

Testimony before the  
**Pennsylvania Senate Agriculture and Rural Affairs Committee**  
**Public Hearing on Raw Milk**  
September 18, 2007

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**Pennsylvania Association for Sustainable Agriculture (PASA)**

## **I. Introduction**

Members of the Senate Agriculture and Rural Affairs Committee, I want to thank you very sincerely for holding this hearing today, and for inviting me to speak.

My name is Brian Snyder, and I am executive director of the Pennsylvania Association for Sustainable Agriculture, more commonly known as PASA, which is a statewide membership organization with a mission *to promote profitable farms which produce healthy food for all people while respecting the natural environment*. Our farm members are spread throughout Pennsylvania and the surrounding Mid-Atlantic region, and our organization has the distinction of being one of the largest and fastest growing of its kind anywhere in the country.

Let me just say at the outset of my testimony today that this hearing has the potential to be a watershed moment for Pennsylvania agriculture and the many consumers in the commonwealth who wish to support our farmers. With that in mind, I would first like to give you some background on the issues involved.

## **II. Background**

The events that led up to today's hearing actually began in the spring of 2003 when, in Lancaster County, a disagreement ensued and escalated between a dairy farmer who then held a valid raw milk cheese permit and his state-appointed inspector. I will not go into the details of this particular disagreement now, except to say that it served as a wake-up call to everyone that the trade in raw milk products was growing faster than most people realized and that problems existed in terms of the commonwealth's administering of the raw milk permit program.

For what it's worth, I was actually present when, several months later, the particular farmer involved and Secretary of Agriculture Dennis Wolff ran into each other at one of our events, shook hands and both admitted that things could have been handled better from their respective sides in this dispute. But the cat was really out of the bag by that time. Farmers had begun to organize themselves around the issues involved – more than 150 of them showed up to a meeting we held in Lancaster in the fall of 2003 – and customers who were purchasing raw milk products from farmers, both with and without state permits, got involved as well.

The issue then, as it still is today, is the extent to which raw milk products other than fluid milk or hard cheese aged at least 60 days can be sold to those who wish to buy them. The discussion over these past four years has mostly been civil, and one very novel, if imperfect solution was even identified and implemented by several farmers. In this scenario, raw milk is pre-sold with a valid permit to customers who turn around and contract with the farmers to make the desired products with that milk. This so-called “labor contract” system is technically legal, has been tolerated by the Department of Agriculture over the past four years, and has worked well for some farms throughout this entire time. But even these farmers would prefer to see a more formal system instituted as part of the raw milk permitting process, as they do not particularly enjoy conducting their businesses in a way that is merely “tolerated” by the authorities.

It needs to be said that the past four years of dealing with the raw milk issue has been interesting and fruitful in many ways. Throughout this time, I have found personnel at the Department of Agriculture, including Secretary Dennis Wolff, Deputy Secretary Bill Wehry and Director of Food Safety Bill Chirdon, along with his predecessor in that position, to be completely forthcoming whenever I’ve had questions or needed to understand what was happening out in the field. They have often met with me quite cheerfully, even when I drop in unannounced, and each of them has met directly with farmers in my presence to try to resolve issues that have developed. I believe they truly want what’s best for all the farmers involved with the raw milk trade, even as they also struggle with their public responsibility to keep consumers as safe as possible.

That being said, I also feel the folks at PDA could do a much better job of communicating routinely with the farmers whenever controversies involving raw milk arise, especially keeping in mind that many of these farmers do not have access to the Internet or to email. I sympathize with the challenge here, but nonetheless assert its essential importance. Also, I want to say that, in my opinion, almost all the areas where problems have come up have been in response to very basic misunderstandings and/or disagreements with state inspectors who in some cases need to be more patient in working with farmers and less caught up in their own authority. PDA has many fine inspectors out there, some of whom have contributed immensely to conferences and workshops we have held on the subject of raw milk. But we have all paid a price for those few instances where the inspection systems have not been as user friendly as they could and should have been.

### **III. Current Situation and “Problem”**

As a result of PDA’s efforts to improve and further implement the raw milk permitting process, we now have at least 74 farms holding valid permits to sell raw milk and/or cheese, a number which I believe has more than tripled since early 2003. This certainly does not sound like a department that is trying to eliminate such sales altogether, as some people have publicly asserted. As of now I think we can safely say that Pennsylvania is among the most progressive states in the country, if not at the top of that list, in terms of allowing raw milk sales activity, including the practice of licensing bottling operations

which allows fluid milk to be sold wholesale to natural food stores and other retail locations.

