

# Rules Governing

## Raw Milk IDAPA 02.04.13

### SENATE AGRICULTURAL AFFAIRS COMMITTEE

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# Idaho Raw Milk Program

- ▶ Program established 2010 – 3 types of raw milk permits
  - ▶ Herdshare Permit – limited to 7 cows, 15 goats/sheep
    - ▶ No sanitation inspections
  - ▶ Small Herd Exempt Permit – limited to 3 cows, 7 goats/sheep
    - ▶ No sanitation inspections
  - ▶ Unlimited Raw Permit – unlimited herd size for all animals
    - ▶ Sanitation inspections required (same standards as Grade A dairies)
- ▶ Permit History since 2010: 178 cow; 198 goat; 5 sheep; 2 herdshare
- ▶ # Active Facilities: 65 cow; 59 goat, 2 sheep (no active herdshares)

# Negotiated Rulemaking Meetings

- ▶ April 20, 2021 (conducted via videoconference)
- ▶ May 18, 2021 (conducted via videoconference)
- ▶ June 15, 2021 (conducted via videoconference)
- ▶ Multiple and extensive comments were submitted to the rulemaking record

# Summary of Rule Changes

- ▶ Elimination of Herd Size Restrictions (Section .010)
- ▶ Elimination of Monthly Quality Testing (Section 013.01-.02)
- ▶ Nutrient Management Plan Requirements (Section .010 & 030.01)
- ▶ Red Tape Reduction (multiple sections)

# Elimination of Herd Size Restrictions Section .010 (page 2)

12. ~~Sanitization. The application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable. Such treatment may not adversely affect the equipment, the raw milk or raw milk products or the health of consumers, and be acceptable to the Department.~~ (3-29-10)
13. ~~Small Herd. The production of raw milk or raw milk products for human consumption, for use by people other than members of their immediate household or non-paying guests, in a facility with no more than three (3) lactating cows, seven (7) lactating goats, or seven (7) lactating sheep. The dairy farm herd may include other cows, goats, or sheep that are dry or are producing milk for purposes other than human consumption.~~ (4-7-11)
14. ~~Small Herd Raw Milk Permit. Written authorization from the Department to a small herd dairy farm allowing raw milk and raw milk products to be sold for human consumption as provided in Section 030 of these rules.~~ (4-7-11)
15. ~~Sterilized. The condition achieved by application of heat, chemical sterilant or other appropriate treatment that renders the piping, equipment and containers used for raw milk and raw milk products free of viable microorganisms.~~ (3-29-10)

011. (RESERVED)

# Elimination of Herd Size Restrictions

## Section .020 (page 5)

### 0230. SMALL HERD RAW MILK PERMITS.

01. Legal Sale. It is unlawful for any person who does not possess a with a small herd raw milk permit from the Department to produce, process, sell or offer for sale raw milk or raw milk products for human consumption to persons other than members of the dairy farm's immediate household, to sell raw milk and raw milk products for human consumption without a Small Herd Raw Milk Permit issued by the Department. The Small Herd Raw Milk Permit applies to raw milk and raw milk products intended for human consumption for persons other than members of the dairy farm's immediate household. (4-7-11)

0102. Obtaining a Small Herd Raw Milk Permit Requirements. Only a person who complies with these rules may receive and retain a Small Herd Raw Milk Permit. Prior to the issuance of a raw milk permit, each dairy farm must comply with the following requirements: The Small Herd Raw Milk Permit will indicate the physical location of the small herd and the mailing address of the owner or operator in charge of the herd's care and milk quality. Small Herd Raw Milk Permits are not transferable to another person or location. Applications for a Small Herd Raw Milk Permit may be upon a form provided by the Department. All holders of Small Herd Raw Milk Permits issued by the Department must meet the following conditions: (4-7-11)

a. Submit an application to the Department indicating the physical location of the dairy and the mailing address of the responsible party;

Meet the raw milk and raw milk products quality standards as set forth in Section 013 of these rules; (4-7-11)

b. Meet the tuberculosis and brucellosis standards as set forth in Section 013 of these rules; (4-7-11)

c. Meet the applicable drug testing requirements as determined by the Department based on dairy farm drug therapy and milk quality history; and (4-7-11)

d. All raw milk and raw milk products must be produced and processed on the same premises. (4-7-11)

