

Page 001 to/à Page 018

Withheld pursuant to/removed as

s.14

Berkes, Andrea HLTH:EX

From: Kendall, Perry HLTH:EX
Sent: Tuesday, February 24, 2015 3:52 PM
To: Berkes, Andrea HLTH:EX
Cc: Kendall, Perry HLTH:EX
Subject: Can we ask Lynn Wilcott to review this response?

Dear s.22 thank you for your letter of February 17th 2015.

Other than a prohibition against selling or distributing unpasteurized milk, as per the Public Health and other relevant Acts and regulations, I am not aware of constraints as per your questions 1, 2 and 3.

Sincerely

Perry Kendall

P. R. W. Kendall
OBC, MBBS, MSc, FRCPC
Provincial Health Officer
Ministry of Health
Physical Address: 4th Floor, 1515 Blanshard Street
Mailing Address: PO Box 9648, STN PROV GOVT
Victoria BC V8W 9P4
Phone: 250 952-1330 Fax: 250 952-1362
Email: perry.kendall@gov.bc.ca
<http://www.health.gov.bc.ca/pho/>

Berkes, Andrea HLTH:EX

From: Berkes, Andrea HLTH:EX
Sent: Thursday, February 26, 2015 8:41 AM
To: Kendall, Perry HLTH:EX
Subject: FW: Response from Lynn Wilcott

Below is Lynn Wilcott's response to s.22 inquiry.

ANDREA BERKES

Executive Coordinator
Office of the Provincial Health Officer
Ministry of Health
Mailing Address: PO Box 9648, STN PROV GOVT
Physical Address: 4th floor, 1515 Blanshard Street
Victoria BC V8W 9P4
☎ 250-952-1330 | 📠 250-952-1362 | ✉ andrea.berkes@gov.bc.ca

From: Wilcott, Lynn [<mailto:Lynn.Wilcott@bccdc.ca>]
Sent: Wednesday, February 25, 2015 4:31 PM
To: Berkes, Andrea HLTH:EX
Cc: XT:HLTH Kosatsky, Tom; Hart, Drew; Shyng, Sion
Subject: RE: Request from Perry Kendall

Hi Andrea.

Yes, my understanding is that Dr. Kendall's response below is correct from a legal viewpoint.

One other thing that I'd recommend him mentioning is something about raw milk being a health hazard- and the risk of illness if consumed, how to reduce the risk, etc..

Perhaps add the following sentences (I've put in red):

".....as per your questions 1, 2 and 3. However, saying that, raw milk is considered a health hazard as it may contain disease causing bacteria. Consumption of raw milk can lead to serious illnesses such as listeriosis, salmonellosis, and other serious conditions particularly for the very young, pregnant woman, the elderly, and people with compromised immune systems. For this reason, we advise people to only consume commercially pasteurized milk and to not consume raw milk. However, if you still wish to consume the milk from your cow, you can reduce your risk of illness by following the double boiler method for home pasteurization outlined on the HealthLinkBC fact sheet "Pasteurized and Raw Milk" located at <http://www.healthlinkbc.ca/healthfiles/hfile03.stm>

Sincerely, etc.....

Hope that helps.

Lynn

Lynn Wilcott

Acting Program Director
Food Safety Specialist
Environmental Health Services
BC Centre for Disease Control

An Agency of the Provincial Health Services Authority

655 West 12th Avenue
Vancouver, BC V5Z 4R4 Canada
Tel 604.707.2455 | Fax 604.707.2441
lynn.wilcott@bccdc.ca
<http://www.bccdc.ca>
<http://www.phsa.ca>

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Better health.**

From: Berkes, Andrea HLTH:EX [mailto:Andrea.Berkes@gov.bc.ca]
Sent: February 25, 2015 8:55 AM
To: Wilcott, Lynn
Subject: Request from Perry Kendall

Hi Lynn, as per Perry's request can you please review the incoming correspondence and Perry's response below and provide any feedback. Thanks.

ANDREA BERKES
Executive Coordinator
Office of the Provincial Health Officer
Ministry of Health
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Physical Address: 4th floor, 1515 Blanshard Street
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☎ 250-952-1330 | 📠 250-952-1362 | ✉ andrea.berkes@gov.bc.ca

From: Kendall, Perry HLTH:EX
Sent: Tuesday, February 24, 2015 3:52 PM
To: Berkes, Andrea HLTH:EX
Cc: Kendall, Perry HLTH:EX
Subject: Can we ask Lynn Wilcott to review this response?

Dear s.22 thank you for your letter of February 18th 2015.
Other than a prohibition against selling or distributing unpasteurized milk, as per the Public Health Act and other relevant Acts and regulations, I am not aware of constraints as per your questions 1, 2 and 3.
Sincerely
Perry Kendall

P. R. W. Kendall
OBC, MBBS, MSc, FRCPC
Provincial Health Officer
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Phone: 250 952-1330 Fax: 250 952-1362
Email:perry.kendall@gov.bc.ca
<http://www.health.gov.bc.ca/pho/>

Berkes, Andrea HLTH:EX

From: Lambert, Tim HLTH:EX
Sent: Thursday, February 26, 2015 3:42 PM
To: Kendall, Perry HLTH:EX
Cc: Emerson, Brian P HLTH:EX
Subject: Re: Protocol for Legal Sale of Fresh Unpasteurized Milk within the Supply Management System | National Farmers Union

s.13

Sent from my iPhone

> On Feb 26, 2015, at 3:01 PM, Kendall, Perry HLTH:EX <Perry.Kendall@gov.bc.ca> wrote:

