

Memorandum of Understanding On the New England Secure Milk Supply Plan

1.0 Purpose

This Memorandum of Understanding (MOU) sets forth a framework for cooperation among agencies of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (Cooperating States). It draws on principles authorized in the Charter of the New England Animal Agricultural Security Alliance (NESAASA), signed by the Governors of the six states on July 21, 2010.

This (MOU) is intended to advance adoption of the New England Secure Milk Supply (SMS) Plan that NESAASA has been developing since its charter. The Plan specifies conditions under which unpasteurized milk may be permitted to move from farms to processing plants during a Foot-and-Mouth Disease (FMD) outbreak. This MOU establishes principles under which the New England states agree to use the Plan in response to an outbreak of FMD.

The United States has been free of FMD since 1929, but the disease is endemic in many countries and presents an ever-present threat. The disease is not a significant threat to human health, but it represents a severe threat to common farm livestock (cloven-hoofed animals such as cattle, swine, sheep, and goats). Among susceptible animals FMD is both harmful and highly contagious and as a result can cause major economic losses, both directly and as a result of internationally and federally mandated measures to limit the spread of the disease.

If FMD breaks in the United States, state and/or federal animal health officials may order extensive disease-control measures, including restrictions in the shipment of animal and animal products that could spread FMD. These restrictions may be short-lived, but many dairy farms are likely to be affected over a large area for an extended period of time, until the disease has been controlled or eradicated. Since milk is highly perishable and on-farm storage is extremely limited, such restrictions could cause substantial losses throughout the dairy industry in the Cooperating States. Farmers, co-ops, haulers and processors could lose substantial revenue, and consumers could face shortages of dairy products. The New England SMS Plan is intended to minimize such losses.

The Cooperating States share a common interest in this regional SMS Plan. Under normal conditions, large volumes of milk move from farms in one state to processing plants in another state. In the absence of coordinated implementation of a regional plan, state-level restrictions on milk movement could be catastrophic for the dairy industry. If prolonged, they could result in the permanent closure of dairy operations which, in turn, could compromise the viability of associated businesses. The New England SMS Plan includes a process for permitting transport of milk in the region from farms to market, uniformly both within states and from state to state. The plan in this way promotes dairy business sustainability without significantly impairing efforts to control or eradicate disease.

Each of the agencies and jurisdictions that are party to this MOU has specific statutory authority and associated responsibilities for controlling the spread of FMD and for protecting the agricultural resources of the state. In the event of presumptive or confirmed positive detection of FMD (regardless of whether this case is in a Cooperating State or another state with substantial epidemiological links to a Cooperating State), the governmental entity responsible for protecting agriculture in the Cooperating State may initiate measures for emergency disease control as well as the New England SMS Plan, to minimize the potential impact of a FMD outbreak on the Cooperating States, susceptible livestock, dairy businesses, and consumers.

2.0 Authorities and Responsibilities.

The legal authorities for the individual states and state agencies for the control of foreign animal diseases are as follows:

- 2.1 Connecticut: General Statutes of Connecticut Title 28 establishes the Division of Emergency Management and Homeland Security. The governor has responsibility for emergency management and has broad powers after issuing a disaster declaration. General Statutes of Connecticut Title 22 provides broad authority for the Commissioner of Agriculture and the State Veterinarian to protect the health of animals and to regulate animal diseases.
- 2.2 Maine: Maine Revised Statutes Title 37B establishes the Maine Emergency Management Agency. The governor has responsibility for emergency management and has broad powers after issuing a disaster declaration. Maine Revised Statutes Title 7 provides broad authority for the Commissioner of Agriculture and the State Veterinarian to protect the health of animals and to regulate animal diseases.
- 2.3 Massachusetts: General Laws of Massachusetts Title 1, Chapter 6A establishes Executive Office of Public Safety and Security which includes the Massachusetts Emergency Management Agency. The governor has responsibility for emergency management and has broad powers after issuing a disaster declaration. General Laws of Massachusetts Title 19, Chapter 129 provides broad authority for the Commissioner of Agriculture and the Director of Animal Health to protect the health of animals and to regulate animal diseases.
- 2.4 New Hampshire: New Hampshire Revised Statutes Title 1, Chapter 21-P establishes the Department of Safety which includes Homeland Security and Emergency Management. The governor has responsibility for emergency management and has broad powers after issuing a disaster declaration. New Hampshire Revised Statutes Title 40, Chapter 436 provides broad authority for the Commissioner of Agriculture and the State Veterinarian to protect the health of animals and to regulate animal diseases.
- 2.5 Rhode Island: Rhode Island General Laws Title 30, Chapter 30-15 establishes the Emergency Management Agency. The governor has responsibility for

emergency management and has broad powers after issuing a disaster declaration. Rhode Island General Laws Title 4, Chapter 4-4 provides broad authority for the Director of the Department of Environmental Management, the Chief of the Division of Agriculture and the State Veterinarian to protect the health of animals and to regulate animal diseases.

