

Testimony on Raw milk and raw milk foods for the Committee of the Senate Agriculture and Rural Affairs, By Wilmer Newswanger, Farmer and Chairman of Communities Alliance for Responsible Eco-farming.

I appreciate the opportunity to be able to testify before you today.

This is my presentation on the choices of raw milk and other raw or local foods.

I am a man living on the land, milking cows and providing labor for the fruit of the land. A calling from God and a responsibility and duty to provide for my family and for my friends who want to obtain what they choose to be best for them and their families. Trying to be good stewards of the land. For thousands of years farmers everywhere produced raw milk and sold and bartered freely. In parts of Europe farms still do this with no government regulations or interference, while in Pennsylvania it is denied. Eliminating government regulation and interference would help small farms and local economies.

Agriculture is not Agribusiness. Farming is about food, but to consumer it is more than that. Culture is a way of life working with the land. The consumers are wanting raw milk. We are not part of the dairy industry.

God created everyone equal as stated in Constitution for the Commonwealth of Pennsylvania "Article 1 ; Section 1; All men are both equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and pursuing there own happiness." Speaking for the consumer their equal rights are taken from them when they cannot obtain raw milk and other foods, while their farmer friends have that choice. They are deprived of their food choices. The Milk Sanitation Act doesn't disallow the consumer from buying, but prohibits the farmer from selling which violates equal rights.

The Constitution confirms the right to contract, as in "Article 1; Section 17; No ex post facto law, impairing the obligation of contracts. Or making irrevocable any grant of special privilege or immunity shall be passed."

The Constitution confirms our liberties. Are there no private rights? Are we all considered public?

The PDA did admit that without a permit they don't have jurisdiction to go on a property without a warrant.

We are told that getting a permit is a safety issue. But it has more to do with selling. We can invite or give to anyone and serve them milk, but to sell them 1 oz. makes it a safety issue or immediately dangerous.

We know of people's allergy problems improving once they use raw milk. People that are lactose intolerant rarely have problems with raw milk. Pasteurizing milk destroys most of the enzymes that help digestion.

Commingling of commercial milk; transporting, pumping, and processing all increase the risks of contamination of milk and pasteurizing is needed for shelf life. Ultra pasteurization only extends shelf life to 60 days. Cheese makers experience that they cannot make cheese from it.

Homogenization breaks down butterfat to very small globules so the fat stays evenly dispensed through out the milk. So you cannot know how much fat is in the milk because the cream does not rise. It greatly increases the fat surface area which increases fat oxidation and can create off flavors. It also has been linked to heart disease.

We have been told millions of dollars have been spent on food safety. But it appears that very little has been spent by the government on treating or understanding the true cause of the problem. Pasteurizing does cover up some of the problem of less than desired milk, but clean raw milk possesses a very small risk. With money you can prove anything. Proving anything has now become installed in public policy. Public health authorities are nearly unanimous in arguing that it is impossible to make raw milk safe. Food safety is defined by those in government in an imprecise and prejudicial way. And there is no sensible rational for permitting the continued sale of processed

products that cause continuous and often excessive problems while banning the sale of raw milk.

Direct farmer to consumer sales exposes a small imperceptible number of people to little or no risk. Commercially produced expose people to potential huge untraceable risks. The government effectively nearly shut the door on producers and consumers who desire and would benefit from readily available raw milk and other raw foods. Laws and regulations meanwhile are used to eliminate producers of high quality natural, unprocessed foods that may occasionally become contaminated. Incidents of food poisoning from pasteurized milk products are conveniently blamed on manufacturing errors, which officials promptly investigate and forgive. This is made possible by defining food safety as the assurance that a food is produced in a manner that when accomplished properly will not cause harm to the consumer.