In my opinion the “real” reason for us to be here today has to do with the fact that far more production and sales of Pennsylvania raw milk products are now occurring than anyone fully realizes. Most of this trade is “legal” in the sense that it is happening within the commonwealth and benefiting farmers who hold a valid permit, including those cases where a permit holder is making products other than fluid milk and hard cheese by virtue of the previously discussed “labor contract” system. But there is also a large and increasing amount of product that is leaving Pennsylvania through a variety of means that challenge federal and state laws.

Even though it may push outside your legal comfort zone, the legislature must understand that the current situation constitutes a genuine success story for Pennsylvania agriculture, and that our farmers who do a good job of serving their customers are under enormous pressure to sell more and more product to markets both within and outside the state. In some cases consumers are driving a number of hours from surrounding states to purchase their regular milk supply from farmers in Pennsylvania. This happens in part because raw milk is not widely available elsewhere, but also I believe because of the product quality and customer service that such people experience on Pennsylvania farms.

I also want to make two additional points about the current situation that must be clearly understood, as follows:

- The issues you face in this case are not just about saving small farms. Not only are some farms already doing a very significant business in selling raw milk and its products, but other farmers with larger than average operations are watching these proceedings very closely to evaluate their own potential to enter this market.
- The issues you face are indeed not even just about milk or dairy products. What we are ultimately talking about here is the ability of Pennsylvania farmers to bring their best products to the best markets available to them, as close to the consumer as possible. I will relate a story later in this testimony that will illustrate my concerns along these lines.

The fact is, there is a change occurring in the marketplace for food in this country, and regardless of who is pleased or displeased by this reality, Pennsylvania is among those states leading the way. If you look at the actual statistics, Pennsylvania and New York together make up a huge pinnacle on the charts for what the USDA calls “Direct Sales for Human Consumption” that is matched in the country only by that state I call the “Pennsylvania of the West Coast,” otherwise known as California. These are figures that should be a source of pride for this committee and the agricultural community in the commonwealth.

Our own research indicates that about 20% of the population in this part of the country is strongly interested in buying food that comes from local sources and is produced in more

natural ways. On the whole, this group has also achieved higher levels of education as compared to the general population. We have not asked consumers specifically about raw milk or raw dairy products, but if even half of this “local foods group” is interested, that could mean as many as a million Pennsylvanians or 2 to 3 million people in our immediate neighborhood, including some of the big cities near our borders, might be interested in buying raw dairy products from Pennsylvania farmers.

Any way you look at it, this is too large a group to escape the attention of this proceeding, especially if you consider the potential of a “black market” for raw dairy products developing if they are ever outlawed altogether. Please understand that the people who want these products are also willing to take some legal risks in order to acquire them.

#### **IV. Recommendations**

In light of the current situation as described above, I have the following recommendations to offer the Pennsylvania legislature at this time:

1. The current permit system for raw milk producers and processors should be retained and improved. Much as we might hope that everyone can simply take responsibility for themselves, their products and their purchasing decisions, the economic environment is simply too hostile in terms of industry concerns and federal regulations for Pennsylvania farmers to “go it alone” in building and maintaining this market. What is needed is a strong partnership between the farmers, consumers and state government to make our raw dairy industry a model for other states to follow.
2. To the extent possible, the legislature and Department of Agriculture should promote high quality standards for all dairy and other farm products, but especially for milk and value added dairy products that are intended for consumption without pasteurization. To this end, I have attached **Exhibit A**, which is an outline I developed for consideration by the Pennsylvania Dairy Task Force earlier this year. As you can see, the most important base standard here is to develop grass-based systems on our dairy farms, and this is especially important when raw milk is involved. Let’s face it, not all milk is created equal, and we all know that to be true.
3. a) Expansion of current raw milk regulations should be considered to allow for sale of products other than fluid milk and aged cheese. My own informal research on this matter would suggest that raw cream, ice cream and butter are in demand and the easiest to produce, but other products such as cottage cheese, soft cheeses and yogurt are popular as well. Care should be taken to develop clear and rational criteria if some products are approved and others not.  
  
b) In the event that expansion of allowable products is not possible, the so-called “labor contract” system should be formalized so that a very specific format is provided for farmers to use that will be universally applied and respected by PDA

inspectors across the state. The combination of state permits and private contracts has worked in the past and could be the key to future peace and prosperity when it comes to the raw milk trade.

The next two recommendations are intended to help the Department of Agriculture in terms of the human resources necessary to support an expanded raw milk permit system.

