

# National Milk Producers Federation Regulatory Register

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#### Nutrition

# **NMPF Hails New Dietary Guidelines**

#### The recently released 2015-2020 Dietary

<u>Guidelines for Americans</u> (DGA) "affirm the vital, unrivaled contribution made by dairy foods," the National Milk Producers Federation said in a <u>statement</u>, joining three other national dairy groups that praised the recommendations for reinforcing the need for daily dairy consumption.



Every five years, the federal government updates its advice on what Americans should eat. The most recent guidelines highlight the

need for Americans to increase their consumption of dairy products, as most people now get fewer than the three daily servings recommended for adults, adolescents and older children in most food patterns.

NMPF joined the National Dairy Council, the International Dairy Foods Association and the Milk Processor Education Program in praising the DGA's continued recommendation to consume low-fat and fat-free dairy every day. The guidelines note that dairy helps reduce the risk of cardiovascular disease, type 2 diabetes, certain types of cancer, overweight and obesity.

Controversy surrounded the development of this year's guidelines, partly because the outside scientific advisers who prepared the initial recommendations also focused on so-called "sustainable diets," seen by many as a platform to discourage meat consumption. However, the final DGA document did not address the issue, since federal officials felt that the nutrition-oriented guidelines were not the right place for such advice. However, as a result of the controversy, Congress mandated an outside study of how the DGA are written. The study, to be conducted by the National Academy of Medicine, is expected to begin soon.

The next round of dietary guidance, due in 2020 with preparations already underway, may represent an opportunity to reassess the benefits of higher-fat dairy. The vice chair of this year's DGA advisory committee said publicly that some scientific research suggests the benefits of whole, reduced-fat milk and other dairy products, but that this science was not fully enough developed to be considered during the 2015 DGA reviews.

Contact: Beth Briczinski

## Nutrition

# **NMPF Comments on Dairy Value in Food Fortification**

The Food and Drug Administration (FDA) should recognize the superiority of dairy nutrition over imitations like soy beverages when it gives guidance about fortifying foods, the National Milk Producers Federation said in February. In <u>comments</u> on a <u>draft guidance document</u> for adding nutrients such as calcium to foods and beverages, NMPF criticized FDA for language that seemed to promote soy beverages as the only option for people who are lactose intolerant.

This viewpoint contradicts the <u>2015-2020</u> <u>Dietary Guidelines for Americans (DGA)</u>, NMPF said, quoting: "Individuals who are lactose intolerant can choose low-lactose and lactose-free dairy products." NMPF urged FDA to modify its guidance "to clarify that dairy should be the first option for lactose-intolerant individuals." One of the federal departments issuing the DGA is Health and Human Services, of which FDA is a part.

NMPF also said FDA's guidance should reflect the fact that calcium added through fortification may be less bioavailable than the calcium found naturally in milk, and therefore may benefit consumers less than the same amount of calcium in milk.

Contact: Beth Briczinski

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#### Nutrition

# WHO Marketing Guidance for Infants and Children

In January 2016, the World Health Organization (WHO) issued a draft guidance document, "Ending Inappropriate Marketing of Foods for Infants and Young Children." Among other elements, this proposal prohibits the promotion and marketing of milk products to children up to age 3, despite the ample scientific evidence of the benefits of dairy in young children's diets, and the direct conflict this would pose to U.S. nutritional recommendations such as the Dietary Guidelines for Americans and the inclusion of dairy in U.S. nutritional support programs such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

NMPF joined a coalition of several other organizations to <u>object to this proposal</u>, highlighting both the nutritional and trade problems that could result from allowing the guidance to be adopted by WHO countries as it was proposed. As part of its efforts to challenge this proposal, NMPF met with numerous U.S. agencies and submitted detailed comments to the Department of Health and Human Services, the lead agency on this issue. These efforts, coupled with support from congressional offices, helped form the official U.S. comments that incorporated many of the concerns NMPF and its coalition partners had cited.

NMPF's focus is on ensuring that the U.S. government insists that WHO significantly revises its proposed guidance to address the egregiously incorrect suggestion that dairy is inappropriate for young children, as well as to correct other elements of the proposal. WHO is currently planning to put a revised document forward in April for adoption by the World Health Assembly in May. Significantly more time for consultations and evaluation of scientific evidence is needed to ensure that any final guidance document recognizes the strong nutritional benefits of dairy to young children.

