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Memorandum

To: Dairy Industry and Regulatory Personnel
From: Charles Lindberg, DPS II
Date: May 6, 2010
Subject: Questions and Answers from 2010 Regional Lab Workshops and PPS Meetings

Please find below a series of questions and answers regarding the new positive antibiotic drug residue confirmation procedures that were taken from the 2010 NYS Regional Laboratory workshops and the 2010 PPS meetings.

1. If the initial sample does not wick on the test strip / device in a timely manner or is visually interpreted to be invalid due to smearing, etc. (i.e. device not yet placed in reader), how should you proceed?

Answer: If the device is not placed into the reader there is no official result at this point and therefore the truck may be re-sampled, agitated and re-sampled or tested for butterfat to ensure that a representative sample is obtained.

2. If the initial sample is put in the reader and found to be invalid can the facility resample without permission; based on the fact that the sample was invalid in the reader?

Answer: A reading of "invalid" is more often than not the result of placing a visually invalid test device into the reader which must be avoided through proper procedure. Permission is not necessary for a re-sample at this point, however, prior to re-sampling there must be documentation made and kept on file as to the reason for the failure to follow proper sampling and test procedures.

3. Is it permissible to obtain a sample from an incoming load of milk and test it for butterfat or other components to determine that the load is homogenous prior to taking an official sample for drug residue testing?

Answer: Yes, you may sample an incoming load of milk for additional testing however, once a sample is tested for antibiotic drug residues it is an official sample.

4. Will facilities need a written agitation SOP; if so can we use the same SOP we had when testing top and bottom samples?

Answer: Facilities must have a written SOP for agitating any or all loads of milk. They may use any method which is sanitary and effective in producing a representative sample.

5. Can the NYS Department of Agriculture and Markets require facilities to sample loads as soon as they arrive to prevent possible stratification?

Answer: No, the Department does not have any regulations regarding how timely a truck is sampled upon arrival at a facility.

6. Can a facility retest a “Not Found” sample or load?

Answer: A facility may run as many extra antibiotic tests on a NF load or sample of milk as they wish. However, if a positive result is obtained during this extra testing then it must be confirmed and the load handled accordingly.

7. May a load be agitated before sampling?

Answer: Yes

8. If a facility has an initial positive and believes the tanker needs agitation before they do any further testing does the tanker sit there until an investigation can be made by a DPS/LEO?

Answer: When an initial positive result is obtained the same sample is re-tested in duplicate along with a set of controls; there is no provision for a re-sample at this point.

9. May a facility have a policy that if a truck sits for x-hours then it needs to be agitated before sampling?

Answer: Facilities may develop their own procedures for determining how to obtain a representative sample from any or all loads of milk.

10. Who do you contact in the State of Pennsylvania when a producer from Pennsylvania is found positive?

Answer: The number for the Laboratory Evaluation Officer office in Pennsylvania is 717-787-4315 extension 216 or 207.

11. Shouldn't the Department's Albany office phone number be on the DMC 1639?

Answer: Yes, the form has been updated.

12. Who do we call on weekends and what if that person doesn't answer?

Answer: The first call should be to the Regional Supervisor (DPS II) for your area. If you cannot contact the Supervisor, the second call should be to the Laboratory Evaluation Officer (LEO) assigned to your plant. In the event that you cannot make contact with either of these persons please call the DPS I assigned to your plant.

13. If a facility rejects a positive load of milk is that same facility required to perform the producer trace-back?

Answer: No, the producer trace-back does not necessarily have to be conducted at the lab where the initial samples were tested. The trace-back may be conducted at any certified laboratory by the same or equivalent test method.

14. What information will we need to get approval to agitate and / or resample a load after an initial positive result is obtained?

Answer: Once an initial sample is tested and confirmed to be positive there is no provision for re-sampling the load. However, if the initial positive test cannot be confirmed and is believed to be suspect (e.g. First test is POS – 2nd is invalid – 3rd is invalid) and it appears that the sample will not test correctly then permission may be granted for a re-sample. Before a re-sample will be allowed some items will need to be determined. First, it will be necessary to validate that the test method is functioning properly. Secondly, the test results that prove that the sample may be suspect (e.g. positive – invalid – invalid, etc. Reminder: Any 2 out of 3 positive results is a confirmed positive). Third, what are the producer sample results? Fourth, were any component tests conducted (e.g. butterfat, if available)?

15. If a facility confirms a load positive but during producer trace-back does not find any positive producers how do you proceed?

Answer: The load is confirmed positive and is rejected.

16. Are there other samples that can be used for testing a load other than those obtained at the receiving facility?

Answer: Yes, a sample obtained from an approved in-line sampler used during direct loading of the tanker or an approved QMI sampler installed on the tanker or a sample collected by the milk receiver (hauler) after the last farm is loaded may all be used for drug residue testing of the load.