Government policy on milk is structurally designed in law and in its interpretation and application to serve the interests of large scale mass produced retail distribution. The interests of a smaller community of consumers, interested in a more wholesome all-natural product, have been brushed aside and ignored. The government justifies the continued sale of pasteurized products by saying that they are inherently safe if manufactured correctly; whereas raw dairy products are declared inherently unsafe and therefore those in government believe it should be banned. Outbreaks of diseases caused by manufacturing errors are typically defined as accidents; alleged outbreaks caused by raw milk are portrayed as the inevitable result of allowing any raw milk to be sold. Such logic grossly misrepresents the true health risks.

The educated consumer wants an unregulated choice and don't want to have someone else telling them what they can eat and what they cannot eat. Consumer knowledge and education is an important element. Consumers need to assume a degree of responsibility in making a decision as to the relative safety of the milk.

Farmers are guaranteed in law the right to sell the foods of their farms directly to consumers without a permit and able to advertise their foods too. This right was so taken for granted by the men who framed the Pennsylvania and the United States Constitutions, that they did not specifically write it into these documents.

It appears that the reason for unconstitutionally applying the milk laws to farmers and consumers is the interest of the powerful and influential processed food industry, particularly the dairy industry. This has been the result in millions of small farmers leaving the land to take jobs in the factories and offices of the modern industrial state. Politicians tell us these policies have been a success because every year the gross domestic product increases.

The Fourteen Amendment of the United States of America; Section 1 states: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

In the July 4, 1776 Declaration of Independence it states: " We hold these truths to be self-evident, that all men are created equal, and that they are endowed by the Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Laws restricting the right to consume raw milk and raw foods restrict the right to life and liberty, and as such are unconstitutional. Laws and regulations must apply equally to every individual. That is what "equal protection" and no discrimination mean; if farmers and their families can drink raw milk , then it is discriminatory to deny everyone else the same right.

Other products as meat have a higher risk for pathogens than milk but less regulated, as chickens fewer than 20,000 are exempt.

I did a little research of the legislative history of raw milk. Before the Milk Sanitation Act there was a Pure Food Act which was to prevent adulterated milk, like farmers adding water or taking cream

off and selling it as milk. Also the cow had to be on pasture 4 hrs. a day. Before that was the Act of May 25, 1878, P.L. 144, which enacts, that any person, who shall knowingly sell or exchange, or expose for sale or exchange any impure, adulterated or unwholesome milk, shall be deemed guilty of a misdemeanor; Accordingly to that all commercial milk would be adulterated.

I was taken by surprise when I read some of Maryland's statutes a few months ago. It reads as follows; Heath-General -21-207 defines a food as adulterated if it " is unfit as food for human beings." Raw milk is unfit for human consumption because of the abundance of health hazards associated with ingestion, and is, therefore, considered adulterated under Maryland statute, Health-General- 21-256 (prohibits the selling of adulterated food, the receiving in commerce of any adulterated food, and the delivery or offer of delivery of any adulterated food.) Whole raw milk is as unadulterated as milk can be. Commercial whole milk is standardized at 3.25% fat. Almost all commercial milk is pasteurized and homogenized. The average of, off the farm commercial raw milk is about 3.7% fat. So all commercial milk is adulterated some. The truth still stands.

#### A little on C.A.R.E.

C.A.R.E. was formed to see what can be done to make raw milk and other natural or wholesome foods more available to the people that want them.

C.A.R.E. is: "A private association committed to truthfully educating members and guests about good stewardship of our land, nutritional foods, and the preservation of our rights to produce, share, and enjoy good food and fellowship with the Association's members and guests."

Several years ago Members of C.A.R.E. met with PDA representatives a few times and got a green light to form a private association. The PDA representatives stated that the department does not have jurisdiction over such a constitutional association. Since then some of the PDA representatives don't want to recognize our right to operate as such. We hope we can resolve the issues that the consumer has the private right to obtain their food choices, and the farmer has the right to produce and sell them.

We hope that those in government will understand that the consumer has the private right to obtain food of their choosing. Please seriously consider this information, and put it to use for the consumer and the small farms. Thanks for your time and attention.