shall include the unique identity of the bulk milk weigher and sampler and shall include all of the following. So by changing legibly signed to unique identity. My one concern is, and we have some haulers out there, not a lot of them anymore, but we do still have some haulers where it's like, yes, this is my scribble and it's like I'm sorry nobody can read that scribble, but it's unique to them. How do we say that it includes their unique identity in a way that is readable?

Brandon Johnson: Hi, Laura. I feel like and remembering my days where you and Jill were getting after me, that it had to be legible.

Traas, Laura M – DATCP: Yeah.

Brandon: I feel like that just needs to be included in there unique, legible identity or legible unique identity. I think that if it has to be that way, it has to be that way.

Leigh Hamilton: I think also you can say signature and then you can just say whether written or electronic.

Traas, Laura M – DATCP: Well, we don't require signature, yeah.

Leigh Hamilton: Or let's say signature or initials.

Traas, Laura M – DATCP: Yeah.

Leigh Hamilton: Whatever your mark. You have people sealing it with wax, wax, stamps and things like that.

Traas, Laura M – DATCP: Yeah. But like uh, for our inspectors, they all have a unique number. And so we don't go by their signatures because I'll be honest, some of my inspectors, we can't read their signatures. But if you call me up and say who is this number, I can tell you who that is. And so their number is their unique identity. But yeah, if we're OK with legible because, you know, anything electronic would obviously be legible.

Leigh Hamilton: Laura and this term unique identity. I'm slightly worried about it. Would you be able to say, like does unique identifier work there?

Traas, Laura M – DATCP: That makes more sense.

Leigh Hamilton: Yeah, I think so.

Alexander Beard: That's a good idea.

Brandon Johnson: I support it.

Traas, Laura M – DATCP: OK, so let's go back to the messy one. Ah, and shall include all of the following milk producers, dairy plant identification number, bulk milk weigher and samplers license number and license expiration date, date and time the milk was sampled and collected. Since we're no longer saying collected at the farm because collected had that term of at the farm, sampled and accepted.

Brandon: I agree.

Leigh Hamilton: Laura, can I ask a question? Kind of a tiny bit back, which is when we were trying to get our digital records accepted into and in Wisconsin, we have to come and kind of sit down with you guys and just satisfy everybody that the record we had had all of the elements required and to be an approved digital record. And what I'm wondering is, do you want your language here similarly to say that it has to be an approved digital record or an approved collection record. You know, because you can't just do it in whatever old format you like. There's something further that's required over and above it, just having this information, it also has to have been approved by you guys. That's just a question I suppose.

Traas, Laura M – DATCP: Yeah, well, one of the things we were hoping to do with this rule is eliminate the hurdles you folks had to go through and say under the Food Safety Modernization Act, it is the producers responsibility and the processors responsibility to assure that they have clear and complete records that meet the requirements of our rule. And so I will ask the group. Especially those of you, you know Helen, Andy, Tony. Alex, can you see a situation where you might come up with a system that could meet all of these requirements that you would put into effect on her own without having to go through the all the hoops of getting it pre approved by the department? Or do you think that system should be still pre approved by the department.

Leigh Hamilton: So can I just add one thing before people answer Laura. And the reason - I'm not wishing to talk over you - but there's one kind of key thing that I think is important. It's not simply about what information you capture, but it's about how you capture that securely, and you basically guarantee using that security that the information has integrity and that it will be there for the required period of time. So there's more to it, I guess, than just what information is available on a given day.

Traas, Laura M – DATCP: OK.

Leigh Hamilton: I'm sorry. I'll let everybody else talk now.

Andrew Johnson: I would agree.

Helen Schmude: So we use electronic records when we go out to the farm. The haulers has a tablet and they scan the QR code on the tank and then we followed exactly what was in the rule, right? We're required to follow and collect all this information, so here's the producers number, right? The weight, the temperature right? The haulers get his information already on there as far as license number, expiration date, there's a save button, so when he comes back to the dairy plant he downloads that and that goes into our electronic record keeping. So that's there. I'm a farm. We have a single sheet per month, right? So the patrons information is still collected and written on the farm. So here's the date of pick up. Here's the weight. Here's the temperature. That way, if the inspector comes on the farm and

goes OK, so OK, he's everyday pick up every other day, pick up that information still there that they can see it. I don't know that you know to it is reasonable to think that you know the state has to be involved in every aspect of approval. You guys are super busy, right? And it I think it should be. Here's what's required now, right? Get it done. And then your inspectors follow up on it.