Contact: Shawna Morris

#### **Food Safety**

## **NMPF Opposes Raw Milk Bills**

Bills to relax food safety regulations on raw milk are being considered in a number of state legislatures this year, and NMPF has called on lawmakers and governors to reject them to protect consumers.

In letters written jointly with the International Dairy Foods Association (IDFA), NMPF said the various bills should be voted down "due to the significant public health risks associated with the consumption of raw milk." Among other bills, NMPF and IDFA singled out:

- <u>Maryland House Bill 0079</u>, exempting from regulation the distribution of raw milk and raw milk products from milk producers directly to the final consumer;
- <u>Virginia House Bill 619</u>, exempting from regulation dairy foods processed in private homes or farms;
- <u>Virginia House Bill 62</u>, exempting milk producers from production requirements (pasteurization); and
- <u>West Virginia Bill 387</u>, easing regulation of the statewide sale of raw milk.

The West Virginia bill was signed by Gov. Earl Ray Tomblin, despite the fact that NMPF and IDFA urged the governor to veto the legislation, as he did with a similar measure last year. The Maryland raw milk bill was withdrawn by its sponsor and is officially dead for this year.

In explaining opposition to the various proposals, NMPF and IDFA cited a 2012 report from the Centers for Disease Control and Prevention (CDC), which listed 73 known



foodborne illness outbreaks between 1993-2006 that were associated with unpasteurized dairy products. The CDC concluded that unpasteurized milk was 150 times more likely to cause illness than pasteurized milk. According to the CDC, nearly 75 percent of raw milk-associated outbreaks have occurred in states where sale of the product was legal. Thus, NMPF and IDFA warned, relaxing regulations is likely to lead to more illness victims. And nearly two-thirds of all these outbreaks involve children, who tend to be more vulnerable to foodborne illness than adults.

NMPF has been an industry leader and vocal opponent to making raw milk more accessible to consumers. Currently, direct sale of raw milk to consumers is not legal in Maryland.

#### Contact: Beth Briczinski

# FDA to Test Milk and Eggs for Glyphosate

Glyphosate, the chemical name for Roundup®, has been under global scrutiny recently. It has been frequently attacked by anti-GMO activists because many crops are genetically engineered to be immune to this common herbicide. Last year, the World Health Organization labeled it a "likely carcinogen," but soon after that the European Food Safety Authority concluded it is "unlikely to pose a carcinogenic hazard to humans."

In February, FDA <u>announced</u> it would begin testing soybeans, corn, milk and eggs for glyphosate residues this year. NMPF is confident the testing will reveal that milk does not contain glyphosate residues, in part based on a 2005 Food and Agriculture Organization (FAO) study of lactating cows fed a diet containing 10 times the normally expected residue. The FAO concluded that "no residues were detected in milk from animals receiving the highest level." NMPF anticipates this testing program could go a long way in silencing unfounded accusations that glyphosate is getting into the milk supply, but some concerns remain about how FDA will characterize its findings in its final report.

NMPF pointed out that in 2004, when FDA announced the results of a study involving dioxin in the food supply, they reported the non-detection of dioxin in a food three different ways: as 0, as half the limit of detection, and as the limit of detection. For example, if the limit of detection was 1 part-per-billion (ppb), using FDA's past protocol they could report out a non-detect as: 0 ppb, 0.5 ppb or 1 ppb. NMPF feels strongly that with respect to glyphosate testing of milk, the proper method is to report nondetects as 0 because glyphosate does not transfer to milk, as proven by the FAO in 2005. NMPF will provide the FDA any concerns on the matter in advance of the initiation of the testing program.

Contact: Clay Detlefsen

#### **Food Safety**

## **Survey of Antibiotic Residues in Milk Finds Continuing Improvement**

Dairy farmers continued in 2015 to improve their already stellar track record of keeping antibiotic residues out of the milk supply, with the <u>most recent national survey</u> finding that only 0.012% of all bulk milk tankers, or 1-in-8,300 loads, showed any sign of animal antibiotic drug residues. On-farm vigilance in following drug withdrawal times has led to a steady decline in detectable antibiotic residues, with 2015's figure falling from an already low level of 0.038% in 2005 – a decline of nearly 70% in the last decade. All milk loads are tested for antibiotics, and any tanker that tests positive for a drug residue is rejected before entering a dairy plant and does not enter the market for human consumption.

