

PERFORMANCE BASED FARM INSPECTION SUB-COMMITTEE

PROBLEM STATEMENT

Problem: Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Grade A Dairy farm inspections are currently non-compliant with the Pasteurized Milk Ordinance (PMO).

Background: In recent years, DATCP noted a rise in business stresses on dairy farms and added stresses caused by the economic shutdown related to the COVID pandemic. As an example of the stress on farmers and Wisconsin's dairy farm inspection system, there was a significant increase in the number of times law enforcement had to be involved with inspections. DATCP leadership made a decision to discontinue writing a re-inspection notice for dairy producers who had more than five debit items on their inspection report. DATCP asserted that it could lower stress and maintain milk quality by reducing enforcement for items not directly affecting milk quality or safety, and at the same time enhance the safety of its inspection team.

This decision had an unintended and negative consequence. Wisconsin has been found non-compliant with the PMO and subsequent enforcement failures have been occurring during surveys conducted under the regulations of the Interstate Milk Shippers (IMS). These notices of enforcement failure have caused unrest and complaints from the dairy processing industry. Enforcement failures also result in additional work at DATCP because IMS surveys must be repeated within six months and some affected farms need changes made to their inspection frequency. In 2019 and 2021 there were no enforcement failures. In 2020 there was one failure related to other species, and in 2022 there were seven enforcement failures. Year to date in 2023 there have been three, as of 5/10/23.

Solution: DATCP created a committee of dairy producers, dairy processor staff and regulators to discuss the issue and recommend a solution. This solution must resolve DATCP's untenable position of failing to enforce the PMO. To be clear, current actions by DATCP must change to meet requirements of the PMO.

The committee views two potential solutions to this problem:

1. Return to full enforcement of Performance Based Farm Inspection (PBFI)
2. Switch to twice yearly inspections at all Grade A dairy farms and discontinue PBFI

To proceed, this committee will evaluate the strengths and weaknesses of both systems, analyze the labor and cost differences between the two systems, and consider consumer perceptions. This information will be shared within the dairy producer and dairy processor community and the committee will host face-to-face listening sessions to gather broad industry input. The committee will analyze all inputs and make a recommendation to DATCP. This work is anticipated to take one year to complete.