

Penalties for Drug Residues in Milk

When a veterinary drug residue is identified in milk, specific actions are taken to ensure that adulterated milk is not used to make dairy products for human consumption. Also, selling adulterated milk is against the law. While most residues are accidental, there are still legal consequences for producers when they have sold milk that contains a drug residue.

How are drug residues detected?

Two main methods are routinely used for testing milk for drug residues:

1. *Routine Tanker Testing*: Every load of milk is tested for specific types of antibiotics prior to being unloaded at the dairy plant to ensure that the milk is not adulterated; if the tanker is positive, the individual producer samples from that load are then tested to determine which caused the residue. When this happens, it is commonly called a 'Hot Load'.
2. *Individual Producer Testing*: Samples taken directly from each individual producer are tested approximately monthly for the presence of drug residues. This testing is done in conjunction with other qualities related testing for somatic cell count, bacteria and temperature. In this case, the testing is completed after the initial load tested negative.

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 are described in Minnesota Statutes 32D.19.

- For the **FIRST** and **SECOND** violations:
 - The producer's permit or certification is immediately suspended until it is resampled and has tested negative;
 - The producer may not change plants within 30 days of the date of the violation;
 - The producer is responsible for the value of all milk on the load that tests positive and any costs associated with disposal*; and
 - Within 30 days of the residue, the producer must:
 - Meet with the dairy inspector to review the potential cause of the violation;
 - Complete one of the MDA accepted drug residue prevention programs with your veterinarian and submit the certificate to MDA.
- For the **THIRD** or any subsequent violations:
 - The same response is required as the first and second; however, the MDA may also issue a suspension of the producer's permit or certification for up to 30 days or issue an administrative penalty of up to \$1000 or the value of the milk in the proposed suspension period.

*Please note that in the case of drug residues detected during monthly residue testing, the producer is not responsible for the cost of the load of milk as the milk from the entire tanker, which is blended with other producers, has already tested negative.

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What can you expect during your meeting with the inspector?

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 on your farm for proper labeling and withdrawal times;
- Review the penalties for the current residue and any future residue violations you may have;
- Provide you additional information about how you can prevent future residues; and
- 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. The 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.

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