

Unwarranted Raw Dairy Recalls Put Spotlight on Hostile Regulatory Procedures

Washington, DC--Sept 16, 2008—A series of rush-to-judgment raw dairy recalls and actions against raw milk farmers around the country, has exposed inappropriate protocols used to assess the safety of raw milk and extreme bias on the part of investigators.

On September 12, the Pennsylvania Department of Agriculture (PDA) rescinded Telford, Pennsylvania raw milk farmer Trent Hendrick's raw milk permit, based on a few recent cases of food poisoning. Without any test results showing that the Hendricks Farm milk was contaminated, the state issued a press release naming the farm and circulated warnings against the consumption of all raw milk.

Today all independent tests came back negative, not only for campylobacter but for all other pathogens as well.

The state based their decision on reports of three families that were customers of the dairy, several members of which were afflicted with intestinal pain, cramping and diarrhea. According to Hendricks, two of the families were on vacation at the time and were exposed to other possible sources of pathogens, including questionable water sources. However, investigators for the Pennsylvania health department discounted other likely vectors of disease and neglected to determine whether non-raw milk drinkers had also contracted the illness.

Prior to this incident, The Hendricks farm has been lauded by the PDA as being an exceptional raw dairy producer, one who operated by permit and had a superlative safety record. The farm's raw milk cheeses have won several American Cheese Society awards. Hendricks had requested that the PDA wait until test results were in before issuing the press release. The shut down of his operation and press release resulted in financial hardship and considerable negative publicity for the dairy.

"I have jumped through hoops in an attempt to meet or surpass the state requirements," said Hendricks. "Our farm has an excellent track record on test results, and we even go above and beyond by testing the milk weekly for pathogens. All of our good faith efforts and compliance didn't amount to a hill of beans. When we needed the benefit of the doubt from the state, it wasn't there. We take food safety very seriously. All we asked is that PDA have evidence before they convict us. Instead, they insisted on putting out a press release damning our product before test results were back--before they had any conclusive proof."

"Until recently, the PDA did not suspend permits or issue press releases until appropriate testing confirmed the presence of pathogens in culture tests, says Sally Fallon, president of the Weston A. Price Foundation, a nutrition education

foundation that encourages the consumption of raw milk from pasture-fed cows. “In fact, they waited until they got two negative culture results, because pathogen testing is subject to error.”

Also on September 12, the PDA carried out its third raid against Mark Nolt’s farm. Nolt, a passive resister to the state permitting process, claims a constitutional right to sell the products of his farm without a permit. To date, the state has seized over \$65,000 worth of product and equipment. According to Nolt, the judge’s order giving the PDA authority to seize and discard products from his farm was lifted on August 5, 2008 and the courts have denied the PDA a permanent injunction against the sale of raw milk. “The seizure and destruction of our farm products was an unlawful action by the state,” says Nolt.

PDA head of dairy safety William Chirdon has frequently stated that Nolt would be able to sell his raw milk without interference as long as he obtained a permit. “Friday’s actions demonstrate that PDA has no qualms about harassing raw milk farmers who have permits,” said Taaron Meikle, president of the Farm-to-Consumer Legal Defense Fund. (FTCLDF) “This is why more and more raw milk farmers are choosing to operate outside the permitting system. They consider the raw milk permit a ‘permit to harass.’”

In light of these two incidents, Jonas Stoltzfus, farmer and President of the Pennsylvania Independent Consumers and Farmers Association (PICFA), called for the immediate ouster of William Chirdon. “The FDA’s negative statements about raw dairy have resulted in an aggressive stance against raw dairy farmers by state agencies across the nation. Persecution of Pennsylvania raw milk farmers began under Bill Chirdon’s regime. His actions of September 12 demonstrate his willingness to persecute and prosecute farmers on no evidence at all,” said Stoltzfus.

“We are concerned about extreme PDA bias against raw milk,” says Meikle, “It is inappropriate for the state to issue warnings against the consumption of all raw milk when raw milk has helped thousands of Pennsylvania consumers overcome health problems and has a long history of safety. Last year, three people died from contaminated pasteurized milk in Massachusetts and thousands have been sickened by fresh produce. Where are the warnings against consumption of pasteurized milk and raw produce?” Meikle notes that tainted pasteurized baby formula killed three infants and sickened over one thousand babies in China, during the week of the raids against raw milk.

Fallon notes that a recall of raw cream in California highlights similar inappropriate protocols in that state. The California Department of Food and Agriculture (CDFA) recalled the raw cream when it tested positive for campylobacter after 12 days of highly specialized laboratory culturing. No illnesses from the raw cream were reported and CDFA admitted to a sample mix-up that sent the cream to the wrong lab. “Not only did the cream travel over 900

extra miles and sit for several days at the wrong laboratory before being sent to the correct laboratory, the source milk from which the cream was well under the mandated 10 coliform limit-- it was 6 coliforms, pathogen-free and campylobacter-free. CDFA officials consider this the gold standard for raw milk testing," said Fallon. "We are waiting for Governor Schwarzenegger to sign SB201, the 2008 California Fresh Raw Milk bill, into law. This legislation will eliminate the 10-coliform limit, which is very difficult for raw milk dairies to pass on a consistent basis, and mandate frequent intensive testing for pathogens like campylobacter instead. Campylobacter is not a coliform and so it is missed by the coliform standards currently in force.

Raw milk defenders note that coliforms are mostly beneficial bacteria, which have pro-biotic effects. "The presence of good bacteria is one reason consumers want to drink raw milk," says Fallon. "The official attitude that the only good bacteria is a dead bacteria is a discredited paradigm based on 40-year-old science."

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The Weston A. Price Foundation is a 501c3 nutrition education non-profit, dedicated to fostering a return to nutrient-dense foods and traditional farming methods. The Foundation promotes the consumption of raw milk and pasture-feeding of livestock. The Weston A. Price Foundation is based in Washington DC and has 400 chapters and 10,000 members worldwide. Websites: westonaprice.org and realmilk.com

The Farm-to-Consumer Legal Defense Fund provides legal defense for sustainable farms engaged in raw milk production and direct farm-to-consumer sales. Website: farmtoconsumer.org.

The Pennsylvania Independent Consumers and Farmers Association is a group of Sustainable Farmers and the Consumers that support them. Their mission is to help defend the rights of farmers to provide humanely raised meats and farm fresh dairy products direct to consumers who value these foodstuffs without government interference.

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