DID YOU KNOW?

Milk is routinely tested for drug residues using two testing programs:

- Routine Tanker Testing: Every load of milk is tested for antibiotics prior to being unloaded at the dairy plant.
- Monthly Quality Testing: Samples taken from individual producers are tested approximately once a month for the presence of drug residues and other milk quality parameters.

DEPARTMENT OF AGRICULTURE

Penalties for Drug Residues in Milk

Milk that contains veterinary drug residues is considered adulterated or unfit for human consumption. Selling adulterated milk is against the law, and specific actions are taken to ensure that adulterated milk is not used to make dairy products for human consumption. Individual producers are penalized for selling adulterated milk, even if the residue was accidental.

What happens when a drug residue is detected?

If a routine tanker test is positive, commonly called a "hot load", a traceback process begins. Samples from that load are tested to determine which producer caused the residue. The producer found to be at fault is responsible for the value of all milk on the load that tests positive and any costs associated with the disposal.

Samples from all individual producers are also tested at least once a month. These results are considered official regulatory samples and become a part of the producer's official record. Other milk quality criterion such as somatic cell count, bacteria count, and proper temperature verification are measured from these samples. If a drug residue is detected in this monthly quality sample, the Minnesota Department of Agriculture (MDA) is required to make an on-site review. Because the tanker load in this example was not found to be positive, the milk will not be disposed of and no cost will be incurred by the producer.

What are the penalties for a drug residue violation?

The penalties vary slightly depending upon how many residue violations a producer has had within the past month 12 period. These penalties (Minnesota Statutes 32D.19) include the following for first or second violations:

- Immediate suspension of the producer's permit or certification; the producer cannot sell milk again until it is resampled and has tested negative/not found.
- The producer must meet with the dairy inspector and outreach veterinarian (OVET) within 30 days of the violation to review the potential cause.
- The producer must complete a Milk and Dairy Beef Residue Prevention education module either online or in-person with a veterinarian.

For any subsequent violations within the 12-month period, the MDA may issue a longer permit suspension (up to 30 days) or an administrative penalty to the producer.

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

What can you expect during your meeting with the inspector and the OVET?

The inspector, and in most cases, a veterinarian with special training in veterinary residue prevention, will attend the meeting. During the meeting, they will:

- Ask questions about how you think the residue occurred
- Review your drug treatment records
- Look at the drugs you have for proper labeling and withdrawal times
- Review the penalties for the current residue violation and what penalties you may incur for any future residue violations
- Provide you additional information about how you can prevent future residues
- Answer any questions you have regarding the residue detection process or how to prevent residues in the future.

Can you appeal a drug residue violation?

Yes. A dairy producer may appeal a violation by sending a written request for an appeal to the Commissioner of Agriculture within 10 days of the violation. The request should contain your reasons and evidence supporting your belief that the finding was in error or should not be considered a violation. If you are not sure if you want to appeal or simply desire more information about your violation, please contact your field service representative or dairy inspector.

For additional information visit **www.mda.state.mn.us/residue-prevention**