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Equal Opportunity in Employment and Services

**Testimony of Wayne R. Carlson
Livestock Service Program Manager
Administrative Rules Committee
Roughrider Room
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Chairman Fischer and committee members, I am Wayne Carlson, Program Manager for Livestock Services for the North Dakota Department of Agriculture.

I am here to discuss the changes in the Title 7 (Agriculture Commissioner) as they pertain to dairy and meat inspection regulations.

The Agriculture Department followed all guidelines and requirements as suggested to agencies by the Attorney General in a memo dated July 23, 2007. Public notice was given in all official papers and a hearing was conducted to take any verbal or written comments. There were no comments, complaints or objections to the rules at the hearing or otherwise.

The department spent \$1374 to publish the notification requirements.

No regulatory analysis was issued, no impact statement was done, and no taking assessment was prepared.

The proposed dairy regulations eliminate all current dairy regulations and replace them with a new chapter. Most of changes are to clean up the existing language and eliminate sections that are out dated or in conflict with existing state or federal law. No changes to the regulations are a result from statutory changes this past session.

Most of these regulations have the same intent as the current regulations. I will try to highlight some of the regulations that change the intent or direction of existing rules:

- 7-03.2-05-02 (3). The current regulation states if the Grade B farm dairy inspection has a maximum deduction for four consecutive times on one item they will be suspended from the market. The new regulation states that a Grade B farm will be suspended from the market if the farm scores below eighty on three consecutive farm inspections. The current

regulations were very hard to administer and it could take up to two years before any regulatory action could be taken. The new regulations will allow producers time to get their facilities in order and will give our agency clearer guidelines for enforcement.

- 7-03.2-06-01 Transfer Procedures. Current regulation requires a 14 day waiting period when a producer wanted to transfer from one company (milk purchaser) to another. The new regulations allow for immediate transfer.
- 7-03.2-14-02(2) Vehicles requirements. The new regulations decreases the temperature required to transport dairy products to forty-one degrees from forty-five degrees. Forty-one degrees is consistent with health regulation requirements in retail coolers.
- 7-03.2-17-01 Goat and Sheep regulations. These rules adopt the same requirements as USDA and FDA which is the quite similar to dairy cattle.
- Eliminated all references to the production and manufacturing of farm separated cream sales in the administrative code which has been illegal for a number of years in the Century Code.
- Eliminated the number of inspections per year that needed to be performed. Federal requirements dictate the number of inspections needed and current state regulations were more strident then the federal law.

The last change in Chapter 7 is in regard to State Meat and Poultry Inspection rules 7-13-01. North Dakota has adopted the Federal meat inspection rules and regulation as part of the Century code. The proposed change in the rules adopts the current regulations as of January 1, 2009. This is required to meet the requirement of all state programs "to be equal to federal requirements".

Chairman Fischer and committee members, I would be happy to answer any questions you may have.