>

s.13

>

> P. R. W. Kendall

> OBC, MBBS, MSc, FRCPC

> Provincial Health Officer

> Ministry of Health

> Physical Address: 4th Floor, 1515 Blanshard Street Mailing Address: PO

> Box 9648, STN PROV GOVT Victoria BC V8W 9P4

> Phone: 250 952-1330 Fax: 250 952-1362

> Email: perry.kendall@gov.bc.ca

> <http://www.health.gov.bc.ca/pho/>

>

>

>

>

> -----Original Message-----

> From: Lambert, Tim HLTH:EX

> Sent: Thursday, February 26, 2015 2:50 PM

> To: Kendall, Perry HLTH:EX; Emerson, Brian P HLTH:EX

> Subject: RE: Protocol for Legal Sale of Fresh Unpasteurized Milk

> within the Supply Management System | National Farmers Union

>

s.13

>

> -----Original Message-----
> From: Kendall, Perry HLTH:EX
> Sent: Thursday, February 26, 2015 2:47 PM
> To: Lambert, Tim HLTH:EX; Emerson, Brian P HLTH:EX
> Subject: RE: Protocol for Legal Sale of Fresh Unpasteurized Milk
> within the Supply Management System | National Farmers Union
>

s.13,s.14

>
> P. R. W. Kendall
> OBC, MBBS, MSc, FRCPC
> Provincial Health Officer
> Ministry of Health
> Physical Address: 4th Floor, 1515 Blanshard Street Mailing Address: PO Box 9648, STN PROV GOVT Victoria BC V8W
9P4
> Phone: 250 952-1330 Fax: 250 952-1362
> Email:perry.kendall@gov.bc.ca
> <http://www.health.gov.bc.ca/pho/>

> -----Original Message-----
> From: Lambert, Tim HLTH:EX
> Sent: Thursday, February 26, 2015 2:25 PM
> To: Kendall, Perry HLTH:EX; Emerson, Brian P HLTH:EX
> Subject: RE: Protocol for Legal Sale of Fresh Unpasteurized Milk
> within the Supply Management System | National Farmers Union
>

> Just reading this quickly, and wondering out loud, if we could
> transfer this file to AGRi and they could promote it as supporting
> local small farms, and they regulate this as "on farm" food safety
> program - not for public distribution or sale; and we write a simple
> exemption from our regulation if they are within AGRi's program it does
> not contravene the PHA raw milk regulation

> -----Original Message-----
> From: Kendall, Perry HLTH:EX
> Sent: Thursday, February 26, 2015 2:21 PM
> To: Emerson, Brian P HLTH:EX; Lambert, Tim HLTH:EX
> Subject: Protocol for Legal Sale of Fresh Unpasteurized Milk within
> the Supply Management System | National Farmers Union
>
> <http://www.nfu.ca/story/protocol-legal-sale-fresh-unpasteurized-milk-w>
> ithin-supply-management-system

Berkes, Andrea HLTH:EX

From: Paton, Arlene HLTH:EX
Sent: Thursday, February 26, 2015 4:02 PM
To: Kendall, Perry HLTH:EX
Cc: Lambert, Tim HLTH:EX
Subject: RE: On August 14, 2014, the Supreme Court of Canada refused leave to appeal the farmer's case.

Hmm, this decision doesn't seem to have helped our case in the Fraser Valley. Will ask Tim to investigate further...

Regards,

Arlene Paton
Assistant Deputy Minister
Population and Public Health
Ministry of Health
PO Box 9646 Stn Prov Govt
Victoria BC V8W 9P1
Tel: 250-952-1731

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From: Kendall, Perry HLTH:EX
Sent: Thursday, February 26, 2015 2:43 PM
To: Paton, Arlene HLTH:EX
Subject: On August 14, 2014, the Supreme Court of Canada refused leave to appeal the farmer's case.

Got (Unpasteurized) Milk? Cow-share program illegal under Health Protection and Promotion Act

Author [Pamela Sidey](#)

Copyright

P. R. W. Kendall
OBC, MBBS, MSc, FRCPC
Provincial Health Officer
Ministry of Health
Physical Address: 4th Floor, 1515 Blanshard Street

Page 026

Withheld pursuant to/removed as

s.14

From: Berkes, Andrea HLTH:EX [mailto:Andrea.Berkes@gov.bc.ca]
Sent: February 25, 2015 8:55 AM
To: Wilcott, Lynn
Subject: Request from Perry Kendall

Hi Lynn, as per Perry's request can you please review the incoming correspondence and Perry's response below and provide any feedback. Thanks.

ANDREA BERKES
Executive Coordinator
Office of the Provincial Health Officer
Ministry of Health
Mailing Address: PO Box 9648, STN PROV GOVT
Physical Address: 4th floor, 1515 Blanshard Street
Victoria BC V8W 9P4
☎ 250-952-1330 | 📠 250-952-1352 | ✉ andrea.berkes@gov.bc.ca

From: Kendall, Perry HLTH:EX
Sent: Tuesday, February 24, 2015 3:52 PM
To: Berkes, Andrea HLTH:EX
Cc: Kendall, Perry HLTH:EX
Subject: Can we ask Lynn Wilcott to review this response?

