



National Milk Producers Federation

Regulatory Register

Special Edition

2017 NCIMS EDITION

Preliminary Results of the 2017 National Conference on Interstate Milk Shipments

The National Conference on Interstate Milk Shipments (NCIMS) met in Grand Rapids, Michigan from May 12-17, 2017 to address the 98 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.

The 2017 Conference overall was very positive for all parties, and NMPF made significant progress in achieving reasonable solutions on many key issues. 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 to make certain the cooperative aspects of the NCIMS program remained strong and viable.

Proposals of significance to dairy cooperatives and producers are detailed later in this issue. All proposals relate to the 2015 Pasteurized Milk Ordinance (PMO), the 2015 Methods of Making Sanitation Ratings of Milk Shippers, the 2015 Evaluation of Milk Laboratories, and the 2015 Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers (Procedures) document.

A total of 37 proposals were passed by the delegates either as submitted or as amended. An additional five proposals, related to laboratory issues, were passed by the delegates to proceed through the 2400 Form process. Below is a summary of some of the significant actions that occurred at the 2017 NCIMS Conference (complete Conference actions are in the accompanying table at the end of this document).

SAVE THE DATE

The 2019 NCIMS Conference will be held from April 26-May 1 in St. Louis, Missouri.

NMPF-Submitted Proposals

NMPF submitted 12 proposals and three resolutions to the 2017 Conference. Additional proposals were submitted with significant contributions by NMPF Staff and NMPF industry members, and are described in detail later in this issue.

Proposals do not need to pass the Conference to attain practical solutions. Success can be achieved by raising the issue to the attention of Conference participants, by generating discussion, or by obtaining formal answers and gaining consensus of all stakeholders. On every count, positive outcomes were achieved for each NMPF-submitted proposal.

The following summarizes the results for the NMPF proposals and resolutions:

Proposal #113 to clarify the 96-hour deadline on a tanker with respect to cleaning and the start time for sample usage on a

direct load farm passed as amended. This will provide much-needed clarity for the industry in defining both "first use" and the collection time for "Universal" milk samples.

Proposal #201 to affirm that products labeled as milk or milk products shall be produced according to the standards of the Pasteurized Milk Ordinance did not pass. NMPF continued its longstanding campaign against the improper labeling of plant-based beverages as "milk" in clear violation of labeling requirements under the federal Standards of Identity. NMPF appreciated the dialogue at the Conference around the issue of misbranded imitation dairy products, and will continue to raise concerns about the infrequent and ineffective actions that FDA has taken in enforcing use of standardized dairy terminology.

see next page

Proposal #202 to clarify that the words “Grade ‘A’” that are required to appear on the exterior surface of a package do not need to appear on a secondary container did not pass. However, NMPF formally obtained clarity from FDA and supported the final “No Action” from the Conference.

Proposal #211 to require training for all bulk milk haulers/ samplers and industry plant samplers at least once every twenty-four months did not pass. However, Resolution 10 was passed by the voting delegates, tasking the NCIMS Hauling Committee to develop a nationwide, uniform training program for bulk milk hauler/samplers and industry plant samplers and to report back to the 2019 Conference.

Proposal #213 to align the Appendix B Hauling requirements with the Hauler/Sampler Evaluation Report Form passed as amended. A study committee will examine sample dipper requirements and report back to the Conference.

Proposal #217 to move the Section VI requirements for non-beta-lactam residue testing with test methods not evaluated by FDA and accepted by the NCIMS from Appendix N to a new Appendix passed as amended. A study committee will review Section VI and clearly delineate testing that is required by Appendix N (currently beta-lactams) from voluntary testing.

Proposal #218 to clarify that industry participation in an Appendix N pilot program is not mandatory did not pass. However, NMPF achieved clarification on this point through Conference discussion and through Resolution #15.

Proposal #235 to request a study committee to update and make more complete the guidance for Dairy Farm Water Supply evaluation did not pass. NMPF appreciated the Conference dialogue on the issue and will continue to address it locally as needed.

