

State of Connecticut
Department of Agriculture
Milk Regulation Board

16 Oct 2008

Minutes of the Milk Regulation Board
Regular Meeting of October 15, 2008

Board Members Present:

F. Philip Prelli – Chairperson/Commissioner of Agriculture
Robert Jacquier
Neil Marcus
Joseph Ruwet
Mae Schmidle
Jim Stearns
Jack Tiffany

Board Members Absent :

Robert D'Alessandro
DPH representative

1 position vacant (milk processor)

Others Present:

Wayne Kasacek - DoAg	Dr. Bruce Sherman - DoAg
Herman Weingart - retired dairy farmer	Erin Barringer - concerned parent
Bryant Picciai – concerned parent	Carrie Rand - Anastasiades - Nome Associates
George Krivda Jr. – DoAg	Chris Stroker – DoAg
Carl Dickinson – DoAg	Melanie Attwater-Young – DoAg
Randolph Blackmer – CT Farm Bureau	

Meeting called to order 10:10 am

Agenda Item 2: The Commissioner asked that the public sign in. All present introduced and identified themselves.

Agenda Item 3: there was no correspondence to come before the board

Agenda Item 4: Bob Jacquier made a motion to accept the 30 Apr 08 minutes as submitted, 2nd Mae Schmidle. No discussion. The minutes were approved by unanimous consent.

Agenda Item 5: The commissioner reported to the board the department's activities related to implementation of P.A. 08-164 An Act Concerning Assistance for Dairy Farmers. The department has been in contact with DECD and the Dean of the College of Agriculture at Uconn. DECD and Uconn would collaborate in a economic impact study (REMI model) of Connecticut dairy industry. OPM has been tied up with budget matters and is not in a position at this time to research and come up with recommendations regarding section 1 of P.A. 08-164.

At the Federal level USDA is still promulgating rules to implement MILC payments but projections indicate no MILC payments in the near future.

The Commissioner told the board the department has an individual funded by USDA to implement and coordinate voluntary registration premises in the USDA NAIS database. The commissioner encouraged those present to get the word out that registering their premise can be done now through the department.

The Commissioner spoke about the Vermont Milk Commission proposal to tax milk sold in VT and use that money to enhance producer income. VT's proposal is similar to one the board proposed except that VT would return dollars to all producers whose milk was sold in Vermont regardless of their location. The Commissioner stated that as he read the proposal it would not return any significant dollars to CT producers as we sell very little milk in VT. In order for this scheme to be effective CT and MA would have to pass similar legislation. The Commissioner stated that he felt it would be difficult to convince CT legislators to pass a similar bill that end up benefitting out of state producers.

Wayne Kasacek stated that he was going to talk about 2 proposals, one to strengthen the standards for Retail Raw Milk and one to provide criminal penalties for violation of certain dairy statutes. The department investigated an outbreak of E. coli O157 linked to a Retail Raw Milk producer and an individual illegally manufacturing cheese in a kitchen. Both of these incidents revealed deficiencies in the regulations and statutes that the department intends to correct with the proposed legislation.

Mr. Kasacek provided the board with some background information about Town Farm Dairy and the results of the department's investigation. Mr. Kasacek stated that a total of 15 people became ill from E. coli O157 and that several required hospitalization including dialysis. The department acquired a genetic link between E. coli O157:NM isolated from the feces of a dry cow that was being milked at the time the sick individuals purchased milk and E. coli O157:NM isolated from 3 sick individuals. Mr. Kasacek passed out copies of the final report issued to Town Farm Dairy. Mr. Kasacek showed the board some photographs taken during an inspection of Town Farm Dairy to give the board an idea what the farm looked like. Mr. Kasacek described the farm as a well run and maintained operation.

Mr. Kasacek introduced Carl Dickinson from the department. Mr. Kasacek stated that he had asked Carl to compile some statistics about the testing of Retail Raw Milk and the results of that testing to provide information about the potential effect the proposed new standards would have on the Retail Raw Milk producers.