Brandon Johnson: I think that's great, Helen. I think what Leigh is saying is what Laura just wrote. How do state and guarantee that whatever system anyone's going to use cannot be changed or altered? So if someone has access to that database, you wouldn't want someone to say, oh no, the milk was totally the correct temperature, and here I'll just change this 45 to a 38 or whatever. Andy, I apologize. I cut you off.

Andrew Johnson: No, we're still, we're still starting fire with two sticks. So I'm just interested in hearing how this works so now. I mean, I'm just trying to run the scenarios though. I mean, we are always concerned with audits from the state and what the state is requiring an audit. So in my mind, if we if you're going to have these electronic ones in the system's going to have to show that it's been changed or something was altered. I mean, there has to be a way that the state can see that nobody's tampering with it, I totally get all that. So no, I'm just kind of soaking it in like a sponge because I'm sure it's something that we'll embrace at some point. It's just, I mean we don't have contract haulers haul our milk and stuff like that. And no, you know, as much as I'd like to see everything go electronic, I mean some of them guys, we're about a generation out. I guess I'll just say it as plainly as I can.

Traas, Laura M – DATCP: OK, Tony, you've had your hand up.

Tony Lampman: Yeah, my question was if we need to add something here about getting measurement and ending measurement since we're -

Traas, Laura M – DATCP: You're getting chopped up there a bit.

Tony Lampman: Can you hear me now?

Traas, Laura M – DATCP: Yep.

Tony Lampman: My question was if this is where we need to add something about beginning measurement and ending measurement where the rule was changed where partial pickups are allowed now in this area or I'm just wondering.

Traas, Laura M – DATCP: I'm not sure where we - I think partial pickups are covered elsewhere, but let me put a note up here.

Tony Lampman: I just know we're developing a mobile manifest and we added that section in just recently for, you know, beginning measurement and ending measurement. And I know a lot of the paper manifests for different companies, you know, and they include that beginning measurement and ending measurement now. I didn't know that needed to be added here.

Traas, Laura M – DATCP: Yeah. We'll need to come back to that one because yeah, we do need that covered somewhere, but I, like I said, I think that's covered elsewhere - how we do partial pickups.

Brandon Johnson: Laura, I do feel like the direction you're going in F is needed and necessary. Umm, I do think if maybe it's like if records are secured, if records are digital, you know they need to be and I like what you have there. I'm just thinking like we use language like immutable, but maybe Leigh uses something else? Or maybe cannot be changed without footprints is good enough something I think you're in the right direction there, yeah.

Leigh Hamilton: How it worked in practicality this time around was that we sat down with Wisconsin and we went through the requirements of the PMO, which has a lot of language in one of the appendices that refers exactly to this. We can either put in something that refers to that, or we can just say as we have done in relation to inline samplers that it needs to be approved and then Laura the question is, you know, what's the knock on then for your staff? What does that mean? And does it mean that it comes to you approved as in somebody says well, it conforms with the language in the PMO and that's the approval process or is it that as currently effectively that one of your equipment inspectors sits with each new supplier of electronic and data capture equipment and comes to a conclusion about whether or not the system is compliant. I think the reality is, you know, all systems are not the same and you do need some guarantee that very important data is in being handled in a way that would give the parties to the transaction and the consumers security around and that custody chain.

Brandon Johnson: Yeah, because the traceability components with the new FDA thing is going to cheese, but I wonder how long it'll be before they, you know, go back from cheese into stuff. So I do agree with that. I think we have to think of that going forward.

Traas, Laura M – DATCP: OK, some things to think about there. Any other thoughts on section 10? And just so that we make it easier to read again. That has to go across the page. Of course it does. So this is what section 10 says. Uh, actually, I can get rid of that space. That puts it all on one page. Any other thoughts on section 10 recognizing that, yeah, we still have some work to do on this section. OK, I'm just going to go up here. So yeah, Section 8 might be where we need to talk about partial pickups. OK. Section 11. This section needs to be expanded. So 11 is where we talk about partial pickups.

Alexander Beard: Laura, is there anything in section 11 currently that anyone has issue with or is it more we're looking to make cleaning up the exception piece there at the beginning and amending it?