Dear ^{s.22}, thank you for your letter of February 18th 2015.
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Sincerely
Perry Kendall

P. R. W. Kendall
OBC, MBBS, MSc, FRCPC
Provincial Health Officer
Ministry of Health
Physical Address: 4th Floor, 1515 Blanshard Street
Mailing Address: PO Box 9648, STN PROV GOVT
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Email: perry.kendall@gov.bc.ca
<http://www.health.gov.bc.ca/pho/>

Page 029 to/à Page 030

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s.14

From: Berkes, Andrea HLTH:EX [<mailto:Andrea.Berkes@gov.bc.ca>]
Sent: February 25, 2015 8:55 AM
To: Wilcott, Lynn
Subject: Request from Perry Kendall

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ANDREA BERKES
Executive Coordinator
Office of the Provincial Health Officer
Ministry of Health
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Physical Address: 4th floor, 1515 Blanshard Street
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From: Kendall, Perry HLTH:EX
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Cc: Kendall, Perry HLTH:EX
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Sincerely

Perry Kendall

P. R. W. Kendall

OBC, MBBS, MSc, FRCPC

Provincial Health Officer

Ministry of Health

Physical Address: 4th Floor, 1515 Blanshard Street

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Victoria BC V8W 9P4

Phone: 250 952-1330 Fax: 250 952-1362

Email: perry.kendall@gov.bc.ca

<http://www.health.gov.bc.ca/pho/>

February 26, 2015

s.22

Thank you for your letter dated February 18, 2015.

Other than a prohibition against selling or distributing unpasteurized milk, as per the *Public Health Act* and other relevant Acts and regulations, I am not aware of constraints as per your questions 1, 2 and 3.

However, I should point out raw milk is considered a health hazard as it may contain disease causing bacteria. Consumption of raw milk can lead to serious illnesses such as listeriosis, salmonellosis, and other serious conditions particularly for the very young, pregnant woman, the elderly, and people with compromised immune systems. For this reason, we advise people to only consume commercially pasteurized milk and to not consume raw milk. However, if you still wish to consume the milk from your cow, you can reduce your risk of illness by following the double boiler method for home pasteurization outlined in the HealthLinkBC fact sheet "Pasteurized and Raw Milk" located at <http://www.healthlinkbc.ca/healthfiles/hfile03.stm>. A copy is attached for your reference.

Sincerely,

P.R.W. Kendall
OBC, MBBS, MHS, FRCPC
Provincial Health Officer

Attachment

Page 034 to/à Page 046

Withheld pursuant to/removed as

s.14

Berkes, Andrea HLTH:EX

From: Lambert, Tim HLTH:EX
Sent: Thursday, April 16, 2015 11:27 AM
To: Kendall, Perry HLTH:EX; Paton, Arlene HLTH:EX; Sidaway-Wolf, Daphne HLTH:EX; Oh, Terry HLTH:EX
Subject: RE: newspaper law and milk

http://www.thestar.com/news/canada/2014/08/14/supreme_court_of_canada_wont_hear_appeal_from_ontario_raw_milk_farmer.html

so this is going to be the new situation to deal with – moving away from cow share to “farm shares”:

Schmidt has since changed the structure of his business, **getting his approximately 150 customers to buy part ownership in the farm, rather than just the cows**. The government has — so far — not prosecuted him in regards to his new operation, he said.

From: Lambert, Tim HLTH:EX
Sent: Thursday, April 16, 2015 11:17 AM
To: Kendall, Perry HLTH:EX; Paton, Arlene HLTH:EX; Sidaway-Wolf, Daphne HLTH:EX; Oh, Terry HLTH:EX
Subject: newspaper law and milk

Hi Folks

http://www.thestar.com/news/canada/2014/03/11/ontario_raw_milk_crusader_michael_schmidt_loses_conviction_appeal.html

Ontario does not ban the consumption of raw milk and farmers are allowed to drink the milk produced by their own cows. However, the sale of unprocessed milk is banned on the grounds that it poses a significant risk to public health.

In its ruling, the Appeal Court said Schmidt's method of allowing consumers to buy an ownership interest in a dairy cow was little more than a way to circumvent the rules.

“The cow-share arrangement is nothing more than a marketing and distribution scheme that is offered to the public at large,” the court said in its unanimous ruling.

“There is no merit in the appellant’s contention that he is not engaged in the sale, delivery and distribution of unpasteurized milk and milk products contrary to (health-protection laws).”

Tim

Page 048 to/à Page 049

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s.14

Page 050 to/à Page 051

Withheld pursuant to/removed as

s.14;s.22

Berkes, Andrea HLTH:EX

From: Wilcott, Lynn <Lynn.Wilcott@bccdc.ca>
Sent: Wednesday, May 6, 2015 2:45 PM
To: Pritchard, Jane AGRI:EX; Radke, Brian AGRI:EX; Pannett, Roger AGRI:EX; XT:HLTH Touchet, Kevin; XT:HLTH Parsonage, Roger; [IHA] Jacobsen, Jennifer; Kendall, Perry HLTH:EX; Sidaway-Wolf, Daphne HLTH:EX; XT:HLTH Galanis, Eleni; Courtney.hesketh@interiorhealth.ca; (wsiemens@milk-bc.com); Gow, Fiona S JAG:EX; 'Allison Charlton'
Cc: Shyng, Sion; McIntyre, Lorraine; Kovacevic, Jovana; Spock, Terry; XT:HLTH Kosatsky, Tom; Hart, Drew; XT:Taylor, Marsha HLTH:IN; Wilcott, Lynn
Subject: Written Prohibition Notice to Jerseyland Organics
Attachments: w3156 - Jerseyland Raw Milk.pdf

Hello all.

