

DAIRY VETERINARY NEWSLETTER

March 2016

Two Changes Coming on Jan. 1, 2017: Tail Docking Ban and the Veterinary Feed Directive. What Will They Mean for Veterinarians and Dairy Producers?

Many times in my career, usually with advance notice well ahead of time, new rules or regulations have taken place with major impact on the dairy industry and on veterinarians who work for and with the industry. Despite attempted education campaigns to prepare producers ahead of time, they have often been largely ignored until the change was actually in effect. (For example, when new milk SCC legal limits were introduced in 1986 and 1993.)

On January 1, 2017, two new changes affecting the dairy industry will take effect. I do not recall two such potentially large impacts coming at the same time before. They are the expedited tail docking ban and the new guidelines for Veterinary Feed Directives (VFD), similar to prescriptions for any medicated feed fed to any food animals, birds or bees. Both of these impending changes are resulting in many important questions from producers, veterinarians, and other allied members of the dairy industry, some of which have no clear answers at present. As recently as the November 2015 issue of this newsletter we addressed quite a few specific items regarding the upcoming VFD changes:

<https://extension.usu.edu/dairy/files/uploads/UtahStateDairyVetNewsletterNov2015.pdf>

Nevertheless, besides discussing the tail docking ban, because a number of VFD questions have been recently answered, and new questions continue to emerge, I will attempt to convey the latest VFD information available here as well.

Is tail docking really banned, and really to take effect as soon as next January?

Tail docking was scheduled to be phased out in the U.S. during 2022, over a 10-year period beginning in 2012. The National Milk Producers Federation (NMPF) board of directors voted last fall to expedite the banning of tail docking to be effective Jan. 1, 2017. A story by L. Sjostrom in the electronic version of Dairy Herd Management, February 12, 2016 reports on this. Full story: <http://www.dairyherd.com/news/taildocking-mandate-causes-rift-among-industry>

As would be expected, not all dairy industry members were happy about the decision. Sjostrom wrote, “At the joint annual meeting of NMPF and Dairy Management, Inc. in [October] 2015, reactions sounded fearful and defeated in some hallway conversations, and elated in others. - - today, farmers are asking NMPF, veterinarians, and retailers if this is truly a concern, or if the action is a result of the tail wagging the dog. ‘Instead of asking

consumers who know nothing of dairy farms and how they operate if we should be docking tails, explain to them the benefits, why we do it, and how it can be done humanely. I could accept the NMPF putting out guidelines on acceptable ways to dock tails but a so called ban isn't acceptable,' expressed one Georgia dairy farmer in comments online. The comment relays one of the major concerns expressed by farmers opposed to the ban – why is a producer-led organization doing something to limit management options?” Many forms of commentary by dairy producers show frustration as well.

So is this truly a ban with regulatory authority, and why now? What is driving it, and is it “for real”? We will return to that in the next paragraph. For me, I began to see that tail docking must be on the way out 12 years ago because of a specific incident. Discussions regarding the possibility of tail docking were not new even then, but were not gaining much traction. The teaching dairy herd at Cornell University veterinary school was supervised by a faculty veterinarian. It was a tiestall barn and it was very clear that the docked cows stayed cleaner than the cows with full tails. The overall herd management was good and the cows in general were clean. This did not change the fact that the docked cows were noticeably cleaner. The faculty member in charge told me one day that an animal care committee directed by a very eccentric member of the faculty who sometimes stopped by the barn and obviously knew nothing about dairy had decreed that the dairy herd could have no new additional cows with docked tails. The faculty barn supervisor went to the committee and explained that for the next two years our raised heifers would calve with docked tails, and that sometimes when replacement cows were bought, they were very desirable but had docked tails. The answer was swift and emphatic. No cow not already milking in the herd at the time could enter the herd with a docked tail, and docked tails must be phased out entirely over approximately the next year. The faculty member tried to get the large animal and other clinical faculty and the department administration to fight the decision and they said they could do nothing. It was seen as an animal care and animal welfare issue of importance to consumers and we needed to get on board. The ban took effect in the teaching barn, and I thought to myself that if consumer preference and animal care *perception* were seen to be such powerful forces, tail docking would be gone from all dairy farms someday.

