

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 99D.22(5), 190.2, 192.102 and 192.112, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 62, “Registration of Iowa-Foaled Horses and Iowa-Whelped Dogs,” and Chapter 68, “Dairy,” Iowa Administrative Code.

The proposed amendments conform the rules to recent legislation by eliminating a 1985 date used to qualify horses and dogs for the “Iowa bred” program. The amendments also adopt by reference the most recent dairy inspection manuals.

Any interested persons may make written suggestions or comments on the proposed amendments on or before June 30, 2015. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to Margaret.Thomson@IowaAgriculture.gov.

The proposed amendments are subject to the Department’s general waiver provisions.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement 2015 Iowa Acts, House File 634.

The following amendments are proposed.

ITEM 1. Amend subrules 62.15(1) and 62.15(2) as follows:

62.15(1) All thoroughbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the Jockey Club as Iowa foaled, shall be considered to be Iowa foaled.

62.15(2) ~~After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following ~~rules~~:

a. Thirty days’ residency until the foal is inspected by a department inspector, if in foal to a registered Iowa stallion.

b. Thirty days’ residency until the foal is inspected by a department inspector for brood mares which are bred back to registered Iowa stallions.

c. Continuous residency from December 31 until the foal is inspected by a department inspector if the mare was bred by other than an Iowa registered stallion and ~~which~~ is not bred back to an Iowa registered stallion.

~~d. Rescinded IAB 8/31/94, effective 10/5/94.~~

ITEM 2. Amend rule 21—62.16(99D), introductory paragraphs, as follows:

21—62.16(99D) Iowa-foaled horse status. Iowa-foaled horse status can be achieved the following two ways:

1. All thoroughbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the Jockey Club as Iowa foaled shall be considered to be Iowa foaled.

2. ~~After January 1, 1985, a~~ A foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

ITEM 3. Amend subrules 62.25(1) and 62.25(2) as follows:

62.25(1) All standardbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the U.S. Trotting Association as Iowa foaled, shall be considered to be Iowa foaled.

~~62.25(2) After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

a. Thirty days' residency until the foal is inspected by a department inspector, if in foal to a registered Iowa stallion.

b. Thirty days' residency until the foal is inspected by a department inspector for brood mares which are bred back to registered Iowa stallions.

c. Continuous residency from December 31 until the foal is inspected by a department inspector if the mare was bred by other than an Iowa registered stallion and ~~which~~ is not bred back to an Iowa registered stallion.

~~d. Rescinded IAB 8/31/94, effective 10/5/94.~~

ITEM 4. Amend rule 21—62.26(99D), introductory paragraphs, as follows:

21—62.26(99D) Iowa-foaled horse status. Iowa-foaled horse status can be achieved the following two ways:

1. All standardbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the U.S. Trotting Association as Iowa foaled, shall be considered to be Iowa foaled.

2. ~~After January 1, 1985, a~~ A foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

ITEM 5. Amend subrules 62.35(1) and 62.35(2) as follows:

62.35(1) All quarter horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the American Quarter Horse Association as Iowa foaled, shall be considered to be Iowa foaled.

~~62.35(2) After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

a. Thirty days' residency until the foal is inspected by a department inspector, if in foal to a registered Iowa stallion.

b. Thirty days' residency until the foal is inspected by a department inspector for brood mares which are bred back to registered Iowa stallions.

c. Continuous residency from December 31 until the foal is inspected by a department inspector if the mare was bred by other than an Iowa registered stallion and ~~which~~ is not bred back to an Iowa registered stallion.

~~d. Rescinded IAB 8/31/94, effective 10/5/94.~~

ITEM 6. Amend rule 21—62.36(99D), introductory paragraphs, as follows:

21—62.36(99D) Iowa-foaled horse status. Iowa-foaled horse status can be achieved the following two ways:

1. All quarter horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the American Quarter Horse Association as Iowa foaled, shall be considered to be Iowa foaled.