Traas, Laura M – DATCP: I'll let I'll let others answer if they have any strong feelings one way or the other about this section. Because the thought that runs through my mind is we want to make it clear that this procedure of the bulk milk weigher and sampler transferring milk from the bulk tank to a bulk milk tanker and the possibility of partial removal does not apply to all systems. Doesn't apply to a single farm pickup. That this section was really written with a bulk tank with top access port in mind and we need to at least update it to either clarify how a silo would fit into this rule, the section of the rule, or clarify that a silo doesn't apply to this section of the rule.

Alexander Beard: Gotcha. OK.

Tony Lampman: I had one question on this rule.

Traas, Laura M – DATCP: Yes, Tony.

Tony Lampman: Its just I see it just says that, the language says that, once a partial is taken from a farm, it has be unloaded and washed before it can pick up the rest of that milk. Because like now, I mean, we're allowed to and pick up 3 loads of milk within a 24 hour period. I didn't know if that was what this was reading.

Traas, Laura M – DATCP: OK, this is the farm bulk tank, so maybe it should say that the farm bulk tank must be clean and sanitized each time it is fully emptied.

Tony Lampman: OK.

Traas, Laura M – DATCP: It's it doesn't apply to your truck. Hauling them out, it just applies to the farm bulk tank.

Helen Schmude: Are you including silo as a bulk tank, or do you need to spell that out?

Traas, Laura M – DATCP: A silo is included in the definition of farm bulk tank.

Helen Schmude: OK.

Andrew Johnson: So is a bulk tank required to be washed every day or every 72 like a silo or then they add milk to can they add milk back to it after a partial pick up or no?

Traas, Laura M – DATCP: Yes, they can add milk to it. The farm bulk tank must be emptied at least once

every 72 hours. So they can milk into the bulk tank, have the hauler pick up part of the part of their bulk tank milk back onto it again, have the farmer pick up another load, not empty the tank, milk onto it again. But every 72 hours they have to have built into their system that they empty the bulk tank and that they clean and sanitize it.

Andrew Johnson: And it has to have records that show that correct? That's why we have to have a temperature chart recorder required.

Traas, Laura M – DATCP: Yep, Yep.

Traas, Laura M – DATCP: Someone had a thought out there?

John Umhoefer: Can I ask a city boy question?

Traas, Laura M – DATCP: Absolutely.

John Umhoefer: The second last sentence says, except as provided in paragraph AM, partial removal of milk from the bulk tank shall only be permitted if the bulk tank is completely emptied. Does that make any sense? I mean, you have to if you want to remove half of it, you must completely empty it and clean it and sanitize it. But you're only removing half of it. So what does that mean?

Traas, Laura M – DATCP: OK, So what that means is an actually two and three should probably be flip flopped, so the bulk tank has to have a seven day recording chart that enables the inspector to see that. Say we start on Monday morning when milk into the bulk tank and the hauler comes and can only take 3/4 of the bulk tank and so they're still milking the bulk tank. Farmer milks the evening milking into that bulk tank. Hauler shows up again the next morning. Could only take part of the load, milks on top of the existing milk in that bulk tank. Again, the farm bulk tank must go to completely empty at least once every 72 hours, and when that bulk tank is emptied, it must be cleaned and sanitized.

John Umhoefer: I would say that sentence does not concur with what you just said. But you guys have been living this more than I, but to me it says if you're going to take 3/4 of that load, you have to empty it before and clean it, and you can't milk on top of it. That's what that sentence seems to say to me as I'm reading it now.

Traas, Laura M – DATCP: OK, I see what's wrong here. This might clarify it a bit. OK, so paragraph A says that except as provided under parentheses AM, partial removal of the tank shall only be permitted if the bulk tank is completely emptied and cleaned and sanitized prior to the addition of more milk. So that would be the Hauler shows up, they don't have enough room on their truck and they send another truck out to collect the rest of the milk before they start the evening milking. But this says if you meet all of

the requirements of AM then you don't have to empty every time. So if you've got a farm that doesn't have a seven day recording chart, they have to completely empty they're bulk tank because they don't meet the requirements of the AM.

John Umhoefer: I think I think that is better that I now understand that that next sentence was in fact a AM. But I'm not 100% convinced, but there you go. Close enough.

Andrew Johnson: I'd say I like that line of thinking, doesn't it? It allows partial pick up for farms that don't, as long as you don't add more milk to it. You know, I'm in agreeance for that the way it's worded that way.