Here is the finished written prohibition notice to be hand delivered shortly to Jerseyland Organics by IHA staff (thank you IHA).

To all of you- thank you for your cooperation, assistance and input into this situation

Hopefully this will address it in a fashion that works for us.

FYI- s.15

s.15

Thanks again.

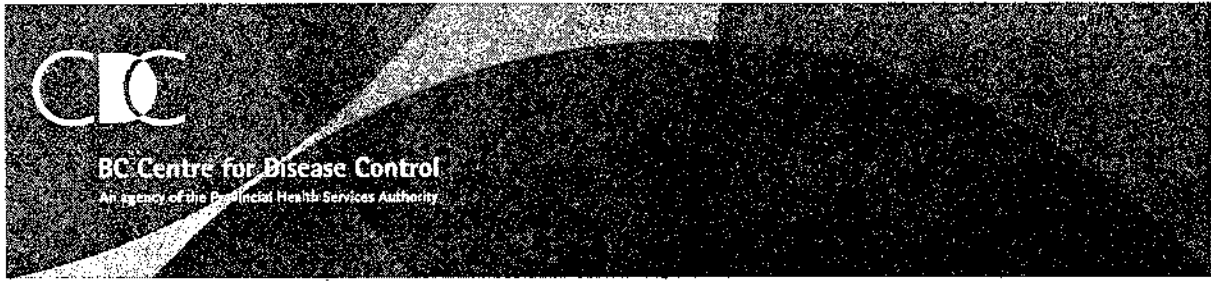
Lynn

Lynn Wilcott

Acting Program Director
Food Safety Specialist
Environmental Health Services
BC Centre for Disease Control
An Agency of the Provincial Health Services Authority

655 West 12th Avenue
Vancouver, BC V5Z 4R4 Canada
Tel 604.707.2455 | Fax 604.707.2441
lynn.wilcott@bccdc.ca
<http://www.bccdc.ca>
<http://www.phsa.ca>

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May 6, 2015

Mr. Jeremy Devries
Plant Manager
Jerseyland Organics
2690 Almond Garden Rd
Grand Forks BC V0H 1H0

Dear Mr. Jeremy Devries:

RE: Written Prohibition Notice to Cease and Desist Packaging and Distribution of Raw Milk

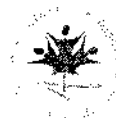
On April 27, 2015, the following events were observed by Mr. Roger Pannett, Dairy Farm Inspector, BC Ministry of Agriculture, during an unannounced inspection of your dairy farm:

- In the milk house, a processor staff member was observed filling unlabelled plastic bottles (2L size) with raw milk directly from the bulk milk tank.
- Approximately 126 2L bottles were filled and capped. The 2L bottles were then placed into 14 plastic dairy cases, some documented as being, 'Property of Blackwell Dairy.'
- The plastic dairy cases containing the packaged milk were subsequently loaded onto an uncovered white GMC pickup truck.
- The loaded truck was subsequently driven off the dairy farm.
- Upon questioning by Roger Pannett, you stated that this milk was for distribution to local family members.
- Upon further questioning by Roger Pannett, you indicated this was a regular, weekly occurrence.
- Roger Pannett then verbally instructed you to cease & desist distributing raw milk from your farm.

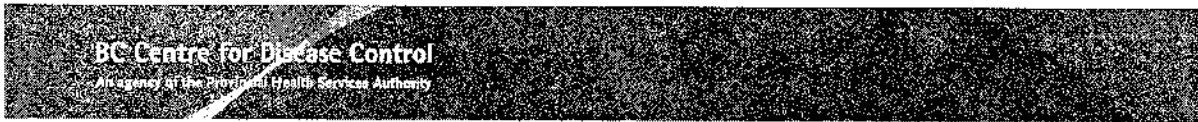
This letter is to communicate to you that raw milk for human consumption is prescribed as a health hazard per Section 2(a) of the *Health Hazard Regulation* under the *British Columbia Public Health Act*, namely:

2 The following are prescribed as health hazards:

- (a) milk for human consumption that has not been pasteurized at a licensed dairy plant in accordance with the Milk Industry Act,*



A research and teaching centre affiliated with UBC



Based on the observations of Mr. Pannett, as well as your subsequent discussion with him, you were packaging raw milk for the purpose of distributing it. This action constitutes causing a health hazard and is in contravention of Section 15 of the *British Columbia Public Health Act*, namely:

15 A person must not willingly cause a health hazard, or act in a manner that the person knows, or ought to know, will cause a health hazard.

Under Section 99(3)(a) of the *British Columbia Public Health Act*, causing a health hazard is considered an offence, namely:

99 (3) A person who contravenes either of the following commits an offence:

(a) section 15 [causes a health hazard];

In addition to the above violations, the packaging of raw milk for the purpose of distributing it is also a violation of Section 6(1) of the *British Columbia Milk Industry Act*, namely:

6 (1) A person must not sell, offer for sale or supply any dairy product unless the dairy product has been pasteurized in accordance with this Act and the regulations.