These figures are based on information reported to FDA's National Milk Drug Residue Data Base by state regulatory agencies under the <u>National Conference on Interstate Milk</u> <u>Shipments</u>. Data are reported on the extent of the national testing activities, the analytical methods used, the kind and extent of the animal drug residues identified, and the amount of contaminated milk that was removed from the human food supply.

Contact: Beth Briczinski or Jamie Jonker

#### **Food Safety**

# **Raw Manure Falls Under Produce Safety Rule**

On March 4, FDA issued a <u>request for comments and</u> <u>data</u> related to the application of untreated biological soil amendments of animal origin (BSAAO), otherwise known as "manure." FDA believes that raw manure can be a source of pathogenic contamination for produce grown on fields where untreated BSAAO has been applied under certain circumstances.

In 2013, when FDA proposed the Produce Safety rule, it included a requirement that no produce could be harvested for a minimum of nine months after application of raw manure. After public outcry, FDA revoked that requirement and stated it would give the matter further consideration. In November 2015, FDA issued a final Produce Safety rule that did not fully explain how it would limit the application of untreated BSAAO on produce fields. FDA has stated it believes some time interval between application and harvesting is warranted, and is seeking data on the length of that interval.

In the meantime, FDA has suggested that produce growers follow USDA's National Organic Program requirements, which call for a 120-day interval between application and harvesting if the produce comes in contact with raw manure, and a 90-day interval if produce does not come in contact. NMPF has been asked to weigh in on the matter and is seeking information from dairy cooperatives and producers. The comment period closes on May 3, 2016.

Contact: Clay Detlefsen

#### **Food Safety**

## NMPF Awaits Last Two Major FSMA Rules

Five of the seven major rules under the <u>Food Safety</u>. <u>Modernization Act</u> (FSMA) have been issued in final form, and the last two will be issued soon. The rule covering <u>Sanitary Food Transportation</u> is expected to be released by March 31, 2016. The rule covering Intentional Adulteration is expected to be released by May 31, 2016. Those dates are deadlines set by the courts after FDA failed to meet congressionally-imposed timelines in the act itself.

The Sanitary Food Transportation rule was originally mandated by Congress in 1990, but the Department of Transportation failed to take action. As a result, Congress passed a new mandate in 2005, shifting responsibility to FDA. FDA failed to act, as well, so Congress added it to FSMA. Several years ago, FDA <u>requested comments</u> on the concept of a rule, to which NMPF staff responded. In those comments, <u>NMPF urged</u> that FDA consider the transportation requirements under the Pasteurized Milk Ordinance (PMO), which NMPF maintained were sufficient. FDA agreed and, when the current pending rule was proposed under FSMA, they included a waiver for PMOregulated transportation activities. NMPF believes the final rule will formalize that waiver that NMPF has supported in comments and public meetings with FDA.

The Intentional Adulteration rule is one of the most unique rules under the act, and has been a cause of concern for NMPF staff for years. One unique aspect is that FDA has the authority to regulate dairy farms under this rule. NMPF has asserted that it is unwarranted to include dairy farms in the scope of the rule, which is supposed to be limited to situations where there is high risk of intentional contamination. NMPF staff do not believe dairy farms are at high risk of having milk contaminated on the farm, and have conveyed that to FDA on numerous occasions. NMPF does support the use of FDA's Food Defense Plan Builder tool for food processing facilities, and aided FDA in its design. The tool has received considerable positive support from industry.

NMPF will host a member webinar describing each of these two rules after they are issued.

Contact: Clay Detlefsen or Beth Briczinski

#### **Food Safety**

## Staff Ready to Train Qualified Individuals in New Food Safety Regs

The Food Safety Modernization Act's Preventive Control for Human Food rule requires a preventive controls qualified individual to develop, implement and oversee each food facility's written food safety plan. The rule goes into effect on September 16, 2016, for companies that have 500 or more employees; 2017 for companies with less than 500 employees; and 2018 for very small businesses and facilities regulated by the Pasteurized Milk Ordinance.