John Umhoefer: Yeah, never against it. Just trying to understand the sentence construction really.

Traas, Laura M – DATCP: Yeah.

Leigh Hamilton: Are there just three requirements there under AM Laura, are there more?

Traas, Laura M – DATCP: Yeah, there are more.

Leigh Hamilton: OK.

Traas, Laura M – DATCP: So the last one is, and this is the one we run into with some of our electronic recording systems. The electronic recording systems have to allow for the bulk milk weigher and sampler to somehow indicate when they pulled milk out of that tank. Because if you're just recording the temperature of the tank on your electronic system, and you take 2/3 of the tank and leave 1/3 of the tank, the temperature isn't going to change on that tank, and so there has to be some way for the bulk milk weigher and sampler to indicate in that electronic record, when a partial pickup is made and the bulk milk tank is emptied, so those are two different things. And I'm also going to suggest that we delete the word seven day because with, you know, we're used to a 7 day recording chart. But in this day and age, it's all direct data downloaded to a computer for some of these systems. And let me look up.

Leigh Hamilton: Again, Laura might this this may be if we require that data is recorded to a certain protocol whether we say approved or whether we say it has to be PMO compliant or whatever we say we probably want to say it about this too.

Traas, Laura M – DATCP: Yeah. Leigh, I'll need to come back to what you said. 65.16(3) gives a lot of detail with regard to a bulk tank temperature recording device. It talks about it needs to be accurate between 40 and 180. Umm 2 degree Fahrenheit or 1 degree centigrade increments at temperatures

below 100 degrees Fahrenheit. If a circular chart is used, the circular chart shall make one revolution in not more than seven days and shall be graduated from maximum record of seven days. So if we just say that the recording device needs to meet 65.16(3), I think we're OK there. So the removal of the seven days there work OK for everyone? OK. Leigh, you had you had an important point and I didn't catch it all. So let's go back to that.

Leigh Hamilton: Well, thanks for saying it was an important point. I don't know if it is or not. Remains to be seen. I was just saying, if we're, if we're allowing an electronic, if we're using language around approval of an electronic record further up, then let's echo that here or however we handle that language around the integrity of an electronic record. Let's echo that here.

Traas, Laura M – DATCP: Yeah, I think I think that that we need to just make a general statement that all electronic records shall abide by. Either we spell out all of the requirements in the PMO or we reference the PMO section. Because otherwise we're just going to have that language over and over again every time we talk about electronic records.

Leigh Hamilton: Yeah, that makes sense.

Brandon: I agree.

Traas, Laura M – DATCP OK, so section 11. We're just looking at this section here the note I've got below is another big topic we'll need to talk about. Are we OK with that so far?

Alexander Beard: So excuse their redundancy, but just to clarify. Where it's saying bulk tank obviously silo is understood that they.

Traas, Laura M – DATCP: Yes, yes, the definition and let's just go up and double check that. Well, a permanent or semi permanent tank container or silo used to receive, cool, or store bulk quantities of milk on a dairy farm. But tank does not include milk cans. So yeah, we're including the silo, it's there.

Alexander Beard: And there's no way that could ever get confused to include trailers then right for direct.

Traas, Laura M – DATCP: Correct.

Alexander Beard: Very critical, OK, because they don't have cooling or agitation.

Traas, Laura M – DATCP: Correct. Yeah, and that's a real hard nuance in this rule because bulk milk

tanker means a mobile pulled tank, a bulk container used to transport fluid milk includes container which is permanently mounted on a motor vehicle or that is designed to be towed by a motor vehicle. So it that's a real hard nuance in here. Tanker means it can move, tank means it is permanent or semi permanent on the farm.

Alexander Beard: OK.

Traas, Laura M – DATCP: OK, so let's go back to all mark up. Now. How do we handle partial pickups when using a bulk milk tank truck mounted in line sampler. Do we need this additional language?

Leigh Hamilton: Laura, would you mind just scrolling back up for one tiny minute?

Traas, Laura M – DATCP: Yep.

Leigh Hamilton: Thanks.

Leigh Hamilton: Yeah, I don't think so because really you're just collecting milk from a farm bulk tank using a truck mounted sampler, but it doesn't change anything and in the language I think I would just remove unless you want to, unless you think it needs to be expressly permitted because it's novel. I would just leave it. You know, it's an approved technology. It's another way of taking milk from a bulk tank, so you're allowed pick up partially using it.

