

MILK AND MILK PRODUCTS STANDARDS SUBCOMMITTEE  
of the  
STANDING COMMITTEES ON AGRICULTURE

Report to the Legislative Council  
and to the Members of the  
First Session of the Sixty-fifth General Assembly

R E P O R T

MILK AND MILK PRODUCTS STANDARDS SUBCOMMITTEE

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STANDING COMMITTEES ON AGRICULTURE

1972

The Legislative Council, at its April 12 meeting, authorized the establishment by the Standing Committees on Agriculture of a joint interim subcommittee to conduct a comprehensive study of Iowa milk and milk products standards, and the effect of federal laws and regulations upon the production, inspection, and transportation of Iowa milk and milk products in interstate commerce. The respective Chairmen of the Senate and House Standing Committees on Agriculture appointed the following legislative membership:

Representative Charles F. Strothman, Chairman  
Senator Richard L. Stephens, Vice Chairman  
Senator Earl G. Bass  
Senator Bass Van Gilst  
Representative Delmont Moffitt  
Representative John W. Patton

The Subcommittee held three meetings to complete its study assignment and to prepare its recommendations to the Legislative Council and to the respective Standing Committees on Agriculture. During the first two meetings, the Subcommittee organized and elected Representative Charles F. Strothman to serve as Chairman and Senator Richard L. Stephens to serve as Vice-chairman; and, from testimony received from representatives of the dairy industry in Iowa, the Department of Agriculture, the Department of Health and milk sanitarians, the Subcommittee identified and brought under consideration two main problem areas:

1. The advisability of the adoption by the State Department of Agriculture of the recommended requirements for the sanitary production and processing of milk used for manufacturing purposes.

Representatives of milk producers and State Department of Agriculture personnel testified to the effect that adoption of the requirements would serve as a means of improving and standardizing the regulation of milk for manufacturing purposes and, consequently, would insure an interstate market for Iowa dairy products. The recommended requirements were formulated by the United States Department of Agriculture in cooperation with representatives of the dairy industry from throughout the nation and various officials of state departments of agriculture. The recommended requirements include provisions not covered in Iowa law relating to milkrooms or milkhouses, sanitary milking procedures, standards for dairy farm water supply, milk cooling, proper sewage disposal, licensing of dairy plants, and dairy farm certification and inspection.

2. The lack of uniformity in the administration of the Grade A milk inspection program and in the assessment of fees by municipalities providing inspection services.

As the executive secretary of Iowa Dairy Products Association pointed out, the lack of uniform inspection procedures was evidenced by the fact that some milk sanitarians providing inspection services were not certified by the State Department of Agriculture nor the local governments for whom they were providing inspection services. The specific complaint of the Federal Food and Drug Administration in 1971 was that some of the Iowa milk supplies were not inspected under the supervision of the local health department personnel, state health department personnel, or state agriculture department personnel.

Also, the fees charged to producers and processors by municipal corporations and county health departments or sanitation units vary from a charge per hundredweight of milk to a flat yearly fee or no charge at all, while some municipal corporations are charging the dairies inspection fees for services that are not performed. In addition, the State Department of Agriculture, as authorized under Section 192.11 of the Code, conducts the Grade A milk inspection program free of charge for those cities which no longer provide the service. As of June 16, 1972, the State Department of Agriculture was inspecting approximately 3% of the total Iowa Grade A milk produced and processed.

The Subcommittee considered suggestions to provide for a uniform statewide testing program for all grades of milk. However, upon receiving testimony from representatives of the dairy industry and the milk sanitarians that the high quality of the existing Grade A milk inspection program might suffer under a combined inspection program, the Subcommittee recommended that legislation initially be adopted to improve the regulation of milk used for manufacturing purposes.

The recommended legislation authorizes the Secretary of Agriculture to adopt the recommended requirements relating to the production, processing, and inspection of milk used for manufacturing purposes issued by the Consumer and Marketing Service of the United States Department of Agriculture, and creates a committee to advise the Secretary of Agriculture in the preparation and administration of the rules and regulations.

