

Testimony for Raw Milk Hearing
Pennsylvania Department of Agriculture
Secretary Dennis C Wolff
September 18, 2007

Chairman Brubaker, Chairman O'Pake and the honorable members of the Senate Agriculture and Rural Affairs Committee, good morning. Thank you for the opportunity to speak to you today about raw milk sales, an issue that the Pennsylvania Department of Agriculture (PDA) takes seriously and one that has recently gained some media attention. The Department plays two roles in the debate about raw milk sales. First and foremost, the Department encourages and supports diverse farming practices and encourages farmers to break into new markets. Secondly, we have a statutory responsibility to the people of Pennsylvania to ensure a safe food supply. This is done through frequent inspections and enforcement of Pennsylvania's Milk Sanitation Law and regulations, including the requirement that all sellers of milk, pasteurized or non-pasteurized, hold a permit with our department.

Raw milk is milk that has not been pasteurized. Every dairy farm produces raw milk. Some dairy farmers sell their raw milk to a processor for pasteurization. Some dairy farmers pasteurize their own milk, selling it to a dealer or selling it from their own farm dairy store. Since at least 1935, when what is known as the Milk Sanitation Law was enacted by the legislature, Pennsylvania has offered dairy farmers the ability to sell raw milk directly to consumers. The demand for - and profitability of - this portion of the retail milk market is rising, as evidenced by the 75 dairy operations who currently hold raw milk permits for sales directly to consumers. The number of raw milk permit applications and permit holders has nearly doubled in the last two years. Combined with our hundreds of pasteurized milk permit holders, the dairy farmers of Pennsylvania as a whole keep striving to meet market demands and remain viable and hopefully profitable.

The cornerstone of the dairy industry is producing a safe and wholesome product for all consumers, especially our children. For consumer sales, the law requires that a permit be obtained from the Department of Agriculture, whether selling pasteurized or raw milk. The permit has no cost. *The free permit requires that the dairy herd producing the milk, the milking equipment, the farm's water supply and the milk itself is inspected and tested periodically for the public's protection against diseases and bacteria that can make people sick and potentially even be fatal.* The difference in the permit requirements for pasteurized milk sales and raw milk sales is a slightly different set of laboratory testing criteria for raw milk samples. The law of the Commonwealth requires that milk for pasteurization be produced under conditions subject to a certain degree of testing and inspection to protect the public's health. It would be contrary to reason, logic and decades of sound public policy to apply a lesser degree of care to protect the public's health when dealing with the production of milk for consumption without pasteurization, when we know that such milk has a higher risk of pathogens. Prior to the advent of milk pasteurization, milk was a common source of food-borne illness. Today, because of

pasteurization, good sanitary practices and a good working relationship between dairy producers and regulators, cases of food-borne illness caused by milk are minimal.

Interstate sales of raw milk are banned by the U.S. Food and Drug Administration. While approximately half of the states in the U.S. do not allow the sale of raw milk or raw milk products, Pennsylvania attempts to make it as safe as possible for farmers to sell the product to the general public by allowing the sale of fluid raw milk and hard cheese made from raw milk as long as the farmer has a permit. The Department has recently posted a list of dairies that have current raw milk permits on our website (<http://www.agriculture.state.pa.us/pafoodsafety>). While I am certain that the Department of Health will talk about illness that can be prevented through the pasteurization process, I will note that milk that is not pasteurized has a higher incidence of pathogens such as salmonella, listeria and E. coli. Therefore, farmers who sell raw milk must be diligent in their animal husbandry practices. Even the best sanitation practices cannot 100% prevent illness from raw milk, so farmers must do all they can to reduce the risk and PDA has an obligation to the public to do all it can to monitor the raw milk that they can purchase. Our intent at the Pennsylvania Department of Agriculture is to provide farmers with best practice information for minimizing contamination as well as to ensure that the risk to consumers who purchase raw milk is minimal because they are buying milk that is checked regularly for pathogens.

One particular case that has garnered recent attention in the media involves a farmer in Cumberland County who had been selling raw milk and milk products manufactured from raw milk at his farm store as well as a farmers' market without the required permit. Sales of those products without a permit was a violation of the Milk Sanitation Law, and PDA attempted to persuade the farmer to obtain a permit or to cease selling his products. Samples from products purchased from the farm were tested by PDA's laboratory and failed to meet the regulatory standards required of raw milk. The Attorney General obtained an injunction to stop the sales, the sales continued and a hearing was held. The farmer did not appear for the Commonwealth Court hearing and was therefore found to be in contempt of Court. Additionally, some of the products that the farmer sold are prohibited by law even for farmers who have permits. Yogurt, butter and soft cheeses are illegal to sell in Pennsylvania if they are made from raw milk. The more raw dairy products are handled and processed, the greater the possibility for bacteria to be introduced. Also, the longer processing time and shelf life of these products allows bacteria to multiply significantly. Only fluid raw milk and hard cheeses (which are aged and dried to a point where bacteria can no longer survive) are legal to be sold with a permit. Because this farmer refused to obtain the required permit, and continued to sell a potentially dangerous product, putting consumers at risk, he left the Department no choice but to pursue legal action against him. Again, farmers who sell raw milk in Pennsylvania must have a permit.

In closing, I thank you for your time and the opportunity to talk to you about this important topic to Pennsylvania farmers as well as Pennsylvania consumers. I would be glad to answer any questions.