2.6 Vermont: Vermont Statutes Title 20, Chapter 1 establishes the Emergency Management Division of the Department of Public Safety. The governor has responsibility for emergency management and has broad powers after issuing a disaster declaration. Vermont Statutes, Title 6, Part 5, Chapter 102 provides broad authority for the Secretary of Agriculture, Food and Markets and the State Veterinarian to protect the health of animals and to regulate animal diseases.

3.0 Substance of the Memorandum of Understanding

This section defines the expectations and general operational considerations of the New England Secure Milk Supply Plan to be implemented by each signatory to this MOU.

3.1 Implementation of the substance of the agreement:

Notwithstanding any requirements of another agency with jurisdiction, the Cooperating State agencies agree to allow movement of unpasteurized milk, both into and out of the cooperating states, from dairy farms to processing plant premises by means of milk haulers, provided each of these entities are in compliance with the provisions of the New England SMS Plan as determined by the Cooperating State where the relevant entity is located.

3.2 The Cooperating State agencies agree to share information concerning:

3.2.1 Significant livestock disease events and other adverse findings related to the risk of FMD transmission in the production and movement of unpasteurized milk.

3.2.2 Contact information, normal operating parameters, and biosecurity capacities of licensed dairy producers, haulers, and processors (i.e., data collected by each Cooperating State in anticipation of implementing the New England SMS Plan).

3.2.3 Non-compliance with the standards, procedures and protocols described in the New England SMS Plan.

3.3 The Cooperating State agencies agree to limit the dissemination of shared information. However, state agencies recognize the disclosure and non-disclosure laws and regulations that apply in other Cooperating States.

3.4 The Cooperating State agencies agree to coordinate regulatory or policy proposals and interpretations thereof involving milk movement.

4.0 Terms of Agreement

The terms of this agreement will be implemented as described in Section 3.0 of this MOU. This agreement becomes effective on the date of last signature and continues until rescinded by any of the parties. This agreement is subject to review upon request by any signatory party. The terms of this agreement may be amended at any time by mutual written consent of the signatory parties. These amendments may include modifications to specific procedures or actions called for under the plan. One or more additional states may become Cooperating States with the consent of the existing states and the adoption of this MOU.

5.0 Limitations of Commitment

The appropriate agency or agencies of the Cooperating States have agreed that under this MOU, each state has sole responsibility for providing the required resources to implement the SMS plan in that state. Variances in the implementation of the plan that might be called for as a result of the characteristics of a specific disease situation will be made by mutual agreement of all parties and confirmed in writing.

6.0 Statement of No Financial Obligation

Signing this MOU does not constitute a financial obligation on the part of any signatory. Each signatory party is to use and manage its own funding and other resources in carrying out the purpose of this MOU.

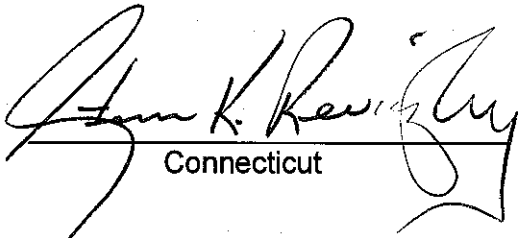
7.0 Termination of Agreement

Participation in this MOU may be terminated by any of the signatory parties upon written notice to the other parties. Advance notice of at least 90 days prior to the desired effective date is required.

8.0 Indemnification

Each party to this agreement must seek its own legal representative and bear its own costs, including judgments, in any litigation that may arise from performance of this agreement. It is specifically understood and agreed that no party will indemnify one or more of the other parties in such litigation.

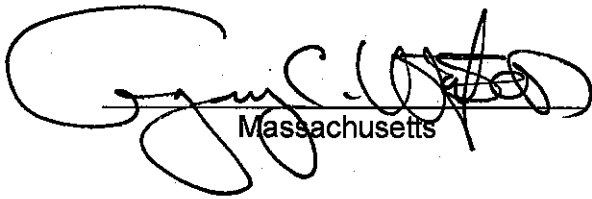
9.0 Acceptance and Approval of Authorizing Officials


Connecticut

6/3/14
Date


Maine

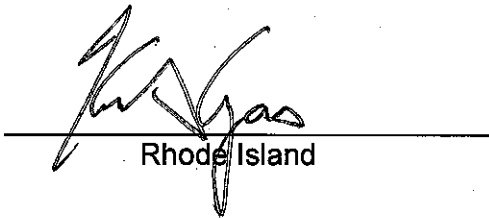
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Date


Massachusetts

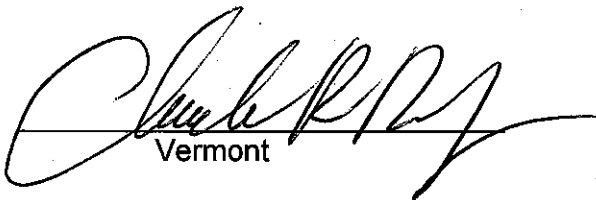
6/3/14
Date


New Hampshire

6-3-2014
Date


Rhode Island

6/3/2014
Date


Vermont

6-3-2014
Date