



Regulatory Register

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Preliminary Results of 2007 National Conference on Interstate Milk Shipments

The National Conference on Interstate Milk Shipments (NCIMS) met in Salt Lake City, UT from May 5 – 10, 2007 to address the 105 proposals submitted to revise the *Pasteurized Milk Ordinance* (PMO) and its related documents. National Milk Producers Federation (NMPF) staff attended the Conference to advocate positions of interest to dairy cooperatives and their producer members. Many NMPF members also attended and played key roles in the deliberations of the Conference.

Overall, the 2007 Conference was very positive for all parties and proposals were discussed with a high degree of professionalism and cooperation. State delegates, the Food and Drug Administration (FDA), the US Department of Agriculture (USDA), and the dairy industry participants all came to the Conference to talk through the topics at hand and make certain the cooperative aspects of the NCIMS program remained strong and viable.

Proposals of significance to dairy cooperatives and producers are detailed below. All proposals relate to the 2005 *Pasteurized Milk Ordinance*, the 2005 *Methods of Making Sanitation Ratings of Milk Shippers*, the 2005 *Evaluation of Milk Laboratories*, and the 2005 *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers* (Procedures) document.

The following proposals were **passed** by the delegates and will be incorporated into the appropriate documents:

Raw Milk Issues:

- Change the animal drug labeling requirements to require the name and address of the pharmacy dispensing the drug as well as the name of the prescribing veterinarian. This will ensure that the veterinarian is known for drugs dispensed at

pharmacies and makes the PMO requirements consistent with Federal laws.

- Remove requirement to include hundred-weight volumes for each listing of a BTU. This removes some unnecessary information from the inspection form and keeps farms from being debited for missing information.
- Allow pro-rating of some items on dairy farm enforcement ratings. This will eliminate the “all or nothing” criteria currently used for single farm BTU’s.
- Establish a study committee to examine how to prevent cow share programs that circumvent the existing prohibitions against raw milk sales to consumers. This committee will examine existing state statutes and report back to the 2009 NCIMS.

Milk Hauling Issues:

- An NMPF proposal to allow time stamps to use 24-hour time rather than using am/pm indicators. This will clarify when samples were taken and prevent samples from expiring when the morning or afternoon time is unclear.
- Approval of the QMI sampler for tank truck samples. This will help ensure proper samples are taken and results are representative of the milk on the tanker.

Pasteurized Milk Issues:

- A number of equipment related proposals to address separating water lines from product lines and alternatives for milk pumps were passed that will clarify the PMO requirements to protect products from contamination.
- Clarification of the type of information needed to justify (*continued on page 2*)

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the safety of water used in processing lines if it is not pasteurized. This proposal will provide a means to use other processing methods (such as UV light) for water that may contact product or product lines.

- Clarify the use of reclaimed water in processing plants and where this water may be used.
- Allow ingredients treated with technologies other than pasteurization to be added after pasteurization as long as the treatment is proven effective.
- Adjust UF and RO temperature allowances to provide more flexibility in operating these systems.
- Update the definition of pasteurization to make it consistent with the 2002 Farm Bill changes that recognizes irradiation as a means of ensuring safe products.
- Numerous proposals to modify laboratory procedures including:
 - Expand who can test digital thermometers for accuracy
 - Allow test thermometers to be traceable to a NIST thermometer
 - Update Foss Bactoscan requirements
 - Clarify the use of Petrifilm for microbiological counts
 - Approve expanded use of Colisure and Colilert tests
 - Approve new Charm SL-3 animal drug residue test

Miscellaneous Issues:

- The study committee that is examining the criteria for inclusion of products under the PMO was given expanded work to develop the criteria within 6 months and issue the recommendations through a Memorandum of Interpretation from FDA. A number of dairy beverages and like-products have been introduced into the market place and it is unclear as to whether they should be regulated by the NCIMS conference or not. This committee will develop examine these products and develop the criteria to make the determination as to which products should be regulated by the PMO and which should not.
- The third party certification pilot program for imported products was extended until the end of 2009. This program will oversee third parties and allow them, with proper certification, to conduct NCIMS work for foreign dairy farms and plants.

This will provide a means to ensure that any imported products meet similar regulatory requirements as U.S. dairy farms and plants. It will also enable States to detain any product that is not meeting these requirements now that an option for compliance is available. This committee has completed the certification requirements, so data collection under the pilot program can proceed.

- A pilot program was passed that exempts aseptic processors from NCIMS ratings and inspections for the parts of the plant that have low acid canned food filings in place. This is the result of a committee's work to review aseptic operations and attempt to eliminate the duplicate inspections that occur.
- A process to recognize catastrophic events and provide flexibility for conducting NCIMS work was identified. This process will allow for some flexibility during events such as hurricanes and floods when resources and time do not allow for normal operating procedures. The intent is to not penalize industry when States cannot conduct their NCIMS duties due to other priorities during catastrophes.
- The impact of enforcement rating problems on industry was also lessened through the work of a committee formed at the 2005 NCIMS. Under the changes passed, industry will be able to continue to ship products even after a state program has difficulty passing the enforcement rating. The state will be responsible for addressing their problem areas but industry will not be impacted unless the state is unable to fix the problems identified.

