



Regulatory Register

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Environment

Delay in CAFO Reporting Rulemaking

The Environmental Protection Agency (EPA) has announced a delay in their rulemaking that could lead to thousands of dairy farmers having to report specific information regarding their operations. According to a settlement agreement signed last year, EPA is set to require all owners or operators of concentrated animal feeding operations (CAFOs), as point sources under the Clean Water Act (CWA) regardless of whether or not they discharge, to submit a list of information to the agency. This information may eventually be available to the public. The settlement agreement stems from a lawsuit filed by a number of environmental organizations in relation to the

2008 CAFO rule published by EPA. According to the agreed upon language in the settlement, EPA was expected to release a draft rule by May 2011. However, EPA was granted an extension, and the draft rule is now expected to be published this October.

Over recent years, EPA has clearly laid out their intentions to target CAFO enforcement in their clean water efforts. In fact, in their EPA strategy document, *Coming Together for Clean Water*, EPA specifically cites information gathering for CAFOs as a priority in order to “strengthen the NPDES program to reduce pollution from point sources.”

In this rulemaking, it is expected EPA will require



dairy farmers to submit specific information about their operations. According to the settlement document, examples of the information required may include:

- Location (longitude and latitude) of the operation
- Number and type(s) of animals

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Animal Health

FSIS Revamps Residue Violator Lists

FSIS maintains a “Repeat Residue Violator List for Use by FSIS Inspection Personnel” that contains the names and addresses of producers who have more than one meat residue violation in a 12-month period in animals presented for slaughter. Specific information about the

violation can also be found in this list, including the plant at which the violation was determined, the drug residues discovered, and their respective concentrations and tolerances. Violators listed may have had multiple discrepancies documented in the same processing facility or in separate

facilities. This list is intended to aid inspectors in discovering residue tolerance violations before they reach consumers. FSIS provides a [user guide](#) that explains the information contained in the list.

FSIS also maintains a “[Residue Repeat Violator List for Use by Livestock Markets and](#)

[Establishments](#)” that contains similar information intended to assist plant owners and operators in identifying residue history of livestock suppliers. This second list documents only the source name and address information of repeat violators, so that
(Continued pg 5)



Nutrition

The Interagency Working Group (IAWG) on Food Marketed to Children released its Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts. The standards are similar—but somewhat less restrictive—than the preliminary draft standards issued in December 2009. They were revised with a heavy reliance on the 2010 Dietary Guidelines for Americans. The IAWG, including members from Federal Trade Commission (FTC), FDA, USDA and Center for Disease Control (CDC), supports implementation in the

IAWG Marketing Guidelines

marketplace via voluntary industry adoption.

The IAWG seeks public comment on the nutrition principles and definitions of marketing targeted to children and adolescents during a comment period ending July 13, 2011.

Following the comment period, the principles will be finalized and included in a report to Congress, to be delivered later this year. The report to Congress is not a proposed regulation; however, the development of these nutrition principles could still result in restrictions in marketing of some dairy products to children.

Dairy foods allowed in advertising and marketing under proposed principles as foods “providing a meaningful contribution to a healthful diet” include: Low-fat and fat-free plain milk and yogurt; Low-fat and fat-free flavored milk and yogurt containing no more than 13 g added sugar per RACC; and some low-fat and fat-free cheeses, depending on sodium content.

NMPF will be coordinating comments on the guidelines with the National Dairy Council and the International Dairy Foods Association.

Contact: [Beth Briczinski](#)

NMPF

Register for FFTF Grassroots Meetings

The National Milk Producers Federation (NMPF) is conducting a six-week cross-country tour to reach out to dairy producers about the benefits of the reforms contained in [Foundation for the Future](#) (FFTF). NMPF President & CEO, Jerry Kozak, along with other senior NMPF staff, will host three-hour sessions in 12 cities across the country in July and August.

Dairy farmers will have the opportunity to learn more about FFTF firsthand, and discuss how FFTF offers the best opportunity for protection, stability, and growth. There will be no cost

to attend; however, producers will be required to pre-register, since space will be limited in each city to the first 100 producers who sign up.

Foundation for the Future is a package of proposed dairy policy programs that dramatically improves the traditional approach to dairy policy and fosters a more economically-viable and secure future for dairy producers. It serves as a new roadmap for dairy policy by focusing on margin protection, rather than price. This strategic shift is essential to a producer's profit potential, and will help improve equity and stabilize

dairy markets. Learn more by visiting www.futurefordairy.com.

Click [here](#) to register and find a complete list of meeting locations, dates and times.