There are two ways to meet the preventive controls qualified individual status. The first is to declare that an individual is qualified based on personal experience; the second is to take a preventive controls qualified individual training class. While vouching for one's personal experience is an option, it is possible FDA determines that a facility's preventive controls qualified individual is not properly versed in food safety and thus not in compliance with FSMA. The alternative training option is straightforward and is being offered all over the country, as well as around the globe. Foreign facilities must comply, as well.

In an effort to assist NMPF cooperatives with processing facilities, staff members Beth Briczinski and Clay Detlefsen have achieved Lead Instructor training, and will be teaching preventive controls qualified individuals in the months ahead at the time and location of the cooperative's choice. Instructors are required to use and rigidly follow materials prepared by FDA's contractor, the Food Safety Preventive Controls Alliance, during the 2.5-day course. Upon completion, NMPF recommends that, at a minimum, there should be one trained preventive controls qualified individual per plant, and preferably two or three.

Contact: Clay Detlefsen



#### **Animal Care**

# **NMPF Board Approves Changes to National Dairy FARM Program**



On March 8, the National Milk Producers Federation Board of Directors <u>approved changes</u> to the National Dairy FARM (Farmers Assuring Responsible Management) Program<sup>™</sup> to strengthen the effectiveness and credibility of its animal care standards.

Revisions to the FARM

<u>Animal Care Program</u> occur every three years. They are based on input from farmers, veterinarians and others involved in the FARM Program's Technical Writing Group and NMPF's Animal Health and Wellbeing Committee, as well as recommendations received through a public comment period. The current revision process began in May 2015. The approved updates will be reflected in Version 3.0 of the program when it is implemented January 1, 2017.

One outcome of the revisions is a greater emphasis on accountability among program participants. The advisory committees identified several FARM Program guidelines for heightened focus and attention. Such criteria include a greater emphasis on employee training, having a documented Veterinarian-Client-Patient Relationship, updated protocols on euthanasia and non-ambulatory cattle, and the cessation of tail docking.

Contact: Emily Meredith or Jamie Jonker



### **Animal Care**

# **National Dairy FARM Program Launches Mobile Application**

Since the National Dairy FARM Program began in 2009, more than 38,000 evaluations have been performed by more than 370 dedicated FARM Program evaluators using pencil and paper. FARM now has a custom mobile app, built using the <u>AgConnect®</u> platform, to allow evaluators, cooperatives and industry associations to use the program digitally with more ease and flexibility. <u>The Institute for Infectious Animal Diseases</u>, the Department of Homeland Security Science and Technology Center of Excellence, and the <u>Texas Center for Applied Technology</u>, a research center within the Texas A&M Engineering Experiment Station, worked together to create the software program.

New features of the mobile app include:

- FARM Evaluation will automatically save after each question is answered, regardless of whether the user has working cell service or Internet connection;
- Forms will submit automatically once user is back in cellular service range or connected to Internet;
- Automatically computes the minimal animal observations by animal type based on herd profile;
- Auto-calculates observation score percentages and allows the option to manually answer observation-related questions; and
- Allows Evaluators to input photos and notes to review later.

The application is available on both the <u>Apple App Store</u> and <u>Google Play Store</u> by searching "Dairy FARM Mobile." Only FARM Program-certified evaluators/trainers have account credentials to utilize the app and submit evaluations.

Contact: Ryan Bennett or farm-help@tamu.edu



#### **Animal Care**

## **BQA Partners with National Dairy FARM Program**



To strengthen the ongoing partnership between the dairy and beef segments of the cattle industry on animal care issues, the National Milk Producers Federation and the beef checkofffunded <u>Beef Quality</u>

Assurance program will jointly offer more training opportunities for farmers and ranchers in 2016. NMPF has been working for the past year on identifying areas where its Farmers Assuring Responsible Management (FARM). Program can further coordinate with the Dairy Beef Quality Assurance (BQA) Program, managed by the National Cattlemen's Beef Association on behalf of the beef checkoff. Both programs focus on educating cattle producers about the best practices in animal care to assure consumers that their meat and milk comes from animals that receive optimal care throughout the animals' lives.

