



Quality Watch

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Michigan Department of Agriculture Food and Dairy Section Administrative Fine Policy

Dairy farms, dairy processors and bulk milk haulers who violate the Grade A Milk Law of 2001 and/or the Manufacturing Milk Law of 2001 may soon be required to pay administrative fines of up to \$1,000 for those violations to the Michigan Department of Agriculture.

On July 1, 2007, the MDA Food and Dairy Division will implement the Administrative Fine Policy for permit and license holders covered under the current Grade A and Manufacturing Dairy Laws. Assessed fines will range from \$100 - \$1,000 depending on the severity and frequency of the violation.

The MDA Food and Dairy Division has possessed the ability to assess administrative fines since the adoption of the 2001 Grade A Milk Law and 2001 Manufacturing Milk Law. Until now, the department has issued few fines with the exception of fines for positive drug residue shipments. Implementing a more aggressive administrative fine policy is an effort to persuade permit and license holders to comply with Grade A and Manufacturing dairy laws. It is not being implemented with the intent of increasing revenue.

Following are examples of situations where an administrative fine would be imposed:

Dairy Producers

- Added water
- Interference with an inspection

- Not properly disposing of dead farm animals on the premises
- Shipping milk with a temperature above the legal limit
- Producing milk under filthy conditions, such as filthy milking equipment, facilities or cows
- Permit suspension for 3 out of 5 illegal SCC or bacteria counts

Processing Plants

- Not properly pasteurizing
- Not properly labeling
- Operating under filthy conditions
- Receiving milk exceeding the allowable legal temperature

Bulk Milk Haulers

- Picking up milk exceeding the allowable legal temperature
- Picking up milk in unapproved containers such as wash vats or garbage cans
- Reporting incorrect temperatures or weights

In addition to these examples, administrative fines can be assessed for violations not corrected by the second reinspection. For example: a state inspector makes a routine farm inspection and items are marked that require a reinspection. If a reinspection is conducted and the items are still not corrected, the state inspector will then schedule the producer for a second reinspection and will issue a warning of administrative fine for items that have not been corrected. The state inspector will then conduct a second

reinspection after an agreed upon time. For any items that have not been corrected, the producer will be subject to an administrative fine for each item not corrected. If items are still not corrected by the third or fourth reinspection, the fines will escalate accordingly.

Fines can also be assessed for reoccurrence of debits for the same item four or more times over a two year period or less. For example: if the farm is marked for milkhouse cleanliness on four inspections in less than two years, the producer will be subject to an administrative fine.

When violations involving reinspections occur that could result in an administrative fine, the state inspector will issue a warning notice to the producer prior to any fines being assessed. If the violation continues after the warning is issued,

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EPA Proposes to Extend Compliance Deadlines for NPDES CAFO Permits

In mid-May, the Environmental Protection Agency (EPA) announced a proposed rule to extend the compliance deadline for newly defined CAFOs to seek National Pollutant Discharge Elimination System (NPDES) permit coverage and for permitted CAFOs to develop and implement a nutrient management plan.

Currently, the deadline for these CAFOs to seek permit coverage and develop a plan is July 31, 2007, but EPA is proposing to extend the compliance deadline until February 27, 2009. This proposed extension is needed for EPA to complete their rulemaking to respond to the decision of Second Circuit Court in the 2005 Waterkeeper Alliance et al. case.

Because EPA has not yet promulgated the final NPDES CAFO rule, the proposed deadline of February 27, 2009, would provide additional time for producers to comply with the new rule and for States to adjust their regulatory programs.

NMPF is supportive of this new proposed deadline, and will be submitting comments to EPA encouraging the agency to adopt the proposed deadline of February 27, 2009. This proposed rule will be open for a 30-day comment period and comments must be submitted by June 11, 2007. For more information, visit the Federal Register notice.

Farmers' Input Needed for Foot and Mouth Online Survey

Livestock producers throughout the nation are asked to participate in an online survey to gather data on animal movements and husbandry practices that will be used in a simulation model to predict the impact of a foot-and-mouth disease outbreak, as well as determine the best strategies for containment.

This project is being conducted by School of Veterinary Medicine at the University of California-Davis, in collaboration with the National Center for Foreign Animal and Zoonotic Diseases (FAZD), and is supported by the USDA and the Department of Homeland Security.

According to Dr. Tim Carpenter, director of the study, "the online survey will allow us to develop a model based on real, up-to-date data for animal movements and current practices that could determine how the disease spreads. Only livestock producers can provide us with this information. This model would put the U.S. at the forefront in preparedness for not only foot-and-mouth but also other foreign animal diseases."

CADMS guarantees that all the information will be kept confidential and will only be used for modeling purposes. The online survey can be found at: www.cadms.ucdavis.edu/adm/index.php?id=2

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the state inspector will submit an administrative fine request to MDA Food and Dairy Division in Lansing, Michigan. MDA, in consultation with the state inspector, state area supervisor and other MDA officials will review the situation and determine whether or not to assess the fine and determine the amount. In all cases, the license or permit holder will be notified in writing and given the opportunity to appeal within a specified time frame.

Because there are many variations to the administrative fine process, it is important to note that not all situations are covered in this article. The administrative fine policy is being implemented to gain compliance with habitual offenders. The new policy should not impact the vast majority of producers, dairy processing plants and bulk milk haulers that are doing their job properly. In fact, very few operations will be assessed an administrative fine especially when the producer, processor or hauler makes the effort to comply with items that need to be corrected. Copies of the administrative fine policy can be obtained from the MDA Food and Dairy Division or your State Inspector. Please note that this policy does not change the administrative fine structure established for positive drug residue shipments.