This letter serves as a written Prohibition Notice to you under Section 21 (1) (a) (i) of the *British Columbia Milk Industry Act*, namely:

21 (1) If an inspector finds

(a) that the premises of any dairy farm, dairy plant, retailer, wholesaler or any vendor's or producer's vehicles are being kept or maintained

(i) contrary to any enactment,

the inspector must give to the owner or person in charge a notice in writing prohibiting him or her from selling, supplying or offering for sale the dairy products.

This written Prohibition Notice orders you to immediately cease and desist the packaging and distribution of raw (unpasteurized) milk from your facility.

Failure to follow the directive of this written Prohibition Notice and the requirements of the *British Columbia Milk Industry Act*, will be considered an offence under Section 37(1) of the *British Columbia Milk Industry Act*, namely:

37 (1) A person who contravenes this Act, any regulation made under it, or any order of the board, commits an offence.

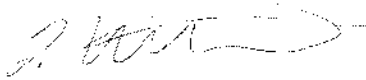
Progressive enforcement actions may follow that could include:

- Fines,
- The suspension or cancellation of your licence to operate.

In addition to the above actions, should you choose to not comply with the Prohibition Notice, information regarding non-compliance will be provided to other regulatory agencies who may consider taking action under their own legislation.

Should you have any questions or wish to discuss the matter, please feel free to contact me.

Regards,



Mr. Lynn Wilcott, BSc, PAg
A/Program Director, Food Protection
Food Safety Specialist
Environmental Health Services

PC: Jane Pritchard, Ministry of Agriculture
Brian Radke, Ministry of Agriculture
Roger Pannett, Ministry of Agriculture
Kevin Touchet, Interior Health Authority
Roger Parsonage, Interior Health Authority
Dr. Perry Kendall, Ministry of Health
Daphne Sidaway-Wolf, Ministry of Health
Dr. Tom Kosatsky, BC Center for Disease Control
Dr. Eleni Galanis, BC Center for Disease Control
Sion Shyng, BC Center for Disease Control
Woody Siemens, BC Milk Marketing Board
Fiona Gow, Ministry of Justice
Allison Charlton, CFIA

LAW/trs/w3156

Berkes, Andrea HLTH:EX

From: Shyng, Sion <Sion.Shyng@bccdc.ca>
Sent: Wednesday, May 6, 2015 2:47 PM
To: Sidaway-Wolf, Daphne HLTH:EX; Lambert, Tim HLTH:EX; Oh, Terry HLTH:EX; XT:HLTH Touchet, Kevin; 'Andrew Siemens'; Radke, Brian AGRI:EX; Pannett, Roger AGRI:EX; 'Ammar Makhzoum (ammam.makhzoum@inspection.gc.ca)'; 'Pamela Morgan (CFIA)'; 'allison.charlton@inspection.gc.ca'; '(Daniel.Scherz@inspection.gc.ca)'
Cc: Dewith, Nancy AGRI:EX; Hare, Lynette E AGRI:EX; Green, Neola R AGRI:EX; Wilcott, Lynn; Hart, Drew; XT:HLTH Kosatsky, Tom; McIntyre, Lorraine; Kovacevic, Jovana; XT:HLTH Galanis, Eleni; XT:Taylor, Marsha HLTH:IN; Kendall, Perry HLTH:EX; Yan, Bernelle; XT:HLTH Parsonage, Roger; Pritchard, Jane AGRI:EX
Subject: Final T/C Minutes: Alleged illegal distribution of raw milk by licensed dairy plant/farm
Attachments: 2015_APR30_Illegal_Raw_Milk_TC_Minutes_Final.pdf

Hi,

Thank you for your feedback and edits. I have attached the final version of the teleconference minutes for your records.

Please note that BCCDC Prohibition Notice will be delivered to the operator this week. You will be receiving a copy of the PN from Lynn Wilcott shortly.

Thank you again for your assistance on this multi-jurisdictional issue.

Regards,
Si

Sion Shyng

Food Safety Specialist
Environmental Health Services
BC Centre for Disease Control
An Agency of the Provincial Health Services Authority

655 West 12th Avenue
Vancouver, BC V5Z 4R4 Canada
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Sion.Shyng@bccdc.ca
<http://www.bccdc.ca>
<http://www.phsa.ca>

**Province-wide solutions.
Better health.**

From: Shyng, Sion
Sent: Friday, May 01, 2015 3:10 PM
To: 'Sidaway-Wolf, Daphne HLTH:EX'; tim.lambert@gov.bc.ca; Oh, Terry HLTH:EX; [IHA] Touchet, Kevin; 'Andrew Siemens'; Brian.radke@gov.bc.ca; 'Pannett, Roger AGRI:EX'; Ammar Makhzoum (ammam.makhzoum@inspection.gc.ca); Pamela Morgan (CFIA); 'allison.charlton@inspection.gc.ca'; (Daniel.Scherz@inspection.gc.ca)
Cc: Nancy.Dewith@gov.bc.ca; 'Hare, Lynette E AGRI:EX'; 'Green, Neola R AGRI:EX'; Wilcott, Lynn; Hart, Drew; Kosatsky, Tom; Shyng, Sion; McIntyre, Lorraine; Kovacevic, Jovana; Galanis, Eleni; Taylor, Marsha; Kendall, Perry; Yan, Bernelle; [IHA] Parsonage, Roger; Jane.Pritchard@gov.bc.ca
Subject: For Review: Draft T/C Minutes - Alleged illegal distribution of raw milk by licensed dairy plant/farm

Hi There,

Thanks again for your time on the call yesterday. Please have a look at the draft minutes and provide your comments to me by end of day on Tues, May 5th. I will then send out the final version shortly afterwards.