2. ~~After January 1, 1985, a~~ A foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

ITEM 7. Amend subrule 62.41(2) as follows:

62.41(2) All greyhound litters meeting the qualifications to be Iowa-whelped, ~~which were whelped in a qualified kennel prior to January 1, 1985~~, are eligible to be registered, and a pup of such litter is eligible to race as an Iowa-whelped dog. If it is determined that the breeder's kennel is not qualified, the litter will not be registered and approved until the kennel has complied with animal welfare laws and regulations. The "Certified Iowa-whelped" designation will begin on the date of approval and shall not be retroactive.

~~Individual dogs whelped prior to January 1, 1985, if sold to an owner currently in compliance with animal welfare laws and regulations, may receive the "Certified Iowa-whelped" designation for owner supplements only.~~

ITEM 8. Amend rule **21—68.1(192,194)**, definition of “P.M.O.,” as follows:
“P.M.O.” means the Grade A Pasteurized Milk Ordinance, ~~2009~~ 2015 Revisions, from the United States Public Health Service/Food and Drug Administration, a copy of which is on file with the department and is incorporated into this chapter by reference and made a part of this chapter.

ITEM 9. Amend rule 21—68.5(190,192,194), introductory paragraph, as follows:

21—68.5(190,192,194) Milk tests. The department recognizes approved methods of testing milk or cream for milk fat and other dairy products as specified in Standard Methods for the Examination of Dairy Products (~~16th~~ 17th Edition). That publication is hereby incorporated into this rule by this reference and made part thereof insofar as applicable, and a copy of which is on file with the department.

ITEM 10. Amend rule 21—68.6(190,192,194) as follows:

21—68.6(190,192,194) Test bottles. Test bottles and pipettes as approved by the Standard Methods for the Examination of Dairy Products, ~~16th~~ 17th Edition, are approved for universal use in Iowa. All test bottles should be graduated to the half point.

This rule is intended to implement Iowa Code chapters 192 and 194.

ITEM 11. Amend subrule 68.11(1) as follows:

68.11(1) Grade A and Grade B farm permit suspension and revocation. The department may temporarily suspend a Grade A or Grade B farm permit if the dairy farm fails to meet all the requirements as set forth in the P.M.O. or the Grade B United States Department of Agriculture document titled, “Milk for Manufacturing Purposes and Its Production and Processing, Recommended Requirements,” effective ~~September 1, 2005~~ July 21, 2011. A Grade A farm under temporary suspension of the Grade A permit may sell the milk as “milk for manufacturing purposes” until reinstated as a Grade A farm if the former Grade A farm meets the requirements necessary to sell Grade B milk. A Grade B farm under temporary suspension of the Grade B permit may sell milk as “Undergrade Class 3” until reinstated as a Grade B farm if the former Grade B farm meets the requirements of Undergrade Class 3. If an inspection reveals a violation which, in the opinion of the inspector, is an imminent hazard to the public health, the inspector shall take immediate action to prevent any milk believed to have been exposed to the hazard from entering commerce. In addition, the inspector shall immediately notify the department that such action has been taken. In other cases, if there is a repeat violation of a dairy standard as determined by two consecutive routine inspections of a dairy farm, the inspector shall immediately refer the violation to the department for action. The department may revoke the dairy permit of a person that the department determines is a habitual violator as defined in rule 21—68.1(192,194).

ITEM 12. Amend rule 21—68.13(192,194) as follows:

21—68.13(192,194) Public health service requirements.

68.13(1) Certification. A rating of 90 percent or more calculated according to the rating system as contained in Public Health Service “Methods of Making Sanitation Ratings of Milk Shippers,” ~~2009~~ 2013 Revision, shall be necessary to receive or retain a Grade A certification under Iowa Code chapter 192. That publication is hereby incorporated into this rule by this reference and made a part thereof insofar as applicable, and a copy of which is on file with the department.