4. The legislature and department should consider increasing the current 1-cow exemption (i.e. farmers with only one cow do not need to get a permit) to apply to situations in which only 5 or 10 cows are involved, or whatever number seems a reasonable risk to the department. The way the law is currently written, such exemptions are always at the “discretion of the Secretary” anyway, so could easily be revoked in case a food safety problem occurs.
5. New regulations should allow the Department of Agriculture to license groups of farmers as co-ops, incorporated clubs or other associations wherein such a group can inspect and issue raw milk permits to its own members. I would think such groups would be expected to meet or even exceed the specifications otherwise used by PDA in issuing permits. This should not be seen as a way to “get around” the law, but a way to offer products and services that, by association of likeminded farmers, are distinguished and further differentiated in the marketplace in terms of overall quality.
6. The legislature should remove any impediments in existing statutes and regulations that make it unlawful for Pennsylvania farmers or retailers to sell raw milk or raw dairy products, with a permit, to out-of-state residents who come into Pennsylvania to make their purchases...at least to the extent allowed by federal law. I know this is controversial, but is also where some bold leadership may be needed. The stress of determining which customer is from where simply must be taken off the back of individual farmers, especially as they face the pressure of increasing demand.
7. Something must be done to assist the Department of Agriculture in improving communication with farmers and sensitivity to their specific challenges and cultural contexts. Rumors that are as unhelpful as they are inconsistent will continue to fill any information voids when it comes to changes in department procedure or the latest news about an alleged outbreak of illnesses. I have tried to fill the role of information liaison to some extent over the years, but simply cannot do it by myself or well enough to avoid all the problems that might occur.
8. The Department of Health must be encouraged to conduct their required investigations when illnesses do occur in an open-minded, fair and forthright manner, looking broadly at all the reasons a person might have become sick. I firmly believe that some of the issues and problems surrounding raw milk have originated with health officials due to a lack of the qualities I have just mentioned. In order to explain what I mean here, I will need to tell a story...

## V. Mythology

A few years ago my family experienced an incident I will never forget following a visit to a restaurant near where we live in Centre County. During the course of our meal, one member of my immediate family stop eating, noticing that the cold chicken sandwich she had ordered and was about halfway through eating was more “chewy” than she expected. We noticed right away that the chicken was partially raw and she stopped eating it. We brought this to the attention of our waiter, asked for the check and left.

Sure enough, a few days later the person who had eaten the partially cooked, cold chicken became ill and, after initial reassurances from her doctor, was later diagnosed to have been infected with a common pathogen, *Campylobacter*. The treatment at that point was both swift and successful, and we were told to expect a call from the Department of Health as required by law.

The call came after a few more days and the “investigation” started with a question we had already anticipated, “Do you drink raw milk?” We were then intermittent customers of a local dairy farm with a raw milk permit, but had not had any in the house since before the restaurant incident, so answered “No,” fully expecting that a “Yes” would cause our farmer friend to be harassed unnecessarily. But the questions that followed this initial one left us speechless...such as “Do you buy eggs from local farms?” and “Do you get any meat products from farmers?”

It has been awhile, so I don’t remember the exact conversation, but we were never asked what restaurants or grocery stores we might have purchased food from recently. In fact, the caller seemed oddly reassured when told that we actually raised most of our own food...as though even that was better than buying it from other farms. In the end, we were told something like “These things can come from anywhere, and it’s a good idea to keep your kitchen very clean.” As the caller prepared to sign off we asked, “Don’t you want to know what restaurants we might have visited and what we had to eat there?” She seemed surprised by the questions coming back and took the information from us in a perfunctory way, but none of this would have been discussed except at our insistence.

I tell this story because I strongly believe that the attitudes surrounding raw milk in this country are governed to a large extent by a “mythology” of sorts, meaning that the beliefs and assumptions of persons in positions of authority, rather than the facts of a case, are often the source of their conclusions. As a person who studied such things in college and graduate school – I have a graduate degree in Theological Studies from Harvard University – I can also say that we all make judgments and choose our actions according to our respective worldviews. Even scientists cannot totally escape this reality when interpreting supposedly objective data, which is why you almost always find scientists on both sides of the important issues of our times.

But to solidify my case about how the Department of Health may seem to be on a bit of a mythological vendetta here, I offer as my **Exhibit B** a letter I just received from a family

that lives south of Harrisburg. They contacted me recently because of their concern that an illness in their family earlier this year might have been reported in the media as coming from raw milk – a story that was never retracted once the actual container of milk that was implicated was later proven to be safe. I have no way to personally verify the reported facts in this situation, but their story was so similar to what we had experienced years ago that I am left with no good reason to doubt any of it.

In both cases recounted here, our families were expected to implicate local farmers as the source of our illnesses, and no other possible explanations were taken seriously. Personally, I am appalled by this situation and feel the members of the Ag Committee should be as well.