At its third and final meeting on September 22, the Subcommittee recommended that the following legislation be submitted for the approval of the Legislative Council and then be transmitted to the respective Committees on Agriculture with the recommendation that it be introduced during the First Session of the Sixty-fifth General Assembly:

1. A Bill for an Act relating to the establishment of requirements for the sanitary production and processing of milk used for manufacturing purposes and providing an inspection fee. This bill authorizes the Secretary of Agriculture, after consultation with the dairy products advisory committee, to adopt rules and regulations corresponding to recommended requirements for the sanitary production and processing of milk used for manufacturing purposes issued by the Consumer and Marketing Service of the United States Department of Agriculture and printed in the Federal Register, Volume 37, Number 68, Part II, dated April 7, 1972.

2. A Bill for an Act relating to the production and adulteration of dairy food products. The bill has the following major provisions:

a. The specifications and standards for cheeses and cheese products required by Iowa law are updated to meet the federal food and drug standards under the federal Food, Drug, and Cosmetic Act, Part 19 of Title 21, as amended to December 31, 1972.

b. The term "municipal corporation" as used in Chapter 192 relating to the production of dairy products is defined to mean any political subdivision of the state.

c. Sections of the Chapter 192 relating the creation and powers of the Iowa butter control board are repealed. The recommendations of the Subcommittee were adopted by an unanimous vote of the five Subcommittee members present.

Copies of the proposed legislation as approved by the Subcommittee are attached to, and by this reference made a part of, this report.

The Office of the Chief Clerk provided secretarial assistance for recording and preparing the Subcommittee's minutes. The Legislative Service Bureau prepared the bill drafts as requested by the Subcommittee and provided other staff assistance relating to the scheduling of meetings and guest speakers.

Respectfully submitted,

CHARLES F. STROTHMAN  
Chairman

SENATE FILE \_\_\_\_\_

By COMMITTEE ON AGRICULTURE  
(Committee on Agriculture)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the establishment of requirements for the  
2 sanitary production and processing of milk used for manu-  
3 facturing purposes and to provide an inspection fee.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section one hundred ninety-four point one  
2 (194.1), Code 1973, is amended to read as follows:

3 194.1 CITATION OF CHAPTER. This chapter may be cited  
4 as the "Iowa inspection and grading law for milk used for  
5 manufacturing purposes."

6 Sec. 2. Section one hundred ninety-four point two (194.2),  
7 Code 1973, is amended by striking the section and inserting  
8 in lieu thereof the following:

9 194.2 RULE-MAKING AUTHORITY AND ENFORCEMENT. The secre-  
10 tary shall be responsible for the enforcement of the provi-  
11 sions of this chapter and shall adopt, after consultation  
12 with the dairy products advisory committee, rules and regula-  
13 tions to provide for the sanitary production, transportation,  
14 processing, and storage of milk used for manufacturing pur-  
15 poses; the sanitary packaging, storage, transportation, and  
16 handling of dairy products made from such milk; the inspection  
17 and certification of dairy farms which produce and sell milk  
18 used for manufacturing purposes to insure compliance with  
19 adopted sanitary standards and procedures; the inspection  
20 and certification of milk processing plants for compliance  
21 with adopted sanitary standards and procedures; and the keep-  
22 ing of appropriate books and records by milk processing plants.

23 The rules and regulations adopted by the secretary under  
24 this chapter shall provide for the use and maintenance of  
25 sanitary conditions and procedures which at least equal the  
26 recommended requirements for the sanitary production and  
27 processing of milk used for manufacturing purposes issued  
28 by the consumer and marketing service of the United States  
29 department of agriculture and printed in the Federal Register,  
30 Volume 37, Number 68, Part II, dated April 7, 1972.

31 The secretary shall hold a public hearing and receive tes-  
32 timony concerning any proposed rule or regulation before it  
33 is finally adopted. The secretary may modify or rescind any  
34 rule or regulation adopted under this chapter after  
35 consultation with the dairy products advisory committee.

1 The rules and regulations adopted by the secretary shall  
2 be subject to the provisions of chapter seventeen A (17A)  
3 of the Code.