Please note that you should also have received a copy of the draft prohibition notice by Lynn Wilcott (this was send out a few minutes ago).

Have a great weekend.

Sion

Sion Shyng

Food Safety Specialist
Environmental Health Services
BC Centre for Disease Control
An Agency of the Provincial Health Services Authority

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<http://www.bccdc.ca>
<http://www.phsa.ca>

Province-wide solutions.

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From: Shyng, Sion

Sent: Wednesday, April 29, 2015 11:50 AM

To: Ammar Makhzoum; Sidaway-Wolf, Daphne HLTH:EX; tim.lambert@gov.bc.ca; [IHA] Touchet, Kevin; [IHA] Parsonage, Roger

Cc: Nancy.Dewith@gov.bc.ca; Brian.radke@gov.bc.ca; Hare, Lynette E AGRI:EX; Green, Neola R AGRI:EX; Wilcott, Lynn; Jane.Pritchard@gov.bc.ca; Andrew Siemens; 'Pannett, Roger AGRI:EX'; Hart, Drew; Kosatsky, Tom

Subject: Please Read: Alleged illegal distribution of raw milk by licensed dairy plant/farm - Shipper 53-048 / Jerseyland Organics . 2690 Almond Garden Road, Grand Forks . BC. V0H 1H0

Importance: High

Hi All,

RE: Alleged illegal distribution of raw milk by licensed dairy plant/farm in Grand Forks

Our office was informed this week of alleged illegal distribution of raw milk occurring at a licensed dairy farm, Shipper 53-048, 2690 Almond Garden Road, Grand Forks, BC. This location is also the site of Jerseyland Organics, a provincially licensed and federally registered dairy plant.

Based on our assumption that the milk is not for personal consumption, the distribution of raw milk is in contravention of the *Milk Industry Act*. Furthermore, the sale and distribution of unpasteurized milk is illegal in British Columbia, as milk that has not been pasteurized is considered a health hazard and is prohibited by the *Public Health Act* [SBC 2008].

Observations were made by MAgri during the April 27/15 farm inspection (partial summary):

- During the inspection of the milk room (farm side), 2 workers were observed filling milk (raw) from the surge bulk tank into unlabelled plastic bottles (2L size)
- Approximately 126 bottles (14 cases x 9 bottle/case) were filled
- Later, the cases of milk were loaded onto an uncovered pick up truck for distribution to "local family members".
- This appeared to be a weekly occurrence scheduled on Monday afternoons.
- The Farm Inspector verbally instructed the operator to cease & desist distributing raw milk off the farm

BCCDC would like to convene a **teleconference for April 30 (tomorrow) @ 3:30 pm** to discuss next steps. I will send out the meeting invite and call coordinates later today.

Regards,

Sion

Sion Shyng

Food Safety Specialist
Environmental Health Services
BC Centre for Disease Control
An Agency of the Provincial Health Services Authority

655 West 12th Avenue
Vancouver, BC V5Z 4R4 Canada
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BC Centre for Disease Control
An agency of the Provincial Health Services Authority

Illegal Raw Milk Teleconference

April 30, 2015, 3:30 pm
Teleconference

Dial in: s.15

Passcode: s.15

Attending:

BCCDC

Sion Shyng (chair)

Lynn Wilcott

Lorraine McIntyre

Jovana Kovacevic

Bernelle Yan (Comms)

MoH

Daphne Sidaway-Wolfe

Terry Oh

IHA

Kevin Touchet

MAgri

Brian Radke

Roger Pannett

Neola Green

BCMMS

Woody Siemens

CFIA

Ammar Makhzoum

Pamela Morgan

Matthew Miyagawa

Dan Scherz

AGENDA

AGENDA ITEMS

1. Welcome and Call to Order - Sion

New Items

2. Details of Alleged illegal raw milk distribution

Summary:

BCCDC: BCCDC was informed of alleged illegal raw milk distribution by MAgri. During a routine dairy farm inspection conducted on the afternoon of Monday, April 27, 2015, the Dairy Farm Inspector observed milk [presumed to be raw milk] being packaged into 2L plastic bottle in the milk room. The milk was filled via a hose assembly connected to the surge milk tank located in the milk tanks room [on the farm]. A total of 126 bottles or 252 L of milk (14 dairy cases x 9 bottles/case x 2L/bottle) was packaged, loaded onto the uncovered bed of a white pickup truck, and driven off the farm.

The dairy farm is a licensed shipper with MAgri. There is a dairy plant located on the farm which is provincially licensed by the BCCDC and federally registered by the CFIA.

MAgri: A more detailed account was provided to the group. The inspector did speak with 2 workers that were involved in the packaging of the milk into unlabelled bottles in the milk room. During the course of the inspection, the temperature of the remaining milk in the milk tank was verified to be 1.9°C. At the completion of the inspection, the inspector reviewed the inspection findings with the farm owner including a discussion regarding the movement of milk [presumed raw milk] off the farm. The owner was verbally instructed to "cease and desist" distributing raw milk as it was in contravention of the Act.

3. Proposed Actions by Regulatory Agencies:

Summary:

The group discussed their respective legislation with respect to illegal raw milk distribution. s.15

s.15

BCCDC/MAgri considers milk leaving the bulk milk tank as part of the dairy plant. CFIA inspection of the dairy plant to date has inspected the manufacture of dairy products in the dairy plant building only. These issues will need to be discussed further within each respective agency for guidance.