## **VI. Conclusion**

So in conclusion, I think we are all left to ponder one of the most basic paradoxes of our existence on Earth, that food is both necessary to sustain life and it can also kill us. With this and the recent history of food safety problems in mind, you should have no trouble understanding that a growing number of people in this country are saying they would prefer the “safety” of knowing where their food comes from, how it is handled or processed and even knowing personally the farmer who raised it. These people are changing their buying habits in unprecedented numbers and thereby the marketplace for food in general. We all know this because we see grocery stores, restaurants and other retail outlets advertising the availability of local food even when it is sometimes untrue, so as not to lose market share.

People who are at the forefront of this movement are usually willing to take risks because they prefer to take matters into their own hands rather than wait for the next wave of tainted beef, turkey, spinach, green onions, pet food or what-have-you to come crashing in unannounced from across the country or, indeed, from other countries. I believe it is incumbent on the Pennsylvania Senate Agriculture and Rural Affairs Committee to understand the rationality and wisdom behind such behavior, and the ways in which our farmers are positioning themselves to benefit from it.

What we are experiencing is first and foremost a movement of Pennsylvania farmers and consumers working together to build a safer, more nutritious and economically just food system for us all. Secondarily, it is also an invitation to our neighbors here in the Mid-Atlantic region to join us in this quest.

Now we look to our legislature for leadership on an issue that could affect the face of agriculture and success of many farms here in the Commonwealth of Pennsylvania for many years to come. Please give it your best, because these farmers deserve it.

## ***EXHIBIT A***

Pennsylvania Dairy Task Force  
Economic Development Committee  
State College, Pennsylvania  
July 31, 2007

### **Milk Quality – marketing perspective**

#### **Objectives**

- marketplace differentiation
- reputation for high quality milk and dairy products (PA & Northeast)
- economic success of dairy farms in general
- stability for smaller farms in particular

#### **Implementation**

(each level builds on previous levels)

- I. Grass-Based Systems**
  - economic advantages
  - positive public images
  - nutritional advantages (especially with 100% grassfed)
- II. Certification / Process Verification**
  - Organic (USDA)
  - Sustainable (Food Alliance) – more flexible, comprehensive
  - other (natural, humane, environmental, etc...)
- III. Product Diversification / Value-Added**
  - on-farm bottling
  - farmstead products (cheese, butter, yogurt, ice cream, etc...)
  - alternative species (goats, sheep, other)
  - overlap with other industries (wine & beer making, specialty meats, etc...)
  - potential for competition, prizes, regional marketing (agritourism)
- IV. Raw Dairy**
  - culmination of all quality efforts
  - expand permitting process – more farms; more products
  - build strong national reputation
- V. Statewide, National Marketing Campaign**
  - Pennsylvania Premium
  - “Liquid Gold” from the Northeast

Prepared by: Brian Snyder, Pennsylvania Association for Sustainable Agriculture (PASA)

***EXHIBIT B***

Dan Ramond  
219 Evergreen Dr  
Boiling Springs, Pa 17007

September 16, 2007

Mr. Brian Snyder  
Executive Director, PASA  
P.O. Box 419  
Millheim, PA 16854

Dear Mr. Snyder,

Here is my account of what happened last May:

Last May, my son Ari Ramond started complaining of his stomach hurting. It increasingly became worse and we ultimately decided to take him to the emergency room. After a blood test, CT scan and the doctor's evaluation, it was determined that he may have a flu and that it should get better in a few days. His condition progressed and he was once again back in the emergency room. This time they took a stool sample and ran the same tests as two days prior. A little more than a week later, we got the results of stool sample - he had the bacteria *Campylobacter* and was told this was not overly dangerous and would most likely work its way through his system.

A little while later we received a call from the health board. They stated that they had information that our son had recently contracted *Campylobacter* and wanted to ask us a few questions. They started with questions such as where do we shop and where do we get our dairy products. When we explained that we consume raw products, the questioning focused specifically on from whom and from where. We mentioned the farmer's name and they seemed to have had dealings with him before. We were a little concerned in that they did not ask any other relevant questions concerning Ari's behavior. Our next door neighbor is a doctor and he said that *Campylobacter* is very common and is routinely contracted from creeks or other water sources. In the weeks prior to Ari becoming sick, we had been fishing and around a lot of water. None-the-less, the health board called back and asked to have the milk tested. We agreed and submitted a sample. A little later they responded that the farmer's milk was perfectly fine and that *Campylobacter* can be contracted from many sources.

We feel that the health board should consider other things during their questioning. It sounded to us as if they were against the use of raw dairy products.

Sincerely yours,

Dan & Theresa Ramond