02. Testing Frequency. Raw milk or raw milk products must be tested at a frequency of at least four (4) times in separate months during any consecutive six-month period. (4-7-11)



## Elimination of Herd Size Restrictions

- ▶ Unlimited raw permits and small herd exempt permits were combined into a single raw milk permit that applies to all herd sizes
  - ▶ Herdshare permit remains unchanged
- ▶ Raw milk producers are no longer restricted as to the number of animals they can milk

# Elimination of Monthly Quality Testing Section 013.01-.02 (page 3)

RAW MILK	
Temperature	Cooled to forty degrees Fahrenheit (40F or 5C) or less within two (2) hour after milking provided that the blend temperature after the first and subsequent milking does not exceed forty five degrees Fahrenheit (45F or 7C).
Bacterial Limits	Raw milk and raw milk products except cultured raw milk products shall not exceed fifteen thousand (15,000) per ml.
Coliform Limits	Raw milk and raw milk products may not exceed twenty five (25) per ml.
Drugs	Raw milk must test negative by a test method approved by the Department.
Somatic Cell Counts	Raw milk must not exceed five hundred thousand (500,000) per ml. Goat or sheep raw milk must not exceed seven hundred and fifty thousand (750,000) per ml.
Brucellosis Test	Raw milk obtained from sheep or goats must be from animals that have tested negative on an annual brucellosis test performed by an official laboratory. Raw milk obtained from bovines must be from animals that have tested negative on the Brucellosis Ring Test performed by an official laboratory. All raw milk must be from animals that have received one of the following tests: <u>Bovine – Negative Brucellosis Test (blood or milk) – no less than every twelve (12) months</u> <u>Goats – Negative Brucellosis Card Test – no less than every twelve (12) months</u> <u>Sheep – Negative Brucella Ovis Test – no less than every twelve (12) months</u>
Tuberculosis Test	All raw milk must be from animals that have been accredited as tuberculosis free or must have passed a annual tuberculosis test within the last twelve (12) months.



# Elimination of Monthly Quality Testing

## Section 013.01-.02 (page 3)

- ▶ Quality testing standards do not predict or identify the potential for foodborne illness
  - ▶ Last 6 foodborne illnesses related to raw milk have come from dairies that had met all previous monthly testing requirements AND sanitation standards
- ▶ Avoid consumers having false confidence in the monthly product testing
- ▶ Labelling requirements have been changed to better inform a “casual” consumer that the product is unpasteurized and may be harmful

# Nutrient Management Plan Requirements

## Section .010 & 030.01 (pages 1 & 6)

.010

02. Animal Unit (AU). For the purposes of nutrient management for raw dairy farms, one (1) Animal Unit is equivalent to one (1) mature cow; five (5) mature goats; or five (5) mature sheep.

023. Dairy Farm. Any place or premises where one (1) or more cows, goats or sheep are milked and where a part or all of the raw milk or raw milk products are produced that are not intended for pasteurization, or are intended for human consumption without pasteurization, and are distributed, sold or offered for sale to persons other than members of the dairy farm's immediate household.

04. Dairy Nutrient Management Plan (DNMP). A plan prepared in conformance with the NMS for managing the land application of dairy byproducts that is prepared by a certified planner and approved by the Department.

### 030. NUTRIENT MANAGEMENT PLANS

01. Dairy Nutrient Management Plan (DNMP). All raw milk dairy farms with animals registered to the raw milk program that exceed a cumulative total of thirty (30) Animal Units shall be required to have a dairy nutrient management plan that is approved by the Department and conforms to the requirements set forth in IDAPA 02.04.14 Rules Governing Dairy Byproduct and IDAPA 02.04.30 Rules Governing Environmental and Nutrient Management.

# Nutrient Management Plan Requirements Sections .010 & 030.01 (pages 1 & 6)

- ▶ Raw Milk Producers will not be required to obtain a Nutrient Management Plan until they exceed:
  - ▶ 30 cows
  - ▶ 150 goats
  - ▶ 150 sheep
- ▶ At the time of rulemaking, no producers were affected by this change
- ▶ Allows existing producers the opportunity for future growth and expansion before the NMP requirement would go into effect
- ▶ Producers that choose to expand to the point where an NMP would be required will be held to the same standard as all other dairies in the state.