In January, the BQA Advisory Board approved an addition to its program whereby any dairy producer evaluated using the FARM Animal Care Program's Version 3.0 (starting January 2017) will also receive BQA certification. BQA will also work with FARM to create training opportunities for dairy producers to preserve the beef quality of their cows. These training sessions will focus on stockmanship, residue prevention and transportation. Many of these training opportunities will be available at the state level and implemented by the BQA state coordinators.

Contact: Emily Meredith or Ryan Bennett

#### **Animal Health**

# First 2014 Dairy NAHMS Report Released

In March, the <u>USDA's National Animal Health Monitoring</u> <u>System (NAHMS)</u> released <u>Dairy Cattle Management</u> <u>Practices in the United States, 2014</u>, the first report from its Dairy 2014 study. Dairy 2014 is NAHMS sixth study of the U.S. dairy industry. The study was conducted in 17 of the nation's major dairy states and represents 76.7 percent of U.S. dairy operations and 80.3 percent of U.S. dairy cows. USDA will release additional reports in the next year.

A few highlights of the report include:

- Rolling herd average (RHA) milk production was 19,932 lb./cow. RHA milk production for grazing and organic operations was similar (14,513 and 14,758 lb./cow, respectively).
- Overall, 47.5 percent of operations had accessed the Internet for dairy information during 2013. Internet use

generally increased as herd size increased, with 31.6 percent of very small operations (fewer than 30 cows) accessing the Internet for dairy information compared with 89.7 percent of large operations (500 or more cows).

 The percentage of operations that administered vaccines to cows increased as herd size increased. Overall, 73.8 percent of operations administered any vaccine to cows. More than half of operations administered vaccines against BVD (68.0 percent), infectious bovine rhinotracheitis (60.2 percent), parainfluenza type 3 (55.8 percent), bovine respiratory syncytial virus (54.8 percent), or leptospirosis (51.5 percent).

Contact: Jamie Jonker

## **Animal Health**

## **USDA Publishes Final Rule for Conservation Stewardship Program**

On March 10, USDA published a final rule on the Conservation Stewardship Program (CSP), USDA's largest conservation program that helps agricultural producers voluntarily improve the health and productivity of private and tribal working lands. CSP was reauthorized in the 2014 Farm Bill and is administered through USDA's <u>Natural Resources Conservation Service</u>.

The final rule responded to public input and makes permanent the changes that were made in the interim final rule. Significantly, the <u>final rule</u> raises the minimum contract payment for all participants to \$1,500 per year, provides increased flexibility for adopting conservation activities and enhancements, and clarifies provisions related to how land transfers affect program participation.

The CSP is USDA's largest conservation program by acreage. Through CSP, USDA has provided more than \$4 billion since 2009 in assistance to farmers, ranchers and forest managers to enhance conservation on more than 70 million acres.

Contact: Jamie Jonker

#### **Animal Health**

## House Ag Livestock, Foreign Agriculture Subcommittee Holds FMD Hearing



The House Agriculture Livestock and Foreign Agriculture Subcommittee <u>held a hearing</u> in February to examine the preparedness of the United

States in the event of the introduction of foot and mouth disease (FMD) into the country. The hearing included a <u>panel of witnesses</u> who shared what steps have been taken, and what still needs to be done to establish an FMD vaccine

stockpile deployable within 24 hours of an outbreak. <u>FMD</u> is a highly contagious viral disease that causes illness in cows, pigs, sheep, goats and other animals with cloven hooves. However it is not a human health concern.

If an FMD outbreak were to occur in the United States, USDA has established a <u>response plan</u> including the use of vaccine in large-scale outbreaks. Currently, the amount of vaccine available at the North American FMD Vaccine Bank is insufficient for vaccinate-to-live scenarios. NMPF supports a fully functional government-funded FMD vaccine bank with sufficient quantities for vaccinate-tolive scenarios.