Upcoming meetings include:

- Olympia, Washington - Red Lion Hotel - July 12
- Visalia, California - Holiday Inn - July 13
- Lubbock Texas - Overton Hotel & Conference Center - July 18



Environment

SPCC Compliance Extension Requested

In June, Sen. Jim Inhofe (R-Okla.) and Sen. Kent Conrad (D-ND) [sent a letter](#) to Environmental Protection Agency (EPA) Administrator Lisa Jackson requesting the implementation timeline be extended for the Oil Spill Prevention, Control and Countermeasure (SPCC) rule for farmers. Justifying the need for an extension, the letter lays out a number of concerns with SPCC compliance, including the lack of access to Professional Engineers, ambiguity regarding recently released

Clean Water Act guidance and confusion over certain responsibilities of ownership. Altogether, thirty-three senators signed the letter to EPA.

Currently, farms in operation on or before August 16, 2002, must maintain or amend their existing SPCC plan by November 10, 2011. Any farm that started operation after August 16, 2002, but before November 10, 2011, must prepare and use a plan on or before November 10, 2011.

To aid farmers with

compliance, NMPF, in part with USDA’s Natural Resource Conservation Service (NRCS), developed an SPCC template to assist dairy producers with SPCC compliance. The NMPF SPCC template is [available online](#). Also, the template isn’t only for dairy producers. According to NRCS, 84% of farmers may be able to utilize the template.

Contact: [David Hickey](#)



Animal Health

CVM Residue Testing Program

NMPF continues to engage the Food and Drug Administration (FDA) on their proposed drug residue testing protocol. NMPF remains concerned about the legal and liability issues surrounding FDA accessing the universal samples.

NMPF continues to explore

the alternatives whereby FDA obtains milk samples through a process that is sufficiently blinded or double-blinded to afford producers and cooperatives protection from subsequent regulatory action.

NMPF is continuing to examine options that will allow FDA to achieve its necessary goals while being

least disruptive to the industry.

As a reminder, the NMPF Milk and Dairy Beef Drug Residue Prevention Manual is available [online](#).

Contact: [Jamie Jonker](#) or [Beth Briczinski](#)





Animal Health

SMS WG Looking for Volunteers

Four different Working Groups (WG) have been established to draft guidance on the processes and procedures for the Secure Milk Supply Plan (SMS Plan). Goals of the SMS Plan are to

- Avoid interruptions in raw milk movement from dairy farms (with no evidence of infection) in a FMD Control Area to commercial processing;
- Provide a continuous

- supply of wholesome milk and milk products to consumers; and
- Maintain business continuity for dairy producers, haulers, and processors through response planning.

Requirements of WG members include an interest and desire to contribute to pre-event policy development; time to read emails, review documents and provide input; and periodic participation in conference calls. The Working

groups are—

- Premises Biosecurity WG
- Milk Hauler/Transport Biosecurity WG
- Milk Processing Biosecurity WG
- Milk Movement Matrix WG

To participate in any of the working groups, contact [Betsy Flores](#) at NMPF.

Animal Health

APHIS Bovine TB/Brucellosis Framework



The national tuberculosis (TB) and brucellosis eradication programs have successfully reduced the incidence of the diseases in United States (US) cattle. There continues to be a low incidence of TB as evidenced by the newly identified infected herds over the past several years. Likewise, a small but persistent level of brucellosis exists in the Greater Yellowstone Area. As the U.S. struggle to deal with the impacts of the current TB and brucellosis episodes in the near term, NMPF is extremely interested in working with USDA to improve the national TB and brucellosis eradication program to ensure that we meet its long term goal of protecting human and animal

health by eradicating zoonotic diseases from our nation’s cattle herd.

In order to have a more concerted effort to achieve the end goal of complete eradication of bovine TB and brucellosis from our US cattle herd, with no recursions, it has become evident that USDA’s programs need to be updated, and the antiquated testing methodologies and surveillance tools improved. USDA’s draft Framework set’s a pathway for modernizing these eradication programs.

In September 2010, the USDA Animal and Plant Health Inspection Service (APHIS) Veterinary Services (VS) formed a working group of Federal, State, and Tribal subject matter experts to discuss new directions and

flexible, transparent regulations for the bovine TB and brucellosis eradication programs. The working group subsequently drafted a regulatory framework of eight interrelated elements for the TB and brucellosis proposed rule. Earlier this year, USDA APHIS-VS issued a [Proposed Bovine Tuberculosis and Brucellosis Draft Regulatory Framework](#) for updating and modernizing the coordinated Federal-State approach for bovine tuberculosis and brucellosis eradication. USDA held a series of public meetings to solicit input on the Framework. On July 5, 2011, NMPF submitted comments in general support of the Framework to USDA. NMPF’s comments are available [online](#).

