



Montana Board of Livestock Conference Call Minutes

August 15, 2017

Montana Department of Livestock
Helena, Montana

Board Members Present

John Lehfeldt, Chairman (sheep producer)

Lila Taylor (cattle producer)

Sue Brown (dairy and poultry)

Ed Waldner was not present (swine producer)

John Scully, Vice-chair (cattle producer)

Nina Baucus (cattle producer)

Brett DeBruycker (cattle producer)

Staff Present

Mike Honeycutt, EO

Dr. Marty Zaluski, MT State Veterinarian

Gary Hamel, Meat and Poultry Bureau

Donna Wilham, Adm. Assistant to EO

Public Present

Brian Engel, Pioneer Meats

Jeremy Plummer, Lower Valley Meats and President of the MT Meat Processors Assn.

Tanya Flowers, Project Meats

Shane Flower, Project Meats

Rob Stutz, MT Legal Services Division

Jeanne Rankin, MT Veterinary Medical Association

Representative Alan Redfield

Representative Mark Noland

Representative Sue Vinton

Representative Barry Usher

Liz Ching, Governor's Office of Economic Development

Representative Geraldine Custer

Representative Vince Ricci

Representative Carl Glimm

MEETING CALLED TO ORDER

8:34 AM

Chairman John Lehfeldt called the conference call to order at 8:34 AM

OLD BUSINESS

8:34 AM

Discussion of Process on Meat & Poultry Inspection Appeals and Issues

Mike Honeycutt requested direction from the BOL regarding two appeals processes that were brought before the BOL within the past few weeks regarding the Meat and Poultry Inspection program:

- Appeals are from Pioneer Meats, Big Timber and Project Meats, Billings
- Rob Stutz said that the DOL has already adopted the FSIS appeals process as part of its own rules, ARM 32.6.712
- Mr. Stutz sent a detailed outline of FSIS compliance guidelines, “Compliance Guidelines for Small and Very Small Plants Appealing Inspection Decisions” to Mr. Honeycutt
 - There is no specific timeframe in FSIS rules for the appealing body to issue a decision
- John Scully said that the appeals from both businesses are different and require different documentation
- Mr. Scully listed a few specific statements in the Pioneer Meats appeal that should be responded to by the BOL at the time of the review of the appeal
 - The allegation on May 16, 2017 where it discusses whether the compliance guidelines are recommendations or requirements
 - A statement in the May 16, 2017 letter included in the original appeal that FSIS confines are not regulatory in nature and may contain many parameters that are not applicable
 - In the August 4, 2017 appeal Pioneer Meats is suggesting that the available documentation that sufficiently identifies the specific reason for withholding action specific to Pioneer Meats was not and does not exist. It was not available and does not exist
- Mr. Scully suggested that the BOL, along with counsel, review the appeals, with an expected decision, at the next BOL meeting scheduled on August 30, 2017

MOTION/VOTE

8:54 am

John Scully moved that during the August 30, 2017 BOL meeting the Board review the appeals of Pioneer Meats and Project Meats. Also, that DOL staff before that meeting, send separate appeal documentation to each BOL member and that the BOL review those appeals based upon the documentation that is necessary to have a competent and a comprehensive review of the circumstance. Lila Taylor seconded. Motion passed with five members voting aye: John Scully, Nina Baucus, Sue Brown, Lila Taylor and Brett DeBruycker.

MOTION/VOTE

8:55 am

John Scully moved that the BOL ask our legal counsel to prepare a necessary list of documentation for both appeal cases brought before the BOL and deliver it to the BOL in whatever way is most expeditious and appropriate under the public record. Sue Brown seconded. Motion passed with five members voting aye: John Scully, Nina Baucus, Sue Brown, Lila Taylor and Brett DeBruycker.

John Scully requested that operational issues in the Meat and Poultry Bureau that were mentioned in correspondence received but not directly associated with the appeal, be covered during the August 30, 2017 BOL meeting:

- What is the Bureau supervisor and inspector knowledge of the rules, regulations and compliance of the Bureau
- What is the consistency of the knowledge of those inspectors at the State level
- Where is the Meat and Poultry Bureau in regards to training of supervisors and inspectors and is that training adequate
- What is the conduct of the inspectors
- Communication of the Meat and Poultry Bureau
 - With the industry, particularly in relaying FSIS information
 - With the Union representatives for the inspectors

Mike Honeycutt reviewed some upcoming events for the BOL

- August 22, 2017 is the AAVLD accreditation of the VDL
- August 16, 2017 is the M-Branded Cattle hearing at BLS
- September 14, 2017 is the Economic Affairs Interim Committee meeting

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS/COMMENTS FROM PRODUCER ORGANIZATIONS

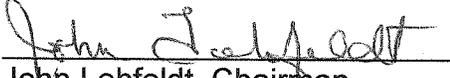
9:15 AM

- Representative Sue Vinton requested clarification on the process the DOL uses for rule changes, particularly the notification of the producers regarding the changes
- Brian Engel, Pioneer Meats shared some of his concerns regarding Gary Hamel, Bureau Chief of the Meat and Poultry Bureau
 - Mr. Engel feels Mr. Hamel has not been proactive in getting pertinent information from the American Association of Meat Processors to meat processors around the state
 - Mr. Engel said he feels Mr. Hamel has continued to bring up improper procedures to plants, changing rules in the middle of the road
- Jeremy Plummer, Lower Valley Meats, questioned whether the BOL received their formal appeal he said was sent on August 11, 2017 because there had been no mention of it during the conference call
- Representative Barry Usher voiced his concerns about current and future appeals issues with the State government

- Rep. Usher was concerned with the length of time it takes for the appeal process and its effect on the businesses making the appeals
- Rep. Usher was concerned for businesses having issues with the State who have lost credibility in the public's view due to newspaper coverage and information becoming public so quickly before anything has been proven
- Shane Flowers, Project Meats, asked for clarification on the BOL meeting date and whether or not they needed representation at the meeting
 - John Scully reminded Mr. Flowers that the meeting will be a review of the record, not a hearing

MEETING ADJOURNED

9:28 AM



John Lehfeldt, Chairman