Traas, Laura M – DATCP: OK, so it's what I'm hearing you say is we don't need this second section.

Leigh Hamilton: That's what I believe.

Traas, Laura M – DATCP: Other thoughts?

Andrew Johnson: Does this at all prevent a truck taking milk out of a silo and they sample the milk at the plant versus out of the silo?

Traas, Laura M – DATCP: No, because we added the language at the beginning of this section that says when collecting milk from the farm bulk tank.

Andrew Johnson: Sounds good.

Leigh Hamilton: So yeah, all we're doing by saying that is saying, listen, when you pick it up using a truck

with a sampling system metering system inside, it's no different. You're just picking it up in another permitted way.

Traas, Laura M – DATCP: OK. And then this, this just goes into the disconnecting of the hose from the bulk tank, clamping the hose, returning the hose to its cabinet, shall inspect the bulk tank for abnormal sediments and shower. Report any abnormalities to the dairy plant operator. And then this is the one that requires the if the tank is empty that they shall rinse the bulk tank and milk house floor with cold or lukewarm water unless the bulk tank is self cleaning and includes pre-rinse cyclones part of the self cleaning process. Now, anyone here have silos, how would that apply to a silo? Do all the silos have the pre-rinse self cleaning process?

Helen (Guest): We have one with the silo and yes, it's got the self cleaning process part of the CIP program.

Traas, Laura M – DATCP: OK. So I think that's the end of section 11. This goes into really fun section. Sampling. Where I've already got a whole bunch of red stuff in here. There we go. Bulk milk weigher and sampler or other individuals shall collect a sample of a producers milk before that milk is commingled with milk from any other producer. Milk weigher and sampler or other individual who collects the sample shall be licensed, and these are the state statutes that just say that as department we have to license bulk milk weigher and samplers or cheesemakers or butter makers, that covers all three of those licenses. OK, a bulk milk weigher and sampler who collects milk from a dairy farm bulk tank shall collect the milk under Peren A - so that says that they have to be licensed – bulk milk weigher and sampler shall collect the milk sample from the bulk tank before the bulk milk weigher and sampler transfers the bulk tank contents to a bulk milk tanker. We're going to have to talk about how we insert the inline sampling devices.

Leigh Hamilton: Yes, umm. Yeah, the timing element. So I mean, you could do what we did further up and say where the milk sample for testing is being taken from a bulk tank, then XYZ where the milk sample for testing is being taken by an approved inline sampler.

Traas, Laura M – DATCP: OK, let's see if I can find that language quickly.

Leigh Hamilton: And the other option, Laura, if that's not convenient is to say, you know, have your language say before or in the case, you know, put language in the alternative in the same paragraph. So you could say leave as it is and then put in a new B that says in the case of sampling using an approved inline sampler the bulk milk weigher and sampler or other individuals shall collect a sample of the producers milk and using et cetera.

Traas, Laura M – DATCP: OK.

Leigh Hamilton: Laura, to cover that partial pick up language as well and the on and the on tanker system, do we want to say in that paragraph you've just inserted who collects milk from and then instead of saying dairy farm, just say an approved inline sampling device because that could be then tanker based or farm based.

Traas, Laura M – DATCP: Up above, we did reference the use of a dipper at the farm. So what I've added here is bulk milk weigher and sampler who collects milk from a dairy farm bulk tank using a dipper shall collect the milk sample under paren A, the bulk milk weigher and sampler shall collect the milk sample from the bulk tank before the bulk milk weigher and sampler transfers the bulk tank contents to a bulk milk tanker, bulk milk weigher and sampler shall collect the sample according to sub two. Which is down here. And that's going to take a whole bunch of work. The milk sample may not be commingled with the milk sample from any other bulk tank. And then we'll have a new letter here, bulk milk weigher and sampler who collects milk using an in line sampling device shall collect the milk sample under paren A. A bulk milk weigher and sampler shall collect the milk sample from the department approved inline sampling device following the procedures set forth by the department for that type of sampler. No sample may not be commingled. If the milk producer milks directly onto a tanker, uh, shall collect a sample from the bulk milk tanker before the tanker contents are commingled with milk from any other producer. The individual shall collect the sample according to sub three. Which is incorrect. Sample may not come with milk sample from any other bulk milk tanker or dairy farm bulk tank. So kind of following that progression of where it where they get sampled. So B it gets sampled before the milk even looks at the truck. C the milk gets sampled as it's moving onto the truck, and then the new D will be it gets sampled at the plant after it's been on the truck and moved to the plant.