The following proposals were considered potentially onerous or unnecessary by NMPF and were **not passed** by the Conference delegates. Consequently, they will not be incorporated into the new documents:

- A number of proposals to not require pasteurization of milk. These could have allowed the currently problematic raw milk sales situation to become even more widespread.
- Requiring seals of tankers. This proposal would have mandated the already prevalent voluntary industry program and could have created a large reporting program for producers and processor to manage.
- Requiring all 2400 series lab forms to be deliberated and voted on by the NCIMS delegates. This would have delayed needed changes to the forms and would have undermined the current procedure that is already in place. (*continued on page 3*)

Preliminary Results of 2007 NCIMS *continued*

The changes to Conference documents will become effective within 1 year publication of the PMO in electronic form. This will occur some time after the meeting between the Executive Board and FDA to discuss the proposals with which FDA does and does not concur. This meeting is usually scheduled for late September or early October.

NMPF Staff would like to thank all members who attended the Conference and assisted in the deliberations of the proposals. Your assistance in advocating the industry interests was vital to the success of the Conference.

If you have any questions about NCIMS or the disposition of any of the proposals, please contact [Rob Byrne](#).

Elections of NCIMS Executive Board

Elections to the Executive Board also occurred at the Conference. John Beers, Virginia Department of Agriculture & Consumer Services was elected as Chairman and Don Breiner, Land O'Lakes was re-elected as Vice Chairman. In addition, the Central Region representatives on the Executive Board will consist of Lewis Jones, OH; Gary Cazaubon, LA; Sue Esser, MI; Dave Lattan, Prairie Farms as the Industry Representative; Ron Schmidt, University of FL as the Academic Representative; and Frank Barcellos, OK as the Laboratory Representative. Due to a retirement, one seat in the Western Region was open and it was filled by Dan Borer, NE. A complete list of the Executive Board is given below.

EXECUTIVE BOARD

<i>John Beers</i>	Chair	Richmond, VA
<i>Don Breiner</i>	Vice Chair	Carlisle, PA
<u>Region I - Eastern States, Terms Expire 2011</u>		
<i>Will Francis</i>	State Rating	Albany, NY
<i>John Beers</i>	State Enforcement	Richmond, VA
<i>John Miller</i>	State Enf./Rating/Health	Tallahassee, FL
<i>Don Breiner</i>	Industry	Carlisle, PA
<i>Robert Childers</i>	FDA	College Park, MD
<u>Region II - Central States, Terms Expire 2013</u>		
<i>Lewis Jones</i>	State Rating	Columbus, OH
<i>Gary Cazaubon</i>	State Enforcement	Baton Rouge, LA
<i>Ron Schmidt</i>	Academia	Gainesville, FL
<i>Sue Esser</i>	State Enf./Rating/Health	Lansing, MI
<i>David Lattan</i>	Industry	Carlisle, IL
<i>Frank Barcellos</i>	Laboratory	Tulsa, OK
<u>Region III - Western States, Terms Expire - 2009</u>		
<i>Darwin Kurtenbach</i>	State Rating	Pierre, SD
<i>Dan Borer</i>	State Enforcement	Lincoln, NE
<i>Kyle Stephens</i>	State Enf./Rating/Health	Salt Lake City, UT
<i>Jodeen Meenderink</i>	Industry	Salt Lake City, UT
<i>Ken Vorgert</i>	USDA	Lisle, IL
<u>Ex Officio</u>		
<i>Don Breiner</i>	Council I	Carlisle, PA
<i>Roger Hooi</i>	Council II	Dallas, TX
<i>Dave Lattan</i>	Council III	Carlisle, IL
<i>Marlena Bordson</i>	Past Chairman	Springfield, IL
<i>Vacant</i>	Program Chair	
<i>Rob Byrne</i>	NMPF Representative	Arlington, VA
<i>Cary Frye</i>	IDFA Representative	Washington, DC
<i>Vacant</i>	Consumer Representative	
<i>Leon Townsend</i>	Executive Secretary	Frankfort, KY

The following is a list of the proposals and the final action by the voting delegates.

Proposal	Result	Proposal	Result	Proposal	Result	Proposal	Result
101	NA	128	NA	212	NA	239	NA
102	NA	129	P	213	P	240	P
103	NA	130	P	214	P	241	P
104	NA	131	NA	215	NA	242	NA
105	NA	132	P	216	P	243	NA
106	NA	133	NA	217	P	244	P
107	P	134	P	218	P	245	NA
108	NA	135	P	219	NA	246	NA
109	NA	136	P	220	P	301	NA
110	NA	137	NA	221	P	302	NA
111	NA	138	P	222	NA	303	P
112	P	139	P	223	P	304	P
113	P	140	P	224	NA	305	P
114	NA	141	NA	225	NA	306	P
115	P	142	P	226	P	307	P
116	P	143	P	227	NA	308	P
117	NA	201	P	228	NA	309	P
118	NA	202	P	229	P	310	P
119	P	203	P	230	P	311	P
120	P	204	P	231	P	312	NA
121	NA	205	NA	232	NA	313	NA
122	P	206	NA	233	NA	314	P
123	P	207	NA	234	NA	315	P
124	P	208	P	235	P	316	NA
125	P	209	NA	236	NA		
126	P	210	NA	237	NA		
127	NA	211	NA	238	P		

P = Passed, either as submitted or with amendments.

NA = No Action (i.e., failed).

About National Milk Producers Federation

The National Milk Producers Federation, based in Arlington, VA, develops and carries out policies that advance the well being of dairy producers and the cooperatives they own. The members of NMPF's 32 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of nearly 50,000 dairy producers on Capitol Hill and with government agencies. For more on NMPF's activities, visit our Website at www.nmpf.org.

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