Contact: Jamie Jonker

#### **Animal Health**

## **USDA SACAH Discusses FMD Preparedness, Other Important Topics**

The USDA <u>Secretary's Advisory Committee on Animal</u> <u>Health</u> (SACAH) met February 23-25 in Dallas, Texas. The SACAH advises the U.S. Secretary of Agriculture on matters of animal health and broader issues of public concern. Among the variety of topics discussed by the committee was the importance of a fully functional foot and mouth disease (FMD) vaccine bank including the need for vaccinate-to-live strategies. Currently, if a large-scale FMD outbreak were to occur in the United States, there would be a struggle to obtain sufficient quantities of FMD vaccine in a timely manner. South Korea faced such a challenge during its most recent FMD outbreak.

Additional discussion occurred on emerging animal diseases, animal identification, antimicrobial resistance and other animal diseases. Presentations from the meeting are available <u>online</u>.

Contact: Jamie Jonker

#### **Animal Health**

## FDA Finalizes Guidance to Ensure Safety of Animal Feed on the Farm

On March 9, the U.S. Food and Drug Administration issued a final version of <u>Guidance for Industry #203 Ensuring</u> <u>the Safety of Animal Feed Maintained and Fed On-Farm</u>. The guidance outlines steps animal producers can take to identify and prevent feed contaminants that are sometimes present in the farm production environment and could jeopardize the health of farm animals and the safety of human food derived from the animals. The guidance considers the following principles and practices as means of ensuring the safety of the feed given to animals:

- Know what feed contaminants may be present in your animals' feed and the measures known to prevent such contaminants from becoming unacceptable feed risks;
- Obtain feed from safe and reliable sources;
- Recognize unexpected changes in the feed at your farm (e.g., changes in color, smell, texture, or appearance);
- Know where in your animal production system(s) unacceptable feed risks may occur;
- Monitor animal feed products for contaminants during receiving, holding, and handling; and,



 Be aware that other actions, such as limiting access to the premises to authorized personnel, following feed labeling directions, proper personnel training, and sampling and testing of feed can help ensure feed safety.

Contact: Jamie Jonker





## **Animal Health**

## **USDA Releases Updated TB, Brucellosis Eradication Program Standards**

USDA's Animal and Plant Health Inspection Service (APHIS) released a proposal on December 16 to update the <u>brucellosis and bovine tuberculosis</u> (TB) eradication program regulations. Under the proposed rule, states and tribal nations would no longer be categorized by the disease prevalence in their state, and APHIS would no longer rely solely on whole-herd depopulation. Instead, APHIS has proposed to establish standards for disease surveillance, epidemiological investigations and affected herd management. States and tribes would develop and implement an animal health plan that outlines how they will meet those standards. States and tribes would be categorized by whether they have an animal health plan, whether APHIS has approved this plan and whether they are following the activities outlined in their plan. APHIS would also outline requirements for both interstate movements and imports of cattle, bison and captive cervids, as well as conditions for approving tests, testing laboratories and testers.

These proposed revisions also address strategies when a herd is found to be infected. APHIS believes using depopulation as the only method of control is no longer feasible. Instead, APHIS concludes that a test-and-remove strategy is a cost-effective alternative for controlling these diseases. In this strategy, infected herds are tested on a periodic basis and any animals that test positive are removed from the herd. Comments are due May 16.

Contact: Jamie Jonker

#### **Animal Health**

## Management of Standards for Hazardous Waste Pharmaceuticals

On December 23, NMPF <u>submitted comments</u> to the Environmental Protection Agency (EPA) on the proposed regulation for "<u>Management of Standards for Hazardous</u> <u>Waste Pharmaceuticals.</u>"

EPA regulates the disposal of some pharmaceuticals as hazardous waste under the Resource Conservation and Recovery Act (RCRA) when discarded. For a variety of reasons, healthcare facilities (as defined by EPA) that generate hazardous waste pharmaceuticals, as well as associated facilities, have reported difficulties complying with the Subtitle C hazardous waste regulations. EPA proposed to revise the regulations to improve the management and disposal of hazardous waste pharmaceuticals and tailor them to address the specific issues that hospitals, pharmacies and other healthcare facilities face. The revisions were also intended to clarify the regulation of the reverse distribution mechanism used by healthcare facilities for the management of unused and/or expired pharmaceuticals.

