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NMPF

2011 — A Year in Review: NMPF Top 5

As we begin 2012, we wanted to wish everyone a Happy New Year. In reflecting upon 2011, we realized we have accomplished quite a bit. So we thought a “year in review” would be appropriate, and selected five issues that we considered to be highlights of our efforts. So, in no particular order...

•**The National Dairy FARM Program.** In May 2011, Validus was selected as the third-party verifier for the FARM Program. And by the time third-party verification began in August, nearly half of the US milk supply was implementing the FARM program. Data from the

verification is now being reviewed and any changes to the program will be discussed in 2012 (see Regulatory Register Fall 2011).

•**Nutrition Standards for Marketing Food for Children.** In December 2010, the Interagency Working Group (IAWG) - representing FDA, USDA, FTC, and CDC - released a draft of nutrition guidelines which would have drastically limited the types of foods that could be marketed to children (see Regulatory Register Winter 2011). The guidelines were revised and open for comment through July (see Regulatory Register Summer 2011), but many dairy



products would still have been affected. NMPF submitted comments, but the final proposal has been delayed with a request from Congress for a cost-benefit analysis. NMPF will continue to follow this issue in 2012.

(Continued p 5.)

Environment

NMPF Requests Withdrawal of Dioxin RA

NMPF, along with the Food Industry Dioxin Working Group (FIDWG), an ad hoc coalition of production agriculture, farm input, processing and retail food interests, sent a letter to EPA Administrator Lisa Jackson requesting an immediate withdraw of their draft dioxin risk assessment from interagency review and

from its regulatory schedule. Without adequate input from affected stakeholders and numerous disputed scientific assumptions, the group advocates for the agency to take a step back to review all information available and the potential impacts the recommended risk assessment could impose on industry. In the letter, the FIDWG wrote, “Since

the agency contends the primary route of human exposure to dioxin is through food - and EPA has yet to reach out to production agriculture and the food industry on the potential impacts of its strategy on consumer confidence in the food supply or the trade implications of its new approach and subsequent actions - we remain concerned agency actions will inadvertently mislead and

frighten consumers about the safety of food and may trigger negative trading partner actions, either of which could have a major negative economic impact on U.S. food producers.” The dioxin risk assessment may be released as early as this month.

Contact: David Hickey



Food Safety

EU Export Certificate Changes

In November 2011 — after receiving input from industry stakeholders, including NMPF — USDA-AMS finalized the requirements of the “European Health Certification Program”.

The effective date for beginning the transition to the new program requirements is January 1, 2012. After March 31, 2012, all shipments of dairy products requiring an EU health certificate must comply with the updated certification program and must be accompanied by an updated Certificate of Conformance (COC).

The major differences between US and EU milk requirements are 1) the EU somatic cell count (SCC) and bacterial standard plate count (SPC) requirements apply at the farm level, and 2) the EU maximum SCC in raw cow’s milk is 400,000 cells/mL.

Milk suppliers, dairy processors, and applicants for EU Health Certificates are responsible for maintaining records to trace their product back one step in the supply chain (toward the raw milk production) for all dairy products/ingredients intended for export to the EU.

Testing of the farm-level milk supply will be necessary to document compliance with the requirements for export of dairy products to the EU (both Grade A and Grade B milk for SCC, and Grade B milk for SPC). Grade A plants that supply ingredients or raw milk are generally exempt from requirements to keep additional records on SPC to confirm compliance with EU regulations.

With respect to timing, all farms will be given three months to establish initial rolling three-month means — that is, SCC data collected in

January, February, and March will be used to determine the rolling three-month mean for April. Non-Grade A farms will be given two months (January and February) to establish initial rolling two-month means for SPC. This data will serve as the initial basis for updated COCs under the new program. According to the new instructions, if a rolling mean exceeds EU requirements, the milk supplier must then notify AMS.

The program instructions include a level of flexibility for farms that exceed EU SCC or SPC requirements, but work toward compliance. (For detail on these provisions, see Section F “Milk Supplier’s Responsibility”, p 6-7.)

Information on the certification program may be found [online](#).

Contact: [Beth Briczinski](#).

Food Safety

FSMA Preventive Controls Group



The Food and Drug Administration (FDA) is expected to publish four separate, key sets of regulations to implement the cornerstone of the Food Safety Modernization Act (FSMA) in January 2012 .