4 Sec. 3. Section one hundred ninety-four point three  
5 (194.3), subsection one (1), Code 1973, is amended to read  
6 as follows:

7 1. "Secretary" means the secretary of agriculture or his  
8 designee.

9 Sec. 4. Section one hundred ninety-four point three  
10 (194.3), Code 1973, is amended by adding the following new  
11 subsections:

12 NEW SUBSECTION. "Advisory committee" means the dairy  
13 products advisory committee.

14 NEW SUBSECTION. "Dealer" means any person who buys, sells,  
15 manufactures, processes or transports milk used for  
16 manufacturing purposes, or who acts as a sales or purchasing  
17 agent or broker of such milk.

18 Sec. 5. Section one hundred ninety-four point five (194.5),  
19 Code 1973, is amended to read as follows:

20 194.5 FREQUENCY OF TESTS. A test shall be made on the  
21 first purchase of milk from a new producer and at least once  
22 within each ~~fifteen-day~~ thirty-day interval thereafter. One  
23 lot of milk from each producer shall be selected at random  
24 and tested for extraneous matter by an appropriate method.  
25 The secretary shall determine and promulgate the standards  
26 and methods of testing the milk for extraneous matter. The  
27 method and standards shall be no less strict than those  
28 recommended by the agricultural marketing service, U.S.  
29 department of agriculture.

30 Sec. 6. Chapter one hundred ninety-four (194), Code 1973,  
31 is amended by adding the following new section:

32 NEW SECTION. There is created within the department of  
33 agriculture a dairy products advisory committee. The advisory  
34 committee shall consist of:

35 1. Secretary of agriculture.

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 2. Head of the department of food technology, Iowa state  
2 university of science and technology or his designee.

3 3. Two persons actively engaged in the production of milk  
4 used for manufacturing purposes, appointed by the secretary  
5 from nominations of the Iowa state dairy association.

6 4. Two persons actively engaged in the management or oper-  
7 ation of a milk processing plant, appointed by the secretary  
8 from nominations of the Iowa state dairy association.

9 5. One person actively engaged as a milk sanitarian,  
10 appointed by the secretary.

11 6. One person appointed by the secretary from the general  
12 public.

13 Appointive members of the advisory committee shall serve four-  
14 year terms except that of the first appointees, two of the  
15 five members shall be appointed to two-year terms. The  
16 advisory committee shall advise the secretary in the prepara-  
17 tion of rules and regulations for the inspection and regula-  
18 tion of milk used for manufacturing purposes and on the imple-  
19 mentation of the inspection and regulatory procedures.

20 The advisory committee shall adopt rules relating to its  
21 organizational structure, procedures, and meetings. The  
22 secretary shall act as chairman of the advisory committee.  
23 The members of the advisory committee shall be reimbursed  
24 for all necessary expenses incurred by them in the discharge  
25 of their official duties.

26 Sec. 7. Chapter one hundred ninety-four (194), Code 1973,  
27 is amended by adding the following new section:

28 NEW SECTION. There shall be paid by the first dealer to  
29 the secretary an inspection fee based on the amount of milk  
30 used for manufacturing purposes received by him. The secre-  
31 tary shall annually fix the inspection fee at an amount, not  
32 to exceed one cent per hundredweight of milk used for manufac-  
33 turing purposes received by the first dealer, which is  
34 estimated to produce sufficient revenue to pay the annual  
35 cost of inspecting and certifying each dairy farm as provided

1 in this Act. The inspection fees collected by the secretary  
2 shall be deposited in the general fund of the state.

3 Sec. 8. Chapter one hundred ninety-four (194), Code 1973,  
4 is amended by adding the following new section:

5 NEW SECTION. The secretary may appoint the technical,  
6 professional, secretarial, and clerical staff necessary to  
7 accomplish the purposes of this chapter, subject to the provi-  
8 sions of chapter nineteen A (19A) of the Code.