Back to the present. The Sjostrom article has more details regarding the decision, but it seems clear that what is really driving the tail docking ban now is many large companies that buy a lot of milk from the processors. “‘Many [companies] are establishing their own policies - - to require their milk supply to come from farms that don't use this practice,’ [NMPF CEO Jim] Mulhern told Agri-Talk's Mike Adams”. Apparently among others, the list includes Walmart, Chobani, Kroger, and Starbucks. Information regarding studies on tail docking is presented in the full article as well - animal welfare vs. production and milk quality measurements. “In summary, the review found that the benefits were not supported in the literature, with the biggest risk of tail trampling better helped by lower stocking density. The review noted little in adverse physiologic effects, but more fly avoidance behaviors and potential chronic pain in docked cattle.”

The AABP took a position against tail docking in 2010. Executive vice president Gatz Riddell is quoted. “‘Frankly, I was on the side of tail-docking originally. It seemed intuitively obvious to us,’ Riddell explained. ‘But progressively, as more research came out there did not seem to be valid reasons anymore for the claims on cleanliness, somatic cell count, or udder health. That really left it as a management procedure that has no benefit. It was not a unanimous or unilateral position.’”

Kevin Gardner is the senior director of Global Responsibility Communications for Walmart, the largest grocery retailer in the U.S. Sjostrom wrote, “Each customer is different, but none is bigger than Walmart. Gardner has spent his career in corporate communications for Blockbuster, 7-Eleven and Walmart. But his grandfather, uncle, and great uncle were all dairy farmers, giving him a bit of background in dairying.”

“‘Tail docking is one example of a topic that could impact the way customers think about dairy purchases. - - when we talked to our customers about animal welfare, we found they want to know animals are being treated humanely overall,’ Gardner said.’”

So it seems that tail docking is really to be phased out by the end of 2016, except possibly for dairy farms whose milk is not marketed through any major grocery chains or large buyers. Except for a few small milk handlers, producer-dealers who bottle or make cheese, yogurt, etc. from all of their own milk, or other unusual situations, most milk companies today market through the major chains such as Walmart, Kroger, etc., and thus most dairy farms do as well.

Does this mean that field personnel from milk buyers such as DFA/DairyLea, Gossner Foods, and Schreiber Foods are supposed to look out for the presence of even one tail docked cow on farms where their milk originates? If some purchased replacements or first calf heifers join the herd with docked tails, then what? Will a farm's milk not be picked up until field personnel can attest to the fact that any tail docked cows have been removed from the herd (presumably slaughtered, not ideal for welfare of an otherwise young and healthy cow)? I contacted one of the field personnel from a major milk buyer in Utah and surrounding states. They did not want to be quoted or identified for this article. The tail docking ban is something that field personnel are very aware of, and a subject of quite a bit of new training this year, they said. They were clearly very informed regarding the tail docking ban, and answered many questions regarding the ban:

More than 90% of milk in the U.S. is bought by milk procurers whose producers complete a Farmers Assuring Responsible Management (FARM) animal welfare audit at least every 3 years. Many of the auditors are milk processor field personnel, in addition to veterinarians, extension personnel, or other trained auditors. The NMPF ban means that the FARM audit now has a new section being added to it specifically addressing tail docking. Every farm shipping to a major milk buyer will have to complete the new FARM audit, probably during 2017 even if they just completed one this year. They must agree to stop all tail docking effective Jan. 1, 2017, but do not necessarily have to cull all cows with tails already docked immediately. It is recognized that for approximately the next 2 years, any calves or other growing dairy cattle may enter the herd with docked tails, and for a few years after that, may not be cull candidates yet. Exactly how many years will pass before no docked tail cows are permitted in a dairy herd in order for their milk to be picked up and marketed is "being worked out now" as part of the new version of the FARM audit. However, at some point in the future it will indeed be the case that field personnel will have to inform any dairy producer with even one tail docked cow being milked that their milk can no longer be accepted for sale. "Tail docking is on the way out, and our producers know it can't be done after January 1", the field person stated.