Leigh Hamilton: Laura, I'm wondering in C there, which I think it all looks good, so both of those and both B&C just so I understand it correctly refer you back then to A to say that you'd need to sample before there's any commingling and that you need a license.

Traas, Laura M – DATCP: Yes.

Leigh Hamilton: OK, perfect. Sorry, I was just trying to make sure our references were working.

Traas, Laura M – DATCP: And I believe our language in C is general enough that we don't need this additional language anymore.

Leigh Hamilton: Yeah, that's a good job, yeah. It's great when you're making the regulation shorter, you know something is going right.

Traas, Laura M – DATCP: And I need to add the note here. OK. So we have section 2 here which covers sampling, and we've already got a 2, which is the old system of using the dipper and how the dipper

shall be used and the bulk tank capacity and all of that fun stuff. We've got it 2M which talks about sampling from the bulk milk tanker at the plant. So I think we're going to need to add A to F, or maybe 2-3 number that completely. Let's tackle the one most of us grew up with. Bulk milk weigher and sampler shall comply with the following procedures when collecting milk from a farm bulk tank. So this is strictly dipper language right now both aware and sampler shall collect the sample from the dairy farm bulk tank after the ball tank contents have been thoroughly mixed to ensure the sample is representative. And actually I need to add in. OK, so that makes it clear that this section is strictly for dippers. If the bulk tank capacity is less than 1500 gallons the bulk tank shall be agitated in the bulk milk weigher and samplers presence for at least 5 minutes before the sample is taken. If the capacity is 1500 gallons or more, it shall be agitated in the bulk milk weigher and samplers presence for at least 10 minutes before a sample is taken. Those of you who are working with bulk tanks out there, which I know all of you are probably still working with bulk tanks, there was a comment made in the scope to reference tank manufacturer instructions. Do your farm bulk tanks come with instructions that say how long the tank needs to be agitated?

Andrew Johnson: I think some do some don't. Some of them might be on the stamp on the back of the tank, but I don't know if the haulers going to go out and look at the back of the tank, but I think it should probably be in the rule that at a minimum of 10 minutes or per manufacturers suggestion. I don't know the wording I guess right? But I think if you want to definitely get a representative sample it, it probably should. I mean, some of these tanks are 60-65 hundred. I don't know if 10 minutes is enough. Maybe the manufacturer you know doesn't say that either, but I would say maybe the wording should be changed to address that.

Traas, Laura M – DATCP: OK, so I added language here before the stuff that's highlighted in red that says if the bulk tank manufacturer has tank agitation recommendations, the tank shall be agitated in the bulk weigher and samplers presence and I think it's - spelled that wrong - presence for the length of time specified by the manufacturer. If the bulk tank manufacturer has not specified agitation time, if the bulk tank has less than 1500 gallons, five minutes. If the bulk tank capacity is 1500 gallons or more, agitate for this length of time. So that puts the manufacturers recommendations ahead of the generic recommendations. Makes sense?

Leigh Hamilton: Laura so does that allow the manufacturer to put a lower floor on than you guys?

Traas, Laura M – DATCP: Yes, if they have data that shows that they have super agitators in their tank and they can agitate that tank in 2 1/2 minutes. Then yes, they can do that. Umm, I cannot imagine any manufacturer making a claim like that, but if they can show us the data, we will accept the data.

Leigh Hamilton: So does this so just to play devil's advocate for a second, does this regulation require them to show you that? Or does this regulation just say, well, if they recommend it regardless of data or not?

Traas, Laura M – DATCP: Umm well the first part that this paragraph says that the bulk weigher and sampler shall comply with the following procedures and so if a sanitarian is out at the farm when the bulk milk weigher and sampler is collecting milk and they notice that the hauler only agitated the tank for three minutes then the sanitarian would ask why did you agitate that for only three minutes and if they pull out the chart and show us the chart we would probably accept it at that point and investigate to say to go to the manufacturer and they show us all of your study data to so that we know we can accept that. So yes, if the bulk milk weigher and sampler wasn't complying with that, we would take that debit against the sampler.