Contact: [Jamie Jonker](#)

Animal Health

FAD PReP Dairy Manual Available

The FAD PReP Dairy Industry Manual is now [available online](#).

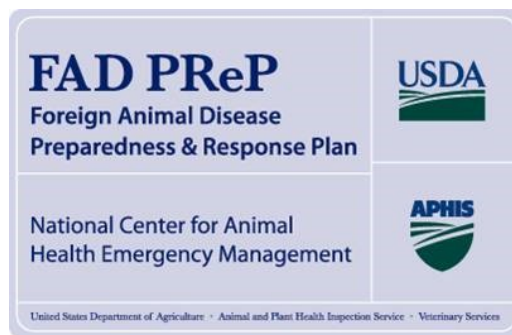
This illustrated document provides a broad overview of U.S. production methods and the procedures that may be used in the event of a highly contagious Foreign Animal Disease (FAD) outbreak. The Manuals were developed for officials involved in managing a highly contagious FAD

outbreak, response team members working to control disease on the farm, and producers and employees at production facilities.

USDA National Center for Animal Health Emergency Management provided funding to develop the manual as components of the Foreign Animal Disease Preparedness and Response Plan (FAD PReP). The Center for Food Security and Public Health (CFSPH) at Iowa State

University developed the content in collaboration with APHIS and subject matter experts.

Contact: [Betsy Flores](#)



NMPF

YC Fly-In a Success

From June 6th-8th, the National Milk Producers Federation had its summer Board meeting and also a Young Cooperator (YC) Fly – In. On Tuesday, June 7th, nearly 40 YC’s spent the morning learning how to effectively lobby their elected officials. That afternoon, the YC’s walked the halls of Congress and conducted

meetings with their elected officials and office staff. Overall, nearly 100 meetings took place.

Following the meetings, both the YC’s and the National Milk Producers Federation Board members hosted congressional staff and elected officials at the annual June Dairy month Congressional reception. This year, the well-attended event took place in

the Russell Senate Office Building. These Young Cooperators will return to the Hill next spring to conduct their follow up meetings with their elected officials.

Contact: [Jonathon Glueck](#)



Animal Health

FSIS (Continued from pg 1)

livestock marketers and buyers may use precaution when marketing and processing animals originating from these suppliers. It is important to note that once all but one offense has concluded a 12-

month interval, then the livestock supplier is removed from the list.

Dairy beef from market cows and bob veal make up a large number of the animals on the “Residue Violator List”, though the numbers of positive animals

represent a small percentage of the number of dairy animals processed every year.

Contact: [Betsy Flores](#)

Environment

Delay in CAFO Reporting Rulemaking (from pg 1)

- Type and capacity of manure storage
- Quantity of manure, process wastewater and litter generated annually by the CAFO
- Whether the CAFO land-applies
- Available acreage for land application

- If the CAFO land-applies, whether it implements a nutrient management plan for land application
- If the CAFO land-applies, whether it employs nutrient management practices and keeps records on site consistent with 40 C.F.R. § 122.23 (e)
- If the CAFO does not land apply, alternative uses of manure, litter, and/or wastewater
- Whether the CAFO transfers manure off-site, and if so, quantity transferred to recipient(s) of transferred manure
- Whether the CAFO has applied for an NPDES permit

In light of the critical March 15th decision by the United States Court of Appeals for the 5th Circuit in New Orleans and the recently issued EPA

draft guidance on the “Waters of the United States,” there are a multitude of questions surrounding the rulemaking. With the significant implications this rulemaking may have on the dairy industry, NMPF has identified this issue as a major priority and will continue to monitor closely.

Contact: [David Hickey](#)

Animal Health

FARM Holds Training in Georgia

The National Dairy FARM program held a two day training session in Georgia, June 22-23. At the conclusion of the training 17 trainers were certified to train on-farm evaluators for the program.

The two-day course includes one day of classroom instruction that covers the intent of the program and introduces the attendees to the evolution tool utilized for the on-farm evaluations. The second day is spent on the farm, where attendees are

walked through the evaluation process and are tested on their understanding of the animal observation scoring systems.

For other training opportunities, go to the FARM website [events page](#).

Contact: [Betsy Flores](#)



About NMPF

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 31 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 40,000 dairy producers on Capitol Hill and with government agencies.

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