Based on the assumption that raw milk is being distributed each agency provided an initial regulatory

position.

BCCDC: The distribution of unpasteurized milk is in violation of the *Milk Industry Act* [section 6]. The Act covers the sale, offer for sale or supply of unpasteurized milk.

MAgri: Similar to above, but would defer to Health for further action. A verbal "cease and desist" has been given.

CFIA: CFIA establishment registration under the *Canada Agricultural Products Act* and *Dairy Products Regulations* is limited to the cheese/yogurt processing plant itself and not the dairy farm; however, any food offered for sale, whether from a federally registered establishment or not, falls under the *Food and Drugs Act* and *Regulation*. The distribution of raw milk would be in violation of the *Food & Drugs Act*. An information letter to the operator could be sent if needed. Any enforcement type actions would require consultation with their Enforcement Investigation Services (EIS).

IHA: s.15
s.15

A letter referencing the provincial injunction on the distribution of raw milk (raw milk deemed a health hazard under the Public Health Act) could be issued when appropriate.

BCMNB: The owner is operating under a cottage industry program, which includes both the farm and dairy plant.

The group discussed if an informational / "warning" letter versus an enforcement type letter would be appropriate. It was agreed that BCCDC should take the lead to draft an informational / warning letter as a follow up to the verbal "cease & desist" given by MAgri.

BCCDC noted that recent enteric illness cases and exposure data for the Grand Forks area did not identify raw milk exposure at this time (personal communication, IHA data from September 2014 to April 29, 2015).

Action(s)	Target Date	Responsible	Status
Lynn to consult with legal and draft letter to operator to cease and desist distribution of raw milk. The draft letter will be circulated to this group for feedback, and to inquire if their agency will co-sign the letter. When finalized, the letter will be hand delivered to the operator, with assistance from IHA.	Next week	BCCDC and group	
4. NEXT MEETING DATE: To be determined after draft letter from BCCDC is completed.			

Berkes, Andrea HLTH:EX

From: Heinze, Laura R GCPE:EX
Sent: Friday, May 8, 2015 3:24 PM
To: Lambert, Tim HLTH:EX; Kendall, Perry HLTH:EX
Cc: Lawrie, Hannah GCPE:EX; Jabs, Ryan GCPE:EX; Plank, Sarah GCPE:EX; Frattaroli, Angela - GCPE:EX
Subject: FW: IN on raw milk
Attachments: 20150508_IN_Raw milk Jerseyland rev.docx

FYI on this

From: Swan, Carol [<mailto:Carol.Swan@bccdc.ca>]
Sent: Friday, May 8, 2015 3:17 PM
To: Heinze, Laura R GCPE:EX; Plank, Sarah GCPE:EX
Cc: Jabs, Ryan GCPE:EX; XT:Kennedy, Theresa HLTH:IN; XT:Pritchard, Lesley HLTH:IN; XT:Hadaway, Ben HLTH:IN
Subject: IN on raw milk

Here's the IN on the raw milk.

No plans to issue a health alert at this point. There aren't any reports of illness and milk has a short shelf life. The farmer is being compliant.

Carol

May 8, 2015 – Raw Milk Prohibition Notice

BCCDC has been made aware of alleged illegal raw milk distribution at Jerseyland Organics in Grand Forks, BC by the Ministry of Agriculture (MAgri). A prohibition notice to cease and desist packing and distribution of raw milk has been sent to the owner of the dairy operation.

The Provincial Health Services Authority - Communications Department recommends that the following key messages be communicated publicly:

Key Messages:

- During a routine dairy inspection at Jerseyland Organics, a dairy farm inspector with the BC Ministry of Agriculture observed workers filling plastic bottles with what appeared to be raw milk.
- Selling unpasteurized milk, often referred to as raw milk, is illegal in Canada.
- The BC Centre for Disease Control (BCCDC), in cooperation with partners in the provincial government, the Interior Health Authority (IHA), BC Milk Marketing Board (BCMMLB), and the Canadian Food Inspection Agency (CFIA), are taking this situation seriously.
- A written prohibition notice to cease and desist packing and distributing raw milk has been hand delivered to the owner of the dairy operation.
- It is important for the public to not consume unpasteurized milk.
- The risk of disease from consuming these unpasteurized products is high and can cause serious illness in people, especially young children, the elderly, pregnant women, and those with weakened immune systems.
- There have been cases of illness caused by the consumption of raw milk in B.C., including children who were given raw milk by well-intentioned parents.
- There is no scientific evidence that raw milk produces any measurable health benefits over pasteurized dairy products.

Background:

- During a routine dairy inspection at Jerseyland Organics in Grand Forks, BC, the dairy farm inspector observed two workers filling what is assumed to be raw milk from the raw milk surge bulk tank into approximately 126 unlabelled 2L plastic bottles. Upon questioning, the owner of the dairy operation said the milk was being distributed to local family members.
- After discussion and input from representatives from BCCDC, MAgri, MoH, IHA, BCMMLB, and the CFIA, it was decided that a written prohibition notice to cease and desist packing and distribution of raw milk would be sent to the owner of the dairy operation.
- The distribution of unpasteurized milk is in violation of the *BC Milk Industry Act* [section 6], which covers the sale, offer for sale or supply of unpasteurized milk. Distribution of raw milk is also in violation of section 15 the *BC Public Health Act*.
- s.15

- It is not confirmed if the recipients of the milk were 'local family members', as originally stated by the owner.
- There are no reports of illness from anyone drinking the raw milk from Jerseyland Organics.

