

1 S.207

2 Introduced by Senators Choate and Kittell

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; supervision, inspection and licensing of dairy operations;
6 preincubation count; milk sampling

7 Statement of purpose: This bill proposes to require the agency of agriculture,
8 food and markets to adopt rules regulating the handling of milk samples, and to
9 clarify that the preincubation count of milk cannot serve as a basis for rejecting
10 a milk supply.

11 An act relating to handling of milk samples

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. 6 V.S.A. § 2816 is added to read:~~

14 ~~§ 2816. PRELIMINARY INCUBATION TESTING; REJECTION OF~~

15 ~~SUPPLY~~

16 ~~(a) A handler or processor shall not reject the milk supply of a producer~~
17 ~~based solely on a preliminary incubation (PI) count.~~

18 ~~(b) If a test of a milk sample indicates a PI count greater than 50,000~~

19 ~~colony forming units per milliliter, the handler or processor shall, as soon as~~

1 ~~practicable, compare the results to the standard plate count (SPC) of a fresh,~~
2 ~~unincubated sample from the same supply.~~

3 ~~(c) A handler or processor shall not reject the milk supply of a producer on~~
4 ~~the basis of the PI count, as compared to the SPC of the sample pursuant to~~
5 ~~subsection (b) of this section, unless the comparison demonstrates a PI count~~
6 ~~that is at least four times greater than the SPC of the compared sample.~~

7 Sec. 2. 6 V.S.A. § 2817 is added to read:

8 § 2817. REGULATIONS FOR SAFE HANDLING OF MILK SAMPLES

9 The secretary shall adopt regulations governing the transport and transfer of
10 milk to be tested as a basis for payment or determination of quality for dairy
11 products in order to limit the potential for error due to contamination or failure
12 to maintain an appropriate temperature.

13 Sec. 3. EFFECTIVE DATE

14 ~~This act shall take effect upon passage.~~

Sec. 1. FINDINGS

(a) The preliminary incubation (PI) count of raw milk is one means of testing and detecting hygiene inadequacies during farm production that may not be apparent with a standard plate count (SPC) alone.

(b) Although the information gained from a PI count test may be valuable for detecting potential sanitation problems and as a quality indicator, the test is often not repeatable, even with identical samples. Therefore, the PI count should be evaluated in conjunction with other quality and sanitation indicators, including the SPC count.

(c) The PI count of milk is not required by the pasteurized milk ordinance or any Vermont regulation governing milk safety and sanitation. Nonetheless, at least one milk processor that purchases Vermont milk has used the PI count as the sole basis for denying the shipment of milk.

(d) Vermont law provides that a handler doing business in this state who has a contract with a producer for the purchase of dairy products shall not refuse to purchase dairy products from the producer except for violations of the sanitary regulations or standards applicable to the market in which the dairy product is sold or marketed.

(e) The purpose of this act is to establish that the PI count of cows' milk cannot serve as the sole basis for rejecting a milk supply.

Sec. 2. 6 V.S.A. § 2816 is added to read:

§ 2816. PRELIMINARY INCUBATION TESTING; REJECTION OF SUPPLY

A handler shall not reject the milk supply of a producer based solely on a preliminary incubation count.

Sec. 3. MEETING OR INFORMATION CONCERNING PI COUNTS

The secretary of agriculture, food and markets, or his or her designee shall:

(1) convene a meeting of dairy handlers that purchase Vermont cows' milk to discuss the advisability of using preliminary incubation counts as a basis for producer premium payments or differentials; or, alternatively

(2) deliver relevant information to dairy handlers that purchase Vermont cows' milk concerning the advisability of using preliminary incubation counts as a basis for producer premium payments or differentials.

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.