Carl Dickinson handed out a spread sheet that detailed all testing conducted on Retail Raw Milk producers for that last 3 years. The analysis showed that the proposed new standard for fecal coliform should have a minimal effect on Retail Raw Milk producers.

Mr. Kasacek passed out the proposed language that would add criminal penalties for violation of a cease and desist order, offering adulterated milk and milk products for sale and, operating without acquiring the appropriate permits and licenses from the department. Mr. Kasacek explained that this became an issue when the department investigated the manufacture of cheese in a kitchen. The department identified an individual who was manufacturing approximately 300 pounds of cheese a week and selling that cheese in the NY area. The investigation was hindered because the penalties for violation of the dairy statutes are civil. The department feels that having the ability to involve law enforcement would make enforcement of these types of violations easier and much quicker. Time is critical because of the potential for disease from under processed foods and the lack food safety controls.

Mr. Kasacek passed out proposed language which was crafted in response to the E. coli. O157 incident at Town Farm Dairy. Because the current standards are not directly correlated to the presence of pathogens in Retail Raw Milk the department is proposing adding a fecal coli standard, similar to New York's of not more than 10/ml and a staph aureus standard of not more than 100,000/ml. These came from Cornell University recommendations. Mr. Kasacek also told the board that scientific literature shows that pathogen contamination of Retail Raw Milk is almost always the result of fecal contamination. The fecal coli standard will tell us whether the milk was contaminated by fecal matter. The department is proposing that producers be responsible for paying for testing, that milk be tested monthly for pathogens and quarterly fecal analysis be done on all milking aged animals.

The department also is proposing to strengthen the consumer advisory into a consumer warning statement similar to Washington State's and limit sales of Retail Raw Milk to on farm sales only.

Erin Barringer asked about more frequent testing and supported the departments proposal. Ms. Barringer stated that her child was infected from contact with another ill child and had an extremely serious illness as the result of the infection.

Mae Schmidle expressed concern that the proposed standards would adversely effect the Retail Raw Milk industry. Ms. Schmidle stated that she felt that consumers would not be able to purchase milk as easily as they do now and that the proposed changes will be controversial.

Bryant Picciai asked about the current standards and how they related to this incident. He asked when Town Farm Dairy knew they had a problem and when they stopped offering Retail raw Milk for sale.

Mr. Kasacek responded that the current standards do not directly correlate to the presence of pathogens. They are quality indicators. Town Farm Dairy went above the regulatory requirements and tested their milk at a private lab at their own expense. They had stopped selling Retail Raw Milk due to elevated coliform bacteria the week before the department knew of the illnesses. The test for coliform bacteria does not tell us what organism is present and it's origin. It could be harmless coliform bacteria that are sometimes found in udders, the proposed fecal coliform test would definitely tell us whether the milk was contaminated by fecal matter and be a better indicator of whether the milk was suspect. The department does quarterly sampling for pathogens but is limited to what DPH is able to do for us and pathogen testing is only a snapshot. The Town Farm Dairy milk testing never found E. coli. O157 it was found in the feces of 1 cow. This is why the department is seeking to add a fecal coli standard and testing of the feces for pathogens. Even with the increased testing we can not ensure Retail Raw Milk is free of pathogens because we cannot test all milk and animals can become shedders at anytime and not show signs of illness.

The Commissioner stated that the proposals had to be approved by the Governor and OPM before we could submit them to the legislature. We would know by the time of the next meeting the status of the proposals and then ask the board to support the departments recommendations.

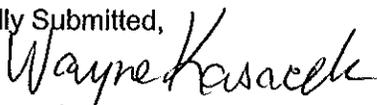
Agenda Item 6: Public comment was allowed during the meeting.

Agenda item 7: no old business

Agenda Item 8: no new business

Mae Schmidle motioned to adjourn, 2nd Neil Marcus, Motion approved by unanimous consent. Meeting adjourned at 11:55

Respectfully Submitted,



approved MRB 21 Jan 09

Wayne Kasacek
Clerk of the Board