One of those proposed rules will pertain to the requirement that food facilities analyze hazards, implement

appropriate preventive controls and develop written food safety plans — each of which is intended to minimize or prevent the potential for products to be adulterated or misbranded. (The three other regulations include preventive controls on animal feed facilities, produce safety, and foreign supplier verification.)

NMPF is assembling a small workgroup to assist in drafting and reviewing comments that

NMPF will submit on these preventive controls regulations.

NMPF members or associate members who would like to volunteer to participate in our FSMA preventive controls workgroup, should contact Beth Briczinski before January 30th.

Contact: [Beth Briczinski](#)

Environment

GHG Reporting Exemption Continues

Congress continued a critical air exemption for dairy farms in the final Fiscal Year 2012 Consolidated Appropriations Act (HR 2055). Originally included in a funding legislation for the 2010 Fiscal Year, the language prohibits the Environmental Protection Agency (EPA) from requiring

certain livestock operations to report their greenhouse gas (GHG) emissions. Coming on -line last year, the EPA Mandatory Reporting of Greenhouse Gases Rule (74 FR 56260) requires reporting of GHG data from sources emitting 25,000 metric tons of CO₂ equivalents, including emissions from manure

management systems. According to EPA, this would include dairy farms of 3200 cows or larger.

Contact: [David Hickey](#)



Environment

Farm Dust Legislation Passes House

In the fall, EPA Administrator Lisa Jackson said the agency will not seek to revise the standards for coarse particulate matter (PM₁₀), or dust, alleviating major concerns for farmers and ranchers throughout the country, especially in the west. Nevertheless, there is still anxiety by some that this announcement is just a slight victory, while the days of farm dust being regulated further by EPA is not too far down

the road.

There have been ongoing efforts in Congress to halt or delay EPA from revising the standards. Legislation introduced by Rep. Kristi Noem (R-S.D.), the Farm Dust Regulation Prevention Act of 2011 (HR 1633), would exempt farm dust from falling under the purview of the Clean Air Act for one year. On Dec. 8, the legislation passed the House of Representatives by a

resounding vote of 268-150. The bill has now been sent to the Senate, where many are skeptical it will ever see further action. Prior to the bill's passage in the House, President Barack Obama sent a message to Congress that he would veto the legislation if it were to reach his desk. A large coalition of agriculture stakeholders, including NMPF, sent a letter pledging support for Rep. Noem's legislation.

Contact: [David Hickey](#)



Environment

SPCC Date Extended to 2013

On October 18, 2011, the U.S. EPA issued both a direct final (76 FR 64245) and a proposed rule (76 FR 64296) to amend the date by which farms must prepare or amend and implement their Spill Prevention, Control, and Countermeasure (SPCC) Plans, to **May 10, 2013**. The

amendment does not remove the regulatory requirement for owners or operators of farms in operation before August 16, 2002, to maintain and continue implementing an SPCC Plan in accordance with the SPCC regulations then in effect. Such farms continue to be required to maintain plans during the interim until the applicable compliance date for

amending and implementing the amended Plans. Finally, the amendment does not relieve farms from any other applicable environmental regulations or requirements. EPA has provided a fact sheet on the final rule. The NMPF SPCC template is available online.

Contact: [David Hickey](#)



Animal Health

Mid-Atlantic Secure Milk Supply Project



On December 6, 2011, nearly 60 Federal, State, and dairy industry representatives met in Richmond, Virginia for the initial meeting of the Mid-Atlantic Secure Milk Supply (SMS) Project. Under a cooperative agreement from the US Department of Agriculture, the Mid-Atlantic SMS Project will build upon the National SMS Project and apply it to a regional basis. Maryland, Virginia, North Carolina, South Carolina, and Tennessee are participating in the Mid-Atlantic SMS Project. Other regional projects, such as the New England SMS Project are also being conducted.

The SMS is a foundation for industry and government preparedness in the event foot-and-mouth disease (FMD) outbreak. If FMD is

diagnosed in the United States, an animal health emergency will be declared and livestock and allied industries will feel the immediate impacts of animal quarantines, increased testing, and product movement restrictions. The just-in-time supply practices of milk movement in the United States could result in significant interruptions of milk and milk products to consumers, as well as create significant milk disposal and animal welfare issues on dairies. A well-developed, science and risk-based plan requires the input of industry, state and federal animal health officials.

