THE STATE PROBLEM AND THE PROGRAM FOR FACILITATING INTRASTATE SHIPMENTS OF MILK IN WISCONSIN

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The problems concerned in the intrastate shipment of milk are not strictly localized, but also assume importance to this conference in relation to the significance of the home rule authority existing in an individual state. Home rule is the right of municipalities to regulate and govern themselves in all matters except those reserved to the state government by state law. In Wisconsin, for example, cities and villages have greater home rule powers than are enjoyed by local government in most other states. Under this home rule authority, municipalities can, and do, regulate their milk supplies in the interest of the protection of public health. When such home rule power is exercised by a municipality, the same problems about which we are concerned on the interstate level, come into play intrastate.

However, these problems, when they exist on the intrastate level are not selfconfining to that level, but rather spill out and cause kindred problems in the interstate movement of milk. This is true, because no matter how well we provide for the free movement of milk supplies between states, unless we can move those supplies into the local community where they will be utilized, our work is in vain.

Every person has the inherent right to have access to a high-quality milk at any time and place. Morally and legally, milk should be permitted to move from one area to another, from one state to another, subject only to control based on sound principles of public health protection.

The situation is further intensified because the milk industry has progressed to the point, where it has solved its transportation problems with the advent of the high-speed motor truck, and it has solved its weight and return problems by the use of paper or single-service containers of multi-quart capacity. It is in the position to materially expand its effective sales marketing area, and it is doing this through intrastate and interstate movement of packaged milk and milk products.

Municipalities in Dual Role

At the intrastate level, most municipalities find themselves in the dual role of both shipping and receiving authorities. We are concerned with the problems presented by the free flow of milk in either direction from both sides.

On the one hand, as a shipping authority, we deplore the arbitrary restriction which would prevent milk, produced and processed under our supervision, from flowing freely to other communities. This tends to foster a feeling of revenge and strike back on the part of our own processors, and places pressure on us to violate our fundamental principles of sound public health control of milk.

We deplore spot-checking of supplies under our jurisdiction because they interfere with, and upset the normal regular control which we maintain; they accomplish nothing for the receiving authority in the way of supervision; they are duplication of other qualified inspections; they tend to confuse the milk producer and the milk processor; and they add an unnecessary cost on the milk supply to the consumer.

On the other hand, as receiving authorities, we are concerned about supplies of milk coming from outside of our inspectional jurisdiction as to whether or not they are of the same high quality that we demand in supplies under our immediate inspection.

Responsibilities of Control Agencies

The milk industry as a whole is concerned with this situation, and responsible public health people are just as concerned. Public Health is a servant of the people and responsible to them. We have a duty to do everything in our power to protect, safeguard and encourage the people's health, but our duty is just as plain that we are to do nothing to abuse the power given to us, or to use it in any way to further our own interests, or the special interests of any group. Relating this duty to milk inspection, it means that the public health officer must do everything in his power to make sure that the milk offered to his people is pure, safe and of the best possible quality obtainable, but that he is to have no part in any attempt to use public health regulations as a means of erecting trade barriers.

1Presented at the Sixth National Conference on Interstate Milk Shipments, April 23-25, 1957, Memphis, Tennessee
In order to achieve this value of health protection, but at the same time permit the free flow of milk, it was evident that several factors had to be resolved. A regulation was needed which would be acceptable to all regulatory agencies and would thereby afford a measure of comparability. A means of determining the effectiveness of enforcement of the several agencies was needed because we realize a regulation is only as good as it is enforced. In any endeavor as complicated as a milk regulation, interpretations are necessary from time to time, and some method of uniformity in this field needed to be attained.

**Basis for Reciprocal Inspection**

A means of achieving this presented itself, when a new concept of milk sanitation came, in the Recommended Grade A Milk Ordinance and Code of the United States Public Health Service.

In addition to the sound public health protection it offers, the chief contribution of the Grade A Milk Ordinance and Code is that it provides the basis of a comparability of requirements, interpretations and enforcement. This comparability is designed not only to eliminate conflict between inspection areas, but to provide the means for the free flow of milk from one community to another.

Section 11 of this model Code provides in part as follows: "Subject to laboratory tests upon arrival, the health officer should approve, without his inspection, supplies of milk or milk products from any area or shipper not under his routine inspection (1) when they are produced and processed under regulations substantially equivalent to those of this ordinance, (2) when they are under routine official supervision, and (3) when they have been awarded, by the milk sanitation authority of the State of Origin, a milk sanitation rating equal to that of the local supply, or if lower than that of the local supply, equal to 90 percent or more, on the basis of the Public Health Service rating method."