68.13(2) Documents. The following publications of the Public Health Service of the Food and Drug Administration are hereby adopted. A copy of each is on file with the department:

1. “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments,” ~~2009~~ 2013 Revision.

2. “Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products,” as incorporated in the P.M.O., Appendix J.

3. ~~“Grade A Condensed and Dry Milk Products and Condensed and Dry Whey,” Supplement I to the Grade A Pasteurized Milk Ordinance, 2009 Recommendations.~~

4. ~~3.~~ “Evaluation of Milk Laboratories,” ~~2009~~ 2011 Revision.
This rule is intended to implement Iowa Code chapter 192.

ITEM 13. Amend rule 21—68.14(190,192,194,195) as follows:

21—68.14(190,192,194,195) Laboratories. Evaluation of methods and reporting of results for approval of a laboratory shall be based on procedures and tests contained in “Standard Methods for the Examination of Dairy Products, ~~46th~~ 17th Edition, ~~1992~~ 2004,” and “Methods of Analysis of the Association of Official Analytical Chemists, ~~15th~~ 18th Edition, ~~1990~~ 2005.” These publications are hereby incorporated into this rule by this reference and made a part thereof insofar as applicable; a copy of each ~~being~~ is on file with the department. The health authority shall accept, without the imposition of a fee for testing or inspection, supplies of milk and milk products from an area or an individual shipper not under routine inspection provided they are delivered in closed and date-coded containers; provided further that if the code date has expired, reasonable inspection testing fees may be assessed the processor or establishment having care, custody and control of the milk and milk products.

This rule is intended to implement Iowa Code chapter 192.

ITEM 14. Amend rule 21—68.15(192,194) as follows:

21—68.15(192,194) Milk standards. Standards for the production and processing of milk for manufacturing purposes shall conform to standards contained in the USDA document entitled “Milk for Manufacturing Purposes and Its Production and Processing, Recommended Requirements,” dated ~~September 1, 2005~~ July 21, 2011, which is hereby incorporated into this rule by reference and made a part thereof insofar as applicable, and a copy ~~of which~~ is on file with the department.

ITEM 15. Amend rule 21—68.27(192,194) as follows:

21—68.27(192,194) Standards for performing farm inspections. The ~~August 1, 1976~~ October 1, 2009, manual prepared by USDA/AMS, Dairy Division, titled “General Instructions for Performing Farm Inspections According to USDA Recommended Requirements for Manufacturing Purposes and Its Production and Processing for Adoption by State Regulatory Agencies,” is adopted in its entirety, and shall constitute the official standards for farms producing milk for manufacturing, with the following exception:

Strike from Rule 1c, Brucellosis Test, the words “Uniform Methods and Rules” for establishing and maintaining Certified Brucellosis Free Herds of Cattle, Modified Certified Brucellosis Area and Certified Brucellosis Free Areas which are approved by Animal Disease Eradication Division, Agricultural Research Service...”, and insert in lieu thereof, “Brucellosis Eradication, Uniform Methods and Rules, effective February 1, 1998”. The bacteriological standards for private water supplies used by dairy farms consist of an MPN (Most Probable Number of Coliform Organisms) of less than 2.2/100 ml by the multiple tube fermentation technique, or less than 1/100 ml by the membrane filter technique, or the results of any water test approved by the United States Food and Drug Administration or Environmental Protection Agency of less than 1/100 ml.

ITEM 16. Amend rule 21—68.42(192) as follows:

21—68.42(192) Bulk milk tanker construction. A bulk milk tanker, including equipment and accessories, shall be of a sanitary design and construction and shall comply with “3-A Sanitary Standards for Stainless Steel Automotive Milk and Milk Products Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service,” Number ~~05-14~~ B-05-15-A (~~November 1, 1989~~ April 14, 2015), published jointly by the International Association of Milk, Food and Environmental Sanitarians, Inc. and the Food and Drug Administration, Public Health Service, United States Department of Health and Human Services.

ITEM 17. Rescind and reserve subrule **68.70(1)**.