The goals of the SMS:

- 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.

For more information contact [Dr. Geoff Benson](#), Professor Emeritus North Carolina State University or [Jamie Jonker](#).

Animal Health

NMPF Comments on Animal Traceability



The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) issued a proposed rule to establish general regulations for improving the traceability of U.S. livestock moving interstate when animal disease events take place.

Under the proposed rule, unless specifically exempted, livestock moved interstate would have to be officially identified and accompanied by an interstate certificate of

veterinary inspection or other documentation, such as owner-shipper statements or brand certificates. The proposed rule encourages the use of low-cost technology and specifies approved forms of official identification for each species, such as metal ear tags for cattle. However, recognizing the importance and prevalence of other identifications in certain regions, shipping and receiving states or tribes are permitted to agree upon alternative forms of identification such as brands or

tattoos.

NMPF submitted comments on the proposed rule and those can be viewed [here](#).

Contact: [Jamie Jonker](#)

Animal Health

NMPF Comments on TB Indemnity

In November 2010, the USDA Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) asked for input on the proposals for the "Appraisals Using Beef and Dairy Calculators" and "Options for Federal Indemnity Payments Vet-

erinary Services for Bovine Tuberculosis and Brucellosis Programs". When a herd has been identified with TB or Brucellosis and depopulation has been identified as the appropriate approach to control the disease, USDA must have the ability to fairly and accurately appraise animals for

indemnification purposes. On December 15, 2011, NMPF submitted [comments](#) on all four options and the dairy calculator.

Contact: [Jamie Jonker](#)



NMPF

Year in Review—Top 5 (from p. 1)

•Raw Milk Regulations.

Recalls, outbreaks, and investigations of manufacturers of raw milk and raw milk cheeses received attention in both 2010 and 2011. This alarming trend has the potential to put doubt into consumers' minds as to the safety of all dairy products.

In the interest of public health, NMPF has long advocated that raw milk should not be sold for direct consumption and has supported pasteurization as one of the most effective food safety tools developed.

In 2011, NMPF urged both state and federal governments to defend laws against the sale of raw milk (see [Regulatory Register Spring 2011](#), and [November 1, 2011 Press Release](#)) and will continue these efforts in 2012.

For news, resources, and information on this topic, visit the [NMPF Raw Milk webpage](#).

•Spill Prevention, Control, and Countermeasure Plan.

2011 was a busy year on the SPCC front. In the Spring, NMPF completed a three-part online tutorial to assist dairy producers in completing the [SPCC self-certification template](#) developed by NMPF in 2010.

On April 12, 2011, EPA finalized the bulk milk storage exemption for dairy producers. Finally on October 18, 2011, the EPA amended the date for which farms built after August 16, 2002, must prepare or amend and implement their SPCC plan to May 10, 2013.

For more information, visit the [NMPF SPCC webpage](#).

•**Somatic Cells.** In October 2010, NMPF delegates passed a resolution to lower the SCC limit at the 2011 NCIMS.

The proposal — which would have reduced the maximum threshold of allowable somatic

cells in milk at the farm level from the current 750,000 cells/mL, down to 400,000, starting in 2014 — was ultimately rejected by a [one-vote margin](#) at NCIMS in May.

In November, after responding to feedback from industry stakeholders, USDA-AMS Dairy Programs released the final details of the "European Health Certification Program". The effective date for beginning the transition to the new program requirements is January 1, 2012. After March 31, 2012, all shipments of dairy products requiring an EU health certificate must comply with the updated certification program.

Visit the [NMPF SCC webpage](#) for more information.



Animal Health

FDA Issues Order on Cephalosporin

On January 6, 2011 the U.S. Food and Drug Administration (FDA) issued an order that prohibits certain extra label uses of the cephalosporin class of antimicrobial drugs in cattle, swine, chickens and turkeys effective April 5, 2012. FDA stated “this action to preserve the effectiveness of cephalosporin drugs for treating disease in humans. Prohibiting these uses is intended to reduce the risk of cephalosporin resistance in certain bacterial pathogens.” The order is available [online](#).