Proposal #304 to identify drug residue summary data as reported to the third party database as bovine (dairy cattle) and non-bovine (non-dairy cattle) did not pass. A study committee within the Other Species Committee will work to examine the questions raised and report back to the 2019 Conference.

Proposals #305 and #308 to clarify that drug residue summary data shall be collected by Third Party Certifiers (TPCs) and reported to either the third party database or the International Certification Program Committee did not pass. Subsequent to submission of these proposals, the TPCs began submitting drug residue summary data to the third party database, and NMPF supported the final “No Action” from the Conference.

Proposal #307 to call for increased information sharing by and communication with FDA regarding evaluations and ultimate determinations of milk safety program equivalence in other countries passed as amended. Following a presentation by FDA on Grade “A” equivalence determinations, NMPF and FDA worked collaboratively on an amended proposal, which was ultimately passed by the voting delegates. NMPF appreciated the clarity from FDA and looks forward to future dialogue on the issue with both our federal and state partners.

Resolution #11 to recognize the efforts of the Liaison and HACCP Implementation Committees and their chairs for working to harmonize the PMO and the Food Safety Modernization Act (FSMA) was passed by the voting delegates. Herculean efforts were made by these groups to align the PMO with the FSMA Final Rule for Preventive Controls for Human Food.

Resolution #14 to request that FDA clarify the role of State Milk Regulatory Programs in assuring proper use of standardized names of milk and milk products was passed by the voting delegates. This Resolution continues NMPF’s campaign to call attention to the issue of misbranded imitation dairy products, drawing on the collaborative partnership needed between FDA and State Regulatory Agencies.

Resolution #15 to encourage participation by Regulatory Agencies and industry in the upcoming Tetracycline Pilot Program was passed by the voting delegates. This Resolution acknowledged that, while voluntary, significant participation in the pilot program ensures that representative perspectives will be obtained so that decisions on a future framework for a national residue testing program will be based on the most representative and complete data available.

see next page



Significant Proposals That Passed

Proposals Related to the Food Safety Modernization Act:

- **Proposals JC-2 and JC-4** were the combined collaborative efforts of industry and the states to make additional changes to the PMO to harmonize it with the Food Safety Modernization Act (FSMA) Preventive Controls for Human Food final rule that was issued after the 2015 NCIMS conference. The NCIMS Liaison Committee submitted JC-2, which placed the new FSMA-based requirements in a new appendix (Appendix T) to minimize confusion and highlight the new program criteria. JC-4, submitted by the NCIMS HACCP Implementation Committee, reflected a similar approach for those facilities in the Grade “A” HACCP Program.
- **Proposals JC-1 and JC-3**, FDA’s approach to PMO-FSMA alignment, interspersed FSMA criteria throughout the PMO and would have subjected Grade “A” milk processing facilities to 12 times the rate of inspections. Ultimately, JC-1 and JC-3 were not passed by the delegates.

- Minor additional changes may be necessary to complete the harmonization in 2019, although all stakeholders have agreed the task is largely concluded.

Proposals #224, 225, and 226 clarify various aspects of Appendix N Section VI, related to requirements when using non-Beta lactam test kits that have not been evaluated by FDA and accepted by the NCIMS, passed as amended. NMPF staff worked through the NCIMS Appendix N Committee to address inconsistencies in these testing protocols, and ultimately supported them through the Conference. Additional clarity will be resolved through the Proposal #217 study committee prior to the 2019 Conference.

Proposal #309 to limit members of NCIMS Councils to serving through five consecutive biennial meetings of the Conference passed as amended. NMPF staff developed this proposal through the NCIMS Continuity Taskforce to strengthen the Conference, specifically to develop new leadership within the Conference. The proposal also allows for up to twice the number of Council alternates, to aid in continuity planning.