This is the heart of reciprocal inspection. And upon it is based the whole system. Yet certain clarifications and interpretations of this system over and above what is actually found in the model code had to be made in order to assure the local health officer that all milk coming into his jurisdiction is of the same high quality that he demands in his own supply, and so that he might have no hesitation in using the facilities afforded by the reciprocal inspection system of the Grade A Ordinance and Code. Many people do not realize that Section 11 of the Ordinance also says, "The Health Officer shall bar milk and milk products shipped in from beyond his normal milkshed, unless he can assure himself that they meet the provisions of his ordinance."

**Wisconsin Intrastate Conferences Established**

Local Wisconsin public health people who are, and have been for some time, working under Grade A code felt that they should have a part in making such clarifications and interpretations with the advice and help of the State Board of Health, The State Department of Agriculture, The University of Wisconsin, The Dairy Industry, and Farm Groups. Consequently, they formed the Wisconsin Conference on Intrastate Milk Shipments. The major objective of this Conference was to formulate agreements on problems relating to the free flow of milk from one community to another, and thus make reciprocal inspection work.

The Wisconsin Conference on Intrastate Milk Shipments was conceived in March, 1955 when a group of health officers and milk sanitarians from the Northeastern and Central parts of the State, along with representatives of the State Board of Health, met at Green Bay to discuss mutual problems concerning the movement of Grade A milk from dairy plants in one city to other cities, all operating under Grade A ordinances. This small group recognized their limitations and decided that if this principle of reciprocal inspection was really to function, it had to be established State wide.

Carrying out this idea, the First Wisconsin Conference was called at Oshkosh, Wisconsin on September 27-28, 1955. The Conference was organized along lines providing for voting power for the adopting of Conference Policy to be limited to official representatives of Local Public Health Departments. All other interested parties would participate in an advisory capacity, and would have voting privilege at the task force or committee level. Participation by industry, farm organizations, the University of Wisconsin and all other interested groups was urged.

Sixty-three people representing seventeen local public health departments, the State Board of Health, the State Department of Agriculture, the U.S. Public Health Service, the Dairy Industry, producer organizations, Farm Groups, and the University of Wisconsin, participated in this first conference.

The Second Conference was again held at Oshkosh, Wisconsin, on September 25-26, 1956. Seventy-three members were in attendance, representing 18 local health departments and all the other interested groups.
Results of Conferences

In both sessions of the Conference, task forces were set up to study specific problems brought before the Conference by its members. After careful deliberation, the task forces prepared recommendations for agreements to be considered by the Conference. In some problems, such recommendations could not be made by the task forces because of lack of time or specific information concerning them. These problems were then assigned to special committees set up by the Conference to work during the interim between conferences, with instructions to report to the next conference.

These agreements have already had a far-reaching effect on many of the problems concerned with reciprocal inspection. They have to do with the actual techniques involved, such as the channeling of information between shipping and receiving authorities; procedures to be followed in rating and certification; recommendations to the Public Health Service for changes in the rating and certification procedures; and, the frequency of survey and ratings. It has reached agreements on such related items as the use of dry milk powder in Grade A Milk products; water for condensing operation for dry milk powder and Grade A concentrated milk; bulk handling of milk; Grade A Cottage cheese; the use of quaternary ammonium compounds and other new chemical sanitizers; and many other miscellaneous problems.

Two agreements, vitally connected with the acceptance of reciprocal inspection, are worthy of mention to illustrate the work of the Conference. The first is a recommendation to the State Health Officer of "Procedures in Certification of Grade A Milk Supplies". These procedures, developed by the State Health Officer, were agreed upon by the Second Conference. The following is taken from the report of this conference (I):

"Out of experience it has been concluded that the following procedures would lend themselves to more effective results in the process of certification as to compliance with Grade A Milk standards as carried out by the State Board of Health"