- Unpasteurized milk is consumed directly from the cow, goat or sheep without any process to destroy disease-causing bacteria like *E. coli*, *Salmonella* and *Campylobacter*. Several scientific studies have demonstrated that disease-causing bacteria can be present in raw milk- even in dairy animals that appear healthy.
- There is no credible or scientific evidence that raw milk produces any measurable health benefits over pasteurized dairy products:
 - No significant changes have been noted in calcium levels in raw and pasteurized milk;
 - Most vitamins are not affected by pasteurization. Vitamin C is lost in the largest amount, but milk is not a significant source of Vitamin C;
 - Proteins in the milk are generally not affected by pasteurization.
- There is no quality standard for raw milk for consumption in BC as the sale of unpasteurized dairy products is illegal in Canada.
- BC licences and regulates dairy plants that produce pasteurized products. Dairy plants are regularly inspected by government inspectors to assess sanitary conditions and detect and mitigate food safety risks. Dairy plants are also required to submit monthly finished product samples to independent laboratories to test for potential microbiological and chemical hazards.
- The sale of raw milk products is legal in some US states. Even though the dairy farms that supply these raw milk products are inspected and must meet state standards, outbreaks due to raw milk products still occur in those states.

Contact Information			
Contact	Name	Title	Phone
Program	Lynn Wilcott	Acting Program Director, Food Safety Specialist, EHS	Tel: 604 707-2455
Communications	Lesley Pritchard	Manager, Media Relations and Issues Management, PHSA	Tel: 604-675-7472 Cell: 778-988-2281 PHSA Media Pager: 604-871-5699
Spokesperson(s)	Lynn Wilcott	Acting Program Director, Food Safety Specialist, EHS	Tel: 604 707-2455
Family member involved			
Creation & Revision History			
Date: May 8, 2015 (with files from 2012)		Name: Bernelle Yan	

Page 064 to/à Page 069

Withheld pursuant to/removed as

s.14

Sidaway-Wolf, Daphne HLTH:EX

From: Sidaway-Wolf, Daphne HLTH:EX
Sent: Tuesday, January 13, 2015 9:49 AM
To: Lambert, Tim HLTH:EX
Subject: FW: FPTFSC Workplan Task Team - Webinar January 13, 2015 (1:00pm-2:0pm Eastern Time)
Attachments: FPTFSC Work Plan 2014-17 (draft Jan 13 2015).docx

Daphne Sidaway-Wolf, M.Sc., P.Eng.
Director, Food Safety
British Columbia Ministry of Health
Suite 4-2 - 1515 Blanshard Street
Victoria, BC Canada V8W 3C8
(250) 952-2493

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From: Karine Halpenny [mailto:karine.halpenny@hc-sc.gc.ca] **On Behalf Of** FPTFSC_Secretariat
Sent: Friday, January 9, 2015 8:00 AM
To: Speirs, Alison AGRI:EX; anatole.papadopoulos@hc-sc.gc.ca; Anne-Marie.St-Laurent@inspection.gc.ca; beverley.aidler@ontario.ca; Sidaway-Wolf, Daphne HLTH:EX; gavin.downing@ontario.ca; Janine Murray; Katie.Greenwood@inspection.gc.ca; kevin.webster@gov.ab.ca; Wilson, Linda AGRI:EX; Lisa.Landry@phac-aspc.gc.ca; Lucile.Giguere@mapaq.gouv.qc.ca; Pierrette.Cardinal@mapaq.gouv.qc.ca; Lambert, Tim HLTH:EX
Cc: Jennifer Fougere; Karine Halpenny; Nancy Ing; Wendy Burpee
Subject: FPTFSC Workplan Task Team - Webinar January 13, 2015 (1:00pm-2:0pm Eastern Time)

FPTFSC Workplan Task Team Members,

Please find attached an updated Draft Workplan (version 9), to be discussed at our next meeting on Tuesday, January 13, 1:00-2:00pm Eastern Time.

Login information can be found below.

Should you have any questions, please contact the Secretariat.

Regards,
FPTFSC Secretariat

FPTFSC Secretariat (Health Canada) / Secrétariat du CFPTSA (Santé Canada)
E-mail / Courriel : FPTFSC_Secretariat@hc-sc.gc.ca

****La version française suit*****

Topic: FPTFSC Work Plan
Date: Tuesday, January 13, 2015
Time: 1:00 pm, Eastern Standard Time (New York, GMT-05:00)
Meeting Number: s.15
Meeting Password: s.15

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For assistance

1. Go to <https://pwgsc-nh.webex.com>
2. On the left navigation bar, click "Support".
3. Call 1-800-226-6338 or 613-941-9554

You can contact me at:
karine.halpenney@hc-sc.gc.ca

To update this meeting to your calendar program (for example Microsoft Outlook), click this link:
<https://pwgsc-nh.webex.com/pwgsc-nh/j.php?MTID=m92e78c4e9fb3f8d2bf54dc5f40336884>

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Sujet : FPTFSC Work Plan
Date : Tuesday, January 13, 2015
Heure : 1:00 pm, Eastern Standard Time (New York, GMT-05:00)