Therefore, in my opinion the primary role of dairy veterinarians regarding tail docking is to help reinforce to clients that tail docking can't be done after January 1, 2017 and encourage them to stop the practice now, even if they may not fully agree with the rationale. We can also reassure producers - if they are not already aware - that this does not mean that all currently tail docked cows, or animals not yet mature that have already been docked, have to leave the farm just yet. This will help adoption go more smoothly for all.

The FDA is attempting to answer 35 questions about the upcoming VFD rule - an update

Following 12 informational meetings across the U.S., including the one in our region in Idaho, during summer and fall 2015, the FDA has attempted to answer 35 questions that emerged regarding the VFD rule.

The entire FDA document: <http://files.ctctcdn.com/bc9fd869001/07af45e8-72b0-4d2b-99d3-99d0a660b8c0.pdf>

Some of the new questions about VFD and answers from FDA:

- **What is the proper method of disposal for VFD feed that is no longer needed/left over?**
Disposal of the feed should be - - in accordance with State or local requirements for medicated feeds. (I was told in a subsequent meeting that after the 6 month VFD has expired, the medicated feed cannot be fed even if there is soon a new VFD obtained; *leftover feed from an expired VFD must be disposed of.*)

- What restrictions will be put on imports to ensure we are being held to the same standards?**
 VFD drugs for use in the United States, whether produced domestically or imported are subject to the same VFD requirements. All VFD drugs marketed in the United States must be the subject of an FDA approval, conditional approval, or must be included on the index of legally marketed unapproved new animal drugs (i.e. index listed)
- Who is responsible for enforcement?**
 FDA intends to use a phased enforcement strategy for implementation of this final rule as OTC drugs become VFD drugs - - FDA first intends to provide education and training for stakeholders - - such as veterinarians, animal producers, feed mill distributors and other distributors. - - FDA intends to work closely with state regulatory partners and state boards of veterinary medicine in their enforcement strategy. In instances where a state VCPR applies the state may also pursue enforcement.
- Does the FDA staff write a “warning ticket” before a “speeding ticket”?**
 The answer is largely the same as above, adding: FDA typically issues advisory actions such as untitled or warning letters - - particularly egregious violations might warrant immediate enforcement action.
- What are the associated penalties?**
 First there is a listing of names and numbers of laws, then some quotes from the laws: “Any person who violates a provision - - shall be imprisoned for not more than one year or fined more than \$1,000, or both. - - if any person commits such a violation [having been convicted of the same previously], or - - with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than \$10,000, or both.”
- Does a feed mill have to be in the same state as the animals/licensed vet?**
 No.
- How do we get the CVM to answer questions?**
 Questions for CVM can be emailed to AskCVM@fda.hhs.gov.
- How will electronic VFDs work? What constitutes a valid signature (part 11)?
 Does Global Vet Link satisfy requirements for the vet, producer, and feed mill?**
 The full answer is long. It refers to 11.21 CFR part 11, but does not show the text of it. The answer includes:
 The VFD is required to be signed by the veterinarian. If the veterinarian chooses to sign electronically, the electronic signature needs to be part 11 compliant. We recommend that users check with Global Vet Link, or any other electronic VFD service provider to confirm that the software system is part 11 compliant. If a veterinarian signs a paper copy and scans the VFD to distribute a copy to the client/distributor, that is not considered an electronic signature. (I can’t tell if that last sentence means that a scanned signature is valid, but just not considered electronic, or that a scanned signature is considered invalid; I think the latter.)
- Can technical vets for animal health companies write a VFD?**
 The answer refers to a number of regulations which apparently describe a valid VCPR. The implication is that if the technical vet satisfies requirements for a VCPR, they can write a VFD.

