21—68.36(192) Antibiotic testing.

68.36(1) The dairy industry shall screen all Grade A and Grade B farm bulk milk pickup tankers and farm can milk loads for beta lactam drug residues or other residues as designated by the department. A sampling method shall be used with can milk loads to ensure that the sample includes raw milk from every milk can on the vehicle.

68.36(2) When loads are found to contain drugs or other inhibitors at levels exceeding federal Food and Drug Administration established "safety levels," the department's dairy products control bureau shall be notified immediately of the results and of the ultimate disposition of the raw milk. Disposition shall be in a manner approved by the bureau. The producer samples from the violative load shall be tested for tracing the violation back to the violative producer. The primary responsibility for tracing the violation back to the violative producer shall be that of the initial purchaser of the raw milk.

68.36(3) In every antibiotic incident, pickups of milk from the violative individual producer(s) shall be immediately discontinued and the permit shall be suspended until such time that subsequent testing by a certified industry supervisor establishes that the milk does not exceed safe levels of inhibitory residues. In addition, in every antibiotic incident except when the load is negative and the milk can be used, the violative producer shall pay the purchaser for the contaminated load of milk and the producer will not be paid for the producer's share of milk on the load.

68.36(4) The dairy products control bureau staff shall monitor the dairy industry inhibitor load testing activities by making unannounced, on-site inspections to review the load sampling records. The inspector may also collect load samples for testing in the department's dairy laboratory.

68.36(5) For the first violative occurrence within a 12-month period, a department dairy products inspector shall conduct an investigation.

68.36(6) For the second violative occurrence within a 12-month period, a department dairy products inspector shall make an appointment with the producer and a dairy industry representative to meet at the dairy facility within 10 working days of the violative occurrence to inspect the drug storage and to determine the cause of the second violation. In addition, the producer shall review the "Milk and Dairy Beef Residue Prevention Protocol" with a veterinarian within 30 days of the violative occurrence. The protocol certificate shall be signed by the producer and the veterinarian. The producer shall send the dairy products control bureau a copy of the signed certificate within 35 days of the violation. Failure to complete the course or to submit a copy of the certificate to the dairy products control bureau is grounds for suspension or revocation of a violative producer's permit to sell raw milk.

68.36(7) For the third violative occurrence within a 12-month period, the producer shall attend a hearing concerning the third violation at a time, date, and place set by the department. At the hearing, the producer shall explain the history of the violations and steps taken to prevent a repetition of the violation. At the conclusion of the hearing, the department may order the producer to take additional steps to avoid future repetition of the violation. Failure of the producer to abide by the conditions set by the department is grounds for the department to initiate an action to suspend or revoke the producer's permit to sell raw milk.

68.36(8) In every antibiotic incident of a noncommingled load of milk where there is only one producer on the load, the load shall be discarded and the producer shall pay for the disposition of the load and for the cost of hauling. In addition, the producer and employee(s) shall review the "Milk and Dairy Beef Residue Prevention Protocol" with a veterinarian within 30 days, and the protocol certificate shall be signed by the veterinarian, the producer and the employee(s). The certificate shall be received by the dairy products control bureau within 35 days of the violative occurrence or the permit will be suspended until the certificate is received. For the third violation within a 12-month period, the producer shall be required to attend a hearing in the same manner as specified in subrule 68.36(7).

68.36(9) When the antibiotic tests show that a load is nonviolative, but routine producer sampling finds that a producer on the load is violative, the permit shall be suspended until subsequent testing establishes that the milk does not exceed safe levels of inhibitory residues. The first or second monetary penalty within a 12-month period shall be waived. In case of a third violation within a 12-month period, procedures shall be initiated as provided in subrule 68.36(7).

68.36(10) Each violative occurrence within a 12-month period, including a violative producer found on a nonviolative load, shall count as a first, second, third or fourth violation against the producer.

68.36(11) Records shall be kept by the industry at each receiving or transfer station of all incoming farm pickup loads of raw milk. The records shall be retained for a period of at least 12 months.

a. The records shall include the following information:

(1) Name of the organization;
(2) Name of test(s) used;
(3) Controls, positive and negative;
(4) Date of test(s);
(5) Time the test was performed;
(6) Temperature of the milk in the tanker at the time of sampling;
(7) Identification of the load;
(8) Pounds of milk on the load;
(9) Initials of the person filling out the record.

b. When the load is violative, the records shall also include the following:

(1) Names of the producers on the load;
(2) Identification of the violative producer(s);
(3) The first name of the dairy products control bureau office person telephoned;
(4) Location of disposition of the violative load;
(5) The number of pounds of milk belonging to each producer.

68.36(12) When telephoning the dairy products control bureau office to report a violative load or violative producer, the following information shall be given:

a. Name of the person telephoning;
b. Name of the organization;
c. Date of violation;
d. Route number and name of the milk hauler;
e. Verification that all producers on the violative load were tested;
f. Name and producer number(s) of the violative producer(s) and milk grade;
g. The concentration of residue in the producer sample;
h. The concentration of residue in the load sample, if available;
i. Name of test(s) used;
j. Name of analyst;
k. Pounds of milk on the load and violative producer(s) pounds;
l. Location of disposition of the milk.

This rule is intended to implement Iowa Code chapter 192.