While EPA does not specifically mention dairy (or other livestock) farms as included in the proposed regulation, EPA states "Other types of entities not listed could also be affected." NMPF commented that EPA should "clearly exempt dairy farms and agricultural production facilities from the healthcare facility definition of entities affected by the proposed rule for management standards for hazardous waste pharmaceuticals." NMPF believes it would be inappropriate for EPA to regulate the disposal of pharmaceuticals on dairy farms much as EPA will not require households to be regulated. EPA states this about households: "The Agency would like to emphasize that the regulatory requirements in this proposed rule do not apply to households or to household pharmaceutical collection and take-back events and programs."

Contact: Jamie Jonker

# Waters of the U.S. Update

On February 22, the <u>U.S. Court of Appeals for the Sixth</u> <u>Circuit</u> concluded that it has jurisdiction to review challenges to the Waters of the U.S. (WOTUS) Final Rule. The Sixth Circuit rejected arguments that proper jurisdiction to review challenges to the WOTUS rule lies in federal district courts. Instead, two of the three judges on the panel concluded that applicable precedent provided the Sixth Circuit jurisdiction to hear the consolidated challenges to the WOTUS rule. Given the Sixth Circuit's prior decision to stay the rule, pending resolution of the jurisdictional challenge, this would indicate the rule exceeds the scope of the Clean Water Act or is not a "logical outgrowth" of the proposed rule published in the Federal Register. This same court ordered a nationwide <u>"stay" of implementation</u> of the WOTUS Final Rule on October 9.

Contact: Jamie Jonker or Ryan Bennett

#### Environment

## **Voluntary Nutrient Trading in Maryland**

Last fall, Maryland officials expressed interest in creating a nutrient trading program that could help clean up the Chesapeake Bay. The Chesapeake Bay is one of the nation's largest estuaries and home to more than 15 million people. However, pollution levels in the bay have been increasing in recent decades. Chief among these pollutants are the botanical nutrients nitrogen and phosphorus.

The sources of these nutrients include wastewater treatment facilities, urban storm sewer systems, agriculture and air deposition. Despite decades of efforts to clean up the bay, the nutrient reductions needed have fallen short of the goals. Gov. Larry Hogan, the Maryland Department of Agriculture and the Maryland Department of the Environment are all united in the belief that if they engage the agriculture community, they can achieve the nutrient reductions needed to clean up the bay.

NMPF strongly supports the concept of nutrient trading and applauds Maryland officials for having the foresight to propose a program in the state of Maryland. It will set a precedent that other states and watersheds can and will follow to improve their water quality. While NMPF supports the Maryland program, <u>comments</u> were filed in January asking that they expand eligible trading to include technology-based nutrient recovery trades and provide for long-term trading of 10 years or more. NMPF believes that Maryland officials are open to such changes and will actively work with them in the months ahead.

Contact: Clay Detlefsen



#### **NMPF** News

# NMPF Accepting Applications for 2016 Scholarship Program

Each year, the National Milk Producers Federation offers scholarships to qualified graduate students (enrolled in Master's or Ph.D. programs) who are actively pursuing dairy-related fields of research that are of immediate interest to NMPF member cooperatives. Graduate students pursuing research of direct benefit to the dairy industry are encouraged to submit an application. Applicants do not need to be members of NMPF to qualify.

To qualify for an NMPF Scholarship, applicants must be currently enrolled in a graduate degree program in the United States and must follow all instructions in the <u>application form</u> (PDF). Completed applications will consist of an application package (an information form, a brief research summary and a current resume) and two letters of recommendation. All application materials should be emailed to <u>Beth Briczinski</u>.

Materials must be received no later than **April 8, 2016**. Scholarship recipients will be selected by the NMPF Board of Directors in June 2016 and will be notified soon afterwards. Payment will be made to coincide with the start of the 2016-17 academic year.

Contact: Beth Briczinski

#### **Upcoming Events**

ADSA Large Herd Management Conference Oakbrook, Illinois	May 1-4, 2016
Animal Ag Alliance Stakeholder Summit Arlington, Virginia	May 5-6, 2016
<mark>Dairy Sustainability Forum</mark> Chicago, Illinois	May 11-12, 2016
<b>NMPF June Board Meeting</b> Arlington, Virginia	June 6-8, 2016

## **About NMPF**



2101 Wilson Blvd., Suite 400, Arlington, VA 22201 (703) 243-6111 www.nmpf.org 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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