- **Can a small animal vet write a VFD?**

The answer refers to the same regulations which apparently describe a valid VCPR. The implication is that if the small animal vet satisfies requirements for a VCPR, they can write a VFD. (This will be important for many small ruminant, camelid, and backyard small livestock herd owners.)

- **Can a vet write a VFD if they aren't accredited?**

A National Veterinary Accreditation is not required for a veterinarian to issue a valid VFD.

- **If a producer has medicated feed on their farm on January 1, 2017, do they need a retroactive VFD for that feed?**

Yes. (The answer is longer but the conclusion is yes.) Therefore, this new rule will take effect right away.

- **Does the veterinarian have to specify the feed mill on the VFD?**

The VFD regulation requires the veterinarian to send a copy of the VFD to the distributor via hardcopy, fax, or electronically (see above, why I think a scan may not be valid), but does not require the veterinarian to specify the distributor on the VFD. -- If the veterinarian has sent the VFD to a distributor and the client decides that they would like to get the VFD feed from a different distributor, they should contact the veterinarian to have them revoke the VFD from the original distributor and resend it to the new distributor.

- **If writing a VFD that is to be distributed to multiple ranches, do you need a separate one for each physical address?**

The full answer is longer, but the conclusion is no, provided: the VFD feed is supplied to such multiple locations by a single feed manufacturer (distributor). The veterinarian would also need to be authorizing the same use for all of the animals covered under the VFD (e.g., the indications, species, age range, etc.).

- **Are educational materials available in Spanish?**

Currently, VFD brochures are available only in English. We [FDA] agree that preparing educational materials for Spanish-speaking farm workers would be beneficial.

- **Can video/photos count as "being familiar" with an operation to establish a VCPR?**

The full answer is longer, but concludes: Therefore, for the purposes of issuing a VFD a VCPR cannot be established by videos/photos.

- **How are the veterinarians going to calculate dosages (used to milligrams, not pounds per ton)?**

(From all discussions I have had with veterinarians so far, we agree that this will be a challenge. Feed mill operators have pointed out that it should also be made clear whether this is on dry matter or as fed basis.) FDA's answer concludes: Many non-FDA resources are available to assist veterinarians in making any needed calculations.

- **Can a lawful VFD be written for 6 months by a veterinarian licensed in another state who has temporary - 30 to 60 day - permission to practice veterinary medicine in the state in which the premises exist to which the medicated feed is delivered?**

Because the VCPR requirements [both federal and state] must include the ability for the veterinarian to provide for any necessary follow-up evaluation or care the veterinarian cannot write a lawful VFD under a valid VCPR if they do not have permission to practice veterinary medicine for those animals during the entire duration of the VFD. Therefore, the expiration date of the VFD should not exceed the length of time the veterinarian is authorized to temporarily practice veterinary medicine.

The full FDA document, link shown above, has more questions and answers as well.

5600 Old Main Hill
Logan UT 84322-5600

The AVMA has also become involved in trying to make a template for a VFD, with guidelines for veterinarians on how to complete each section. As opinions merge on VFD forms, we may report on that in the future also.

We are planning several USU extension meetings for summer 2016, dates, times and places in Utah to be determined, regarding the impending VFD rules. Presenters will include feed industry representatives and probably producers as well as veterinarians. The target audience will be producers, veterinarians, and feed mill and nutrition personnel. It is certain that more questions, including some already asked but not answered, will be answered as 2017 approaches.

A noteworthy event will take place this May. At Washington State University in Pullman, WA on May 7, 2016, the first class of veterinary students who studied for two years at USU in Logan and then completed their education at WSU will graduate. Congratulations to them and their families. I look forward to having them as colleagues.

Please let us know your comments and also suggestions for future topics. I can be reached at (435) 760-3731 (Cell), (435) 797-1899 M-Tues, (435) 797-7120 W-F or David.Wilson@usu.edu.



David Wilson, DVM
Extension Veterinarian

"Utah State University is an affirmative action/equal opportunity institution."