Significant Proposals That Did Not Pass

Proposal #102 to lower the maximum temperature of raw and pasteurized milk and dairy products to 41°F or less until processed and then maintained at 41°F or less thereafter did not pass. Any incremental gains in food safety were not justified following a cost-benefit analysis.

Proposal #104 to require light bulbs, fixtures, and skylights in milkhouses to be shatter-resistant did not pass. This proposal would have extended FSMA cGMPs for food facilities to dairy farms, which are exempt from these FSMA requirements.

Proposal #107 to require testing for glyphosate (e.g., Roundup®) residues in feed and forage used as a feed ingredient for any portion of the total ration of the lactating

dairy animal did not pass. There was no data to support the need for this regulatory requirement.

Proposal #229 to ban the transfer of Grade “A” raw milk from a milk can to a milk tank truck and to ban milk plants from receiving Grade “A” raw milk in milk cans did not pass. Based on survey data, NMPF determined that this proposal would have affected many on-farm producer-processors as well as disproportionately impacted a group of the producer community where these long-standing practices are part of their lifestyle, which does not represent a food safety issue.

Executive Board Elections

Elections to the Executive Board also occurred at the Conference.

Casey McCue (New York Department of Agriculture and Markets), James Williamson (South Carolina Department of Health & Environmental Control), and Rebecca Piston (HP Hood) were re-elected to the NCIMS Executive Board. John Sheehan, FDA-CFSAN, was also re-appointed as the FDA Representative to the Board.

The newly elected representative on the Executive Board, Ellen Fitzgibbons (Massachusetts Department of Health), represents the Eastern States.

A complete list of the Executive Board is given on Page 4 of this issue.



NCIMS Executive Board

Dr. Stephen Beam	Chair	Sacramento, CA
David Lattan	Vice Chair	Carlinville, IL

Region II - Central States (terms expire in 2019)

Roger Hooi	Laboratory	Dallas, TX
Steve DiVincenzo	State Enforcement	Springfield, IL
Dr. Patrick Gorden	Academia	Ames, IA
Roger Tedrick	State Enf/Rating/Health	Reynoldsburg, OH
Gene Wiseman	State Rating	Jefferson City, MO
David Lattan	Industry	Carlinville, IL

Region III - Western States (terms expire in 2021)

Dr. Stephen Beam	State Enf/Rating/Health	Sacramento, CA
Randall Chloupek	State Rating	Harvard, NE
Mike Wiggs	State Enforcement	Boise, ID
Antone Mickelson	Industry	Yakima, WA
William Francis	USDA	Washington, DC

Region I - Eastern States (terms expire in 2023)

Casey McCue	State Enforcement	Albany, NY
Rebecca Piston	Industry	Portland, ME
Ellen Fitzgibbons	State Enf/Rating/Health	Jamaica Plain, MA
James Williamson	State Rating	Columbia, SC
John Sheehan	FDA	College Park, MD

Ex Officio

Thomas Benthien	Council I	Carlinville, IL
Thomas Angstadt	Council II	Erie, PA
Casey McCue	Council III	Albany, NY
John Miller	Past Chair	Tallahassee, FL
Frank Barcellos	Lab Committee Chair	Salem, OR
Casey McCue	Liaison Chair	Albany, NY
Cary Frye	Program Chair	Washington, DC
Ken Anderson	Third Party Certifier	Arlington Heights, IL
VACANT	Consumer	
Beth Briczinski	NMPF Representative	Arlington, VA
Clay Hough	IDFA Representative	Washington, DC
Marlena Bordson	Executive Secretary	Monticello, IL



Other Information

The changes to Conference documents will become effective within 1 year of publication of the PMO in electronic form. This will occur after the meeting between the NCIMS Executive Board and FDA to discuss the proposals with which FDA does and does not concur. This meeting is scheduled for October 2017.

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 [Beth Briczinski](#), [Clay Detlefsen](#), or [Jamie Jonker](#) at NMPF.

NMPF would like to thank all members who attended the Conference and assisted in the deliberations of the



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

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