Leigh Hamilton: Alright, I suppose what I'm what I'm asking is so say for example, is there a requirement on a bulk tank manufacturer or a silo manufacturer to provide data to ensure that the recommendations that they are giving will ensure a homogeneous sample? And I say that just in the in the context of, you know, silos going in more and more and it can be very challenging I think to achieve that homogenization. And for your farm inspectors then and for bulk milk weigher and samplers to have some protection in that, and that you guys can be assured that there's some kind of and either regulatory floor that says, OK it's it's the regulation is this and this is the minimum or that if you are relying on manufacturers guidelines that they are required to be approved in that way the way you're saying an approved in line sampler.

Traas, Laura M – DATCP: Yeah. So yeah, I have had it that language if the bulk tank manufacturer has tank agitation recommendations that have been accepted by the department.

Leigh Hamilton: Perfect.

Andrew Johnson: Well, I think the goal of agitation is get the representative sample and if you have a silo and you have an inline sampler, you're going to get your representative sample of the milk that's getting loaded on the truck as it comes out of the silo. So I'm not sure how you know, I don't know if requiring agitation on a silo is necessary if you're getting a representative sample, which is the end goal of agitation.

Traas, Laura M – DATCP: Yeah.

Andrew Johnson: If the inline samplers measuring the milk that's coming out of there, I mean eventually. I mean, once it's emptied, you've had a representative sample of all the milk that was loaded coming out of that silo. I'm just speaking out loud a little bit.

Traas, Laura M – DATCP: Yeah, yeah, yeah. And this is where we get into some real grey area with the PMO, because if you read the PMO very, very carefully, the sample that it's taken for monthly quality. Must be a sample that is taken from a tank that has reached homogeneity. And that is a different

standard than a representative sample. The two samples should be the same, but how you get there is very different because if you think about what we do in our intakes where we take this tanker, we put 1 agitator into the middle of the tanker and mix up the milk in the middle of the tanker, the two ends of that tanker have not reached homogeneity. And that causes a real problem for how we enforce the PMO. And so one of the goals at the dairy farm bulk tanks is to reach homogeneity if we're taking the sample directly from the tank. And I don't know how we're going to address that other than maybe I just try and change the PMO and just say you need a representative sample.

Andrew Johnson: Good luck with that, yeah.

Traas, Laura M – DATCP: Yeah.

Leigh Hamilton: Yeah, that's not an easy job. Laura, we've been there and I was just going to say it, I don't know who was speaking just there, but there were definitely correct that an inline sampler would give you a good chance of getting a sample out of a silo.

Traas, Laura M – DATCP: Yep.

Leigh Hamilton: But I don't think there's a requirement that every silo have an inline sampler, so lots and lots of silos don't have an inline sampler, and there can be a challenge there.

Traas, Laura M – DATCP: OK. We are at 10 minutes to our endpoint. Since this is a public meeting and it was announced that it would end at 11:00 o'clock, we can't go past 11:00 o'clock. So I am going to leave this to bake over the holidays, and the next question is when do we want to do our next meeting? Two weeks from now would be January 2nd. I don't know how many of you are going to be back in the office the day after New Year. So what is the pleasure of those of you on the on the call?

Brandon Johnson: I like our two week clip, but yeah, January 2nd is a bad day for me. What about the following week? The 9th.

Leigh Hamilton: Yep.

Traas, Laura M – DATCP: OK. Helen. Tony, Andy. John.

Brandon Johnson: Or the 16th.

Tony Lampman: I'm open.

Andrew Johnson: Yeah, I'm open to anything too as well. I can travel and listen and interact.

John Umhoefer: I can't do the 9th or the 16th, but I feel like there's better people on this committee, so don't stop for me.

Helen Schmude: The 9th is fine.

Leigh Hamilton: And my preference would be the 9th over the 16th.

Traas, Laura M – DATCP: OK. I did have a placeholder in my calendar, so don't worry about this being here on the second. I just did a placeholder just in case, but I will start the open meeting notice process for January 9th. Any last comments?

Andrew Johnson: Now I just want to wish everybody a Merry Christmas and thank you for all the good work we're doing here.

Traas, Laura M – DATCP: Yes. Yes, thank you all. And I wish you Merry Christmas and happy New Year. If you're getting together with family, I hope it is all joyful. If you are traveling, please travel safely.