Two cephalosporin drugs are currently approved for use in food-producing animal species: ceftiofur and cephapirin. Injectable ceftiofur products are approved for the treatment and control of certain diseases, including: (1) the treatment of respiratory disease in cattle, swine, sheep, and goats; (2)

the treatment of acute bovine interdigital necrobacillosis (foot rot) and acute bovine metritis; (3) the control of bovine respiratory disease; and (4) the control of early mortality associated with *Escherichia coli* infections in day-old chicks and poults. In addition, ceftiofur is approved as an intramammary infusion for the treatment of clinical mastitis in lactating dairy cattle associated with coagulase-negative staphylococci, *Streptococcus dysgalactiae*, and *Escherichia coli*. Cephapirin is only approved as an intramammary infusion for the treatment of lactating cows having bovine mastitis caused by susceptible strains of *Streptococcus agalactiae* and *Staphylococcus aureus*.

- The order does not limit the use of cephapirin, an older cephalosporin drug that is not believed by FDA to contribute

significantly to antimicrobial resistance.

- Veterinarians will still be able to use or prescribe cephalosporins for limited extra-label use in cattle, swine, chickens or turkeys as long as they follow the dose, frequency, duration, and route of administration that is on the label. Veterinarians may also use or prescribe cephalosporins for extralabel uses in minor species of food-producing animals such as ducks or rabbits.

Comments on the prohibitions are due by March 6, 2012. Following the comment period, the FDA will consider the comments prior to the order of prohibition going into effect on April 5, 2012.

NMPF is carefully reviewing the order and may submit comments.

Contact: [Jamie Jonker](#)



Food Safety

CVM Residue Survey Begins

The Food and Drug Administration (FDA) Center for Veterinary Medicine (CVM) milk residue survey project for dairy producers with a cull dairy cow tissue residue violation began the first week of January 2012.

The FDA residue survey involves collection of universal milk samples at central milk testing laboratories: 900 milk samples from dairy producers with a cull dairy cow tissue

residue violation and 900 random milk samples. FDA will have the samples blinded at the central laboratories, then shipped to the to the Institute for Food Safety and Health (IFSH) at Illinois Institute of Technology.

The milk samples will then be shipped to FDA laboratories for analysis. The milk samples will be tested for 30 different antimicrobial and anti-inflammatory residues. NMPF anticipates that the sampling

and laboratory analysis will take at least one year.

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



Animal Health

2012 Residue Manual Available

The National Milk Producers Federation (NMPF) has released an updated version of the *Milk and Dairy Beef Drug Residue Prevention Manual* for 2012. One of the areas of focus for the National Dairy FARM Program™, the residue prevention manual can be found online at www.nationaldairyfarm.com.

The *Milk and Dairy Beef Drug Residue Prevention Manual* is a

concise review of appropriate antibiotic use in dairy animals. The manual is a quick resource to review those antibiotics approved for dairy animals, and also can be used as an educational tool for farm managers as they develop their on-farm best management practices necessary to avoid milk and meat residues. Additions to the 2012 version include a section on meat drug residue testing, an expanded list of products and risk factors

for residues, as well as an updated drug and test kit list. The 2012 manual includes a certificate of participation that can be signed by a producer and their veterinarian to demonstrate their commitment to proper use of antibiotics on the dairy.

Contact: [Betsy Flores](mailto:Betsy.Flores@nmpf.org)



Environment

CAFO 308 Comments Due Jan. 19

Following requests from livestock groups and Congressional leaders, EPA announced an extension of the comment deadline for the proposed rulemaking by 30 days. The deadline for comment submission is

quickly approaching on Jan. 19, 2012. NMPF, along with a coalition of livestock groups, submitted initial comments to the Office of Management and Budget (OMB) laying out our concerns with the proposed rulemaking. NMPF staff also met with OMB and Office of Information and Regulatory

Affairs (OIRA) officials during the interagency review to explain the potential risks and costs of this rulemaking.

Contact: [David Hickey](mailto:David.Hickey@nmpf.org)

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 32,000 dairy producers on Capitol Hill and with government agencies.

Scientific & Regulatory Affairs Staff

Jamie Jonker
Vice President, Scientific & Regulatory Affairs
JJonker@nmpf.org

Beth Briczinski
Director, Dairy Foods & Nutrition
beth@nmpf.org

Betsy Flores
Director, Regulatory Affairs
BFlores@nmpf.org

Contact:

National Milk Producers Federation
2101 Wilson Blvd., Suite 400
Arlington, VA 22201
Phone: (703) 243-6111
Fax: (703) 841-9328
www.nmpf.org