1. "That if the supervising agency agrees, one of its inspectors accompany the certifying representative. He may make an inspection, if he so desires, while the certifying representative makes his survey, each independently."
2. "On completion of the inspection and survey of a farm or plant, the two representatives confer, preferably in their own car, as to which survey and enforcement items were debited, how much and on what basis. (This arrangement provides the inspector with firsthand information as to the survey findings, an opportunity for discussion and agreement as to the findings and an opportunity for the inspection to point up non-compliances, if any, to the farmer or plant operator on a subsequent visit.)"
3. "Should there be lack of agreement as to interpretations as reflected in the survey, the inspector and the survey representative are requested to substantiate their positions with facts to be submitted to a Conference to be called at which the director of the supervising agency and the State Health Officer or their representatives will review the evidence in an effort to solve the problem."
4. "Should there still be a difference of opinion, the supervising agency may appeal to the State Board of Health for relief."
5. "Enforcement directives to producers or plant operators are the responsibility and prerogative of the supervising agency, not the representatives of the State Board of Health doing survey."
6. "Copies of the rating record will be transmitted to the supervising agency and to the plant as promptly as they are available."
7. "Any correspondence relative to surveys coming from the State Board of Health will be relayed through supervising agencies except in unusual circumstances where direct correspondence is necessary, when a carbon copy of such correspondence will be transmitted to the supervising agency for its information."

The second agreement (I) concerns the channeling of information between shipping and receiving health departments: "This conference agrees that the following procedure shall be used in the channeling of information and responsibilities of shipping and receiving authorities":

1. "That any receiving authority desiring to receive information shall notify the shipping authority and ask to be placed on the mailing list so that the following information may be routinely sent."
   A. "Any violation of bacteriological standards shall be reported to the receiving agency."
   B. "Whenever a fifth sample is taken with standard plate counts in excess of the limit for Grade A, or coliform counts in excess of the limit for Grade A, it shall be reported to the receiving Agency."
   C. "Any degrading action or suspension of permit contemplated, shall be reported to the receiving agency."
This conference further agreed that the responsibility of receiving authorities to shipping authorities shall be as follows: The information shall be generally the same as that sent from shipping authorities to receiving authorities, with the following addition; that in the case of any sample which does not meet the standards of the Grade A Ordinance and Code, the shipping agency shall be notified immediately of the violation and the distributor shall also be notified with a notation that the primary agency has been given this information.

But of even more importance, the conference has provided a means of bringing together health officers, industry people, farm groups, representatives of the University, the State Board of Health, and the Department of Agriculture, so that they can all get to know each other better. The result has been that we find we are all in basic accord with each other. We find that most of our problems are shared by all and that we are able through mutual cooperation to solve them.

We have in Wisconsin a milk inspection system or program which we feel is unique in the whole country. It is often referred to as the Wisconsin Plan. This Wisconsin Plan involves the participation of the local health department and the State Department of Agriculture in supervisory work, and the State Board of Health in rating and certification. This plan is set up by authority of local ordinance, Department Order Ag. 80, and through State Statutes on Rating and Certification. The plan has worked wonderfully well. Since the inauguration of Grade A in Wisconsin in 1944, we have progressed to where at the present time over 90% of all milk sold for fluid consumption in our state is Grade A. We are at the point where we are now considering a compulsory Grade A regulation to cover all such milk.

In spite of the progress which has been made, all our problems have not been solved, nor are we in any position to relax our efforts. We must constantly endeavor to maintain the trust and confidence we have in each other. We must practice the Golden Rule in our work and our dealings with each other. This applies to the producer, the processor, the fieldman, and the regulatory official. Breaches of faith can only result in distrust and return to suspicion and restriction.

The Health Officer's duties are clearly and plainly marked out for him. It is his responsibility, and his alone, to assure himself that everything possible is being done to safeguard the health of the people. With but few exceptions, he has shown that he is willing to accept reciprocal inspection, he is willing to trust the milk industry and his fellow public health workers, providing that he has reasonable assurance that his trust is well founded. He has built up this trust by his belief in the Recommended Grade A Milk Ordinance and Code of the Public Health Service, by his confidence in the unbiased rating and certification system operated by the State Board of Health and the Public Health Service, and by the co-operation of the State Department of Agriculture in joint supervision of Grade A regulations in Wisconsin under Ag. 80.

Wisconsin cities and villages have great home rule powers. The result is that, in Wisconsin, state and municipal governments function more as a partnership and an association, rather than as a sovereign servant. We feel that this relationship has been very fruitful toward producing the climate under which all of us can work for a fuller achievement of our ideals and goals.

REFERENCES