

RAW MILK ACTION ALERT FOR CONNECTICUT

Connecticut has long been one of the best states for raw milk producers and consumers. There are currently 23 licensed producers selling raw milk in the state.

In addition, the sale of raw milk is legal in retail stores throughout the state, enabling producers to sell to consumers who otherwise would not go to the farm to purchase raw milk because of the distance involved. Connecticut residents aren't the only ones buying the raw milk the state's producers have to offer. Consumers from Massachusetts, New York and Rhode Island travel to the state to obtain raw milk, spending money in the local economy in the process.

The favorable climate that now exists for raw milk in Connecticut is in jeopardy. If the Connecticut Department of Agriculture (CDA) has its way, the access to raw milk that consumers currently enjoy will be a thing of the past. CDA is pushing legislation that would not only make sales at retail stores illegal but would increase production costs for licensees to such an extent that it would be much more difficult for many to remain in business. We believe CDA's apparent motive in reducing markets for producers while increasing expenses is to create an eventual *de facto* ban on sales of raw milk in the state.

BACKGROUND

Connecticut's raw milk producers have an excellent track record for producing clean safe milk. According to a February 24, 2008 story in the *New York Times*, Wayne Kasacek, the assistant director of CDA's Bureau of Regulation and Inspection, said that "inspectors have rarely found problems and that there have been no milk-related illnesses or outbreaks."

During June and July 2008, fourteen people became ill from *E. Coli* O157:H7 who consumed milk produced by one of the state's raw milk licensees, Town Farm Dairy (TFD), located in Simsbury. During its investigation of the dairy, CDA found a "genetic link between *E. coli* O157:NM isolated from the feces of a dry cow that was being milked at the time the sick individuals purchased milk and *E. coli* O157:NM isolated from three sick individuals." The department concluded overall that "the contaminated Retail Raw Milk resulted in seven confirmed illnesses and seven strongly linked to the Retail Raw Milk."

TFD is not your typical raw milk dairy. It is owned by the town of Simsbury and is operated by Friends of Town Farm Dairy, a non-profit community group. In 2007 Friends of Town Farm Dairy hired a couple of farmers to help run the dairy. According to a story (June 24, 2008) in the *Hartford Courant*, the farmers left the dairy July 1, 2008 "leaving members of the Town Farm Dairy board and volunteers to milk the dairy cows and run the day-to-day farming." At least some of the milk suspected of causing the illness was produced after that date. The *Courant* story also noted that out of the 282 reported *E. coli* O157:H7 cases in Connecticut between 2000 and 2007, only three of these people reported drinking raw milk (meaning only that raw milk could have possibly been the cause in those three cases).

In response to this one incident involving an unconventional dairy, CDA has proposed the following changes to the law:

ON-FARM SALES RESTRICTION. Restricting sales of raw milk to the farm where it is produced. CDA's reason for this proposal is that "Retail Raw Milk packaging and appearance is similar to pasteurized milk products. The department believes that consumers may be confused by these similarities especially because Retail Raw Milk is presented to the consumer in a display case alongside pasteurized milk. Consumers who are unfamiliar with Retail Raw Milk and the potential health consequences may believe that Retail Raw Milk is as safe for their children or themselves as pasteurized milk." In other words, the department does not believe that consumers are capable of making an informed decision for themselves.

The on-farm restriction would cripple raw milk producers. Most of the licensees have retail stores accounting for at least half of sales. How many retail store customers cannot afford to take the additional time and expense to travel to the farm?

BURDENSOME TESTING EXPENSES. Under current regulations, raw milk producers test milk four times a year for pathogens with CDA responsible for the testing. The state does not charge producers for these tests. Under CDA's proposed bill, producers would not only be responsible for MONTHLY testing for pathogens but also have to PAY for the testing as well.

A producer who recently called a state-certified laboratory to get a price quote was told the testing would cost \$135 per test, or \$1,620 per year. Of all the states where raw milk is currently sold in retail stores, only one (Utah) requires producers to pay for testing. New York, after whom CDA is patterning its proposed testing requirements, does not charge producers.

The costs for testing milk for pathogens under CDA's proposal would pale in comparison to the costs for quarterly fecal sample testing--another requirement the department would like to impose on raw milk producers. Under the proposed bill, each licensed farm would have to provide "a feces specimen from each milking aged animal" for pathogen testing. The state-certified lab mentioned earlier quoted a test price of \$111 per milking animal for each test. So, a farm with twenty milking cows would be paying almost \$9000 for fecal sample testing each year.

There is no state in the country that requires raw milk producers to test fecal samples. The revenue lost due to the on-farm restriction combined with testing expenses will put raw milk licensees out of business. With the current economic recession, producers might not be able to pass any of these cost increases on to the consumer without losing even more sales.

NEW CONSUMER ADVISORY. Current law requires the following advisory on labels of bottles containing raw milk: "Raw milk is not pasteurized, pasteurization destroys organisms that may be harmful to human health." The proposed bill would require that labels contain the following statement: "Warning: Raw Milk has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of serious illness from use of this product."

In addition, the bill requires the same warning to be displayed "within five (5) feet of any cooler, product display, refrigerated storage case or location where raw milk is accessed by consumers."

While other states require similar warning labels and signs, the question for CDA here is that shouldn't these warnings be sufficient so as not to confuse a consumer in a retail store about the difference between raw milk and pasteurized milk? If the proposed advisory becomes law, the department's reasons for the retail store ban on the sale of raw milk no longer makes sense, even for an agency that has little regard for the intelligence of the consumer.

The Connecticut Milk Regulation Board has scheduled a meeting for January 21 to consider CDA's recommended changes to the law. The meeting is to be held at 10:00 a.m. in the State Office Building on 165 Capitol Avenue in Hartford.

ACTIONS TO TAKE

If the Board votes to approve the changes, the department's proposed bill will be introduced in the state General Assembly and will be assigned to the Environment Committee. Contact information for the committee, which has both Senate and Assembly members, is listed at the end of this alert.

Readers of this alert from Connecticut and the neighboring states of Massachusetts, New York and Rhode Island should write a letter of one page or less, with a title of PROPOSED RAW MILK RESTRICTIONS, to the members of the Environment Committee expressing the following points in opposing the bill. The letters can be sent to each member by email and then sent by regular mail.

1. That the proposed bill would make it more difficult for consumers to exercise their freedom of choice by reducing access to raw milk.
2. That the bill would significantly reduce the sales of licensees who produce clean, safe raw milk.
3. That the bill would hurt the state's economy by causing a decline in the number of out-of-state visitors who currently travel to Connecticut to purchase raw milk.
4. That requiring producers to pay for pathogen testing is not required by most other states and will negatively impact producers' business.
5. That no other state has seen it necessary to have a requirement to test fecal samples to protect the public health.
6. That consumers are capable of making informed decisions and do not need CDA to protect them by prohibiting the sale of raw milk in retail stores.

7. That CDA itself has stated that "in general, the department does believe the management and sanitation practices of our Retail Raw Milk producers is exceptional." If this is so, why is CDA proposing a bill that will only increase the chances of raw milk producers going out of business?

For more information contact Heather Thibeault (teebolt) at 860-859-9480 or by email at heather@resetyourways.com.

For those interested in making a donation to help defeat CDA's proposal may send funds payable to CT NOFA with a memo clearly earmarking it "CT Raw Milk and Cheese Assn":

CT NOFA
Box 164
Stevenson, CT 06491

You can also track progress through the website:

<http://chooserawmilk.blogspot.com/2008/12/by-finding-this-blog-you-must-be-aware.html>

Future alerts will be sent as developments warrant.

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