9 Sec. 9. In order to facilitate the orderly implementation  
10 of the requirements of the rules and regulations adopted under  
11 this Act without undue financial burden upon milk producers,  
12 the secretary may, after consultation with the advisory  
13 committee, issue a schedule of compliance granting a period  
14 of time, not exceeding twenty-four months after the effective  
15 date of such rules and regulations, for full compliance with  
16 the requirements of one or more of such rules and regulations.  
17 At any rate, full compliance with all of the rules and  
18 regulations adopted under this Act shall be required on and  
19 after January 1, 1976.

20 EXPLANATION

21 This bill provides that the Secretary of Agriculture, with  
22 the advice of a dairy products advisory committee, shall adopt  
23 rules and regulations to insure the sanitary production, han-  
24 dling, transportation, and processing of milk used for manu-  
25 facturing purposes. The requirements of the rules and regula-  
26 tions adopted by the Secretary are to at least equal the  
27 recommended requirements for the sanitary production and  
28 processing of milk used for manufacturing purposes issued  
29 by the Consumer and Marketing Service of the U.S. Department  
30 of Agriculture.

31 The Dairy Products Advisory Committee created by this Act  
32 is composed of the Secretary of Agriculture, the Head of the  
33 Department of Food Technology of Iowa State University, two  
34 persons actively engaged in the production of milk used for  
35 manufacturing purposes, two persons actively engaged in the

1 management or operation of a milk processing plant, and one  
2 milk sanitarian. The purpose of this Committee is to advise  
3 the Secretary on the rules and regulations and the  
4 administration of the inspection program.

5 The inspection program is to be financed by an inspection  
6 fee not exceeding one cent per hundredweight of milk received  
7 by a milk processing plant and from the general fund of the  
8 state. Approximately two-thirds of the cost will be derived  
9 from the inspection fee and one-third of the cost from the  
10 general fund of the state.

11 The Secretary is also authorized to implement full compli-  
12 ance with the inspection program over a two-year period, but  
13 not later than January 1, 1976.

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SENATE FILE \_\_\_\_\_

By COMMITTEE ON AGRICULTURE  
(Committee on Agriculture)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the production and adulteration of dairy  
2 food products.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section one hundred ninety point one (190.1),  
2 subsection four (4), Code 1973, is amended to read as follows:

3 4. CHEESES AND CHEESE PRODUCTS. The specifications and  
4 standards for cheeses and cheese products shall be as provided  
5 by the definitions and standards contained in federal food  
6 and drug standards under the federal Food, Drug, and Cosmetic  
7 Act, Part 19 of Title 21, as amended to December 31, 1968  
8 1972.

9 Sec. 2. Section one hundred ninety-two point eight (192.8),  
10 Code 1973, is amended by adding the following new subsection:

11 NEW SUBSECTION. "Municipal corporation" means any political  
12 subdivision of this state.

13 Sec. 3. Sections one hundred ninety-two point forty-six  
14 (192.46) through one hundred ninety-two point fifty-three  
15 (192.53), inclusive, Code 1973, are repealed.

16 Sec. 4. All of the books and records of the Iowa butter  
17 control board which is abolished under section three (3) of  
18 this Act shall be collected by the secretary of agriculture  
19 and delivered to the curator of the Iowa state department  
20 of history and archives as provided in chapter three hundred  
21 three (303) of the Code.

22 EXPLANATION

23 Under section 1 of this bill, the Milk and Milk Products  
24 Standards Subcommittee recommends that the specifications  
25 and standards for cheese and cheese products be updated to  
26 meet the federal standards and specifications which may be  
27 periodically changed under amendments to the federal Food,  
28 Drug, and Cosmetic Act. This section will authorize the state  
29 and local officials to require cheese processors to meet any  
30 new standards.

31 Under section 2, the term "municipal corporation" is clari-  
32 fied to include any political subdivision of the state. This  
33 amendment was recommended to the Subcommittee by the State  
34 Department of Agriculture.

35 Section 3 repeals sections of chapter 192 which create

1 and enumerate the powers of the Iowa butter control board.  
2 The board no longer operates because of the grading and quality  
3 standards of the U.S. Department of Agriculture.

4 Section 4 provides for the disposition of the records and  
5 books of the Iowa butter control board which is abolished  
6 under section 3.

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