

The Hannah Reports

Raw Milk Legislative Hearings 2006

March 6, 2006

Agriculture Department Called Hidebound Bureaucracy

A member of the House Agriculture and Natural Resources Committee says the Ohio Department of Agriculture (ODA) could be overreaching in potential efforts to shut down so-called "herd sharing," in which consumers invest in dairy livestock in exchange for raw milk and other dairy products. Rep. Arlene Setzer (RVandalia) is apparently mulling legislation to make the sale of unpasteurized, un-homogenated milk legal in Ohio -- a state realkmilk.org describes as having "some of the strictest laws on the books and the most reactionary agriculture bureaucracy."

Families participating in the organic food co-operatives have reached into the hundreds statewide by observing what ODA describes as a legal "loophole." While state law currently proscribes direct sale of raw milk to consumers, it is silent on the practice of joint livestock ownership. States across the country have taken varying positions on the question of raw milk, with those such as Pennsylvania allowing its commercial sale, those such as Indiana allowing herd sharing, those such as Ohio and Michigan that prohibit commercial sale while leaving herd sharing open to question, and those such as Wisconsin that ban availability of raw milk altogether.

Organic proponents say the milk is far healthier than processed milk, while many health authorities say the unpasteurized product can carry dangerous pathogens.

May 10, 2006

Committee Wades Into Raw Milk Debate

The last time hundreds of people were spilling out of House Finance Room 313, legislators and witnesses were debating the highly contentious **SB17** (Spada) which dealt with clergy sex abuse cases. On Wednesday, proponents gathered from around Ohio in support of raw milk rights in **HB534** (Setzer). Introduced on March 14 and buttressed by sponsor testimony a week later, the bill would allow for the renewed sale in Ohio of raw, unpasteurized, and unhomogenated milk -- the target of enforcement activities by the Ohio Department of Agriculture (ODA) in recent months.

Wading into the raw milk controversy, Setzer explained to committee members in March that outlawing the product, save for grandfathered producers who have since ceased to operate, had forced consumers to exploit a loophole called "herd sharing," in which health enthusiasts purchase a share of dairy cattle domiciled on a farm they don't operate in exchange for their raw milk. While not expressly forbidden in state law, ODA has said the practice nevertheless results in the organized production and dissemination of raw milk, and should be illegal. (See [The Hannah Report, 03/06/06](#))

Instead, **HB534** proposes that dairies be allowed to take out a raw milk retail license for sale of the product at their facility, rather than in grocery stores. Producers would have to display at the facility and on raw milk containers that the product "has not been pasteurized and may contain disease-producing organisms."

In fact, proponents Thursday said any such danger was highly unlikely -- more unlikely than with commercial pasteurized milk. Witnesses spoke to a variety of ailments that had purportedly been cured by the bio-active nature of raw milk, including various enzymes and "good bacteria," along with protein and minerals in a more easily metabolized form. Not only was the natural product no more likely than pasteurized milk to attract pathogens, said proponents, it contained living microbes that actually destroyed them. Processed milk could not make that claim, they suggested.

In addition to a long list of personal testimonials, the committee heard from Executive Director Warren Byle of the Raw Milk Organization of Ohio, President Sally Fallon of the Weston A. Price Foundation, Executive Director Carol Goland of the Ohio Ecological Food and Farm Association, David Cox of Lane Alton & Horst, and raw milk producer Mark McAfee.

Goland issued perhaps the most withering indictment, saying undercover activities by the ODA were tantamount to a SWAT operation. "You would think they were conducting a drug raid," she observed. "This is not exactly a matter of national security."

Chairman Aslanides had noted outside the committee, however, that there were spirited convictions on both sides of the raw v. pasteurized milk debate. After three hours of testimony and proponent cheering, an affably patient chairman told the gallery that hearings would resume the same time next week, and that remaining witnesses would get a chance to speak, along with opponents.

May 17, 2006

Farmers Union on Familiar Ground in Raw Milk Flap

Round three in the raw milk battle found the Ohio Farmers Union (OFU) on familiar turf and opposite sides of the fence from much of the agricultural infrastructure in Ohio. While there was no mention of the Ohio Farm Bureau Federation in the House Agriculture and Natural Resources Committee Wednesday, opponents of **HB534** (Setzer) spoke of many other farm and health organizations at both the state and national level who ostensibly reject public sale of raw milk under any circumstances.

President Thomas Fleming of Ohio Dairy Producers (ODP) leveled a lengthy and detailed indictment of the raw milk movement and an equally thorough review of commercial processing. He said the overwhelming majority of milk produced in Ohio is carefully handled to fight bacterial growth and tested and transported by a "state licensed and trained milk hauler" before further tests at the dairy as supervised by the Ohio Department of Agriculture's Dairy Division. The dairy then heats the milk to at least 161 degrees Fahrenheit for pasteurization. "This process is a simple, effective means to kill harmful pathogens without affecting the taste or nutritional value of milk," said Fleming. "I know this is contrary to what you have been told by this bill's proponents, but we will submit to you reports from researchers, scientists, and others supporting this statement."

Fleming noted the Dairy Division imposes many other standards for sanitation, testing, and reporting on both commercial dairies and dairy farmers. "Our farm is also likely to be inspected by state survey officers and federal check rating officers to assure that consistent standards are applied to all Grade A licensed dairy farms," he added.

In contrast, he pointed to a reported outbreak of food-borne illness at Young's Dairy near Springfield, which after a "thorough investigation" decided to discontinue sale of raw milk. Mark Case of the Combined Health District of Montgomery County would later support Fleming's testimony by citing a study in the Center for Disease Control's "Morbidity and Mortality Weekly Report" showing 62 of the country's 200 cases of raw-milk related illness in 2002 had been traced to an "outbreak" in Clark County.

Fleming rounded out his opposition with a long list of other agricultural, food, and health organizations said to oppose the sale of raw milk, including the Ohio Dairy Industry Forum, the Ohio Grocers Association, the Ohio Department of Health, the Ohio Dietetics Association, the Midwest Dairy Foods Association, the American Dairy Association, Dairy Farmers of America, the National Milk Producers Federation, the National Dairy Council, the National Council on Interstate Milk Shipments, the American Medical Association, and the U.S. Food and Drug Administration, among others.

Joe Logan of OFU, on the other hand, had already put the debate around raw milk into national perspective. "Twenty-eight other states allow for the legal purchase of raw milk in some manner, be it retail sales, direct farmer to consumer sales, or through herd-sharing arrangements," noted Logan. "The OFU believes Ohio should allow the sale of raw milk from a conscientious farm to an informed buyer." Logan pointed to the "growing demand" for the unpasteurized product and said "safe raw milk" was no more or no less a certainty than any other marketed food. He also hearkened back to OFU's family farmer emphasis, saying "consumers deserve this choice and opportunity to reconnect with Ohio's dairy farmers." He set local farm values over and against ODA's "raw milk enforcement and investigative activities," which he said could jeopardize implementation of legalized raw milk sales even under successful legislation.

May 24, 2006

Dairy Debate Draws on Family- v. Factory-Farm Exchange

After weeks of testimonials and scattered data on the reputed benefits of raw milk, the House Agriculture and Natural Resources Committee heard opposition from agriculture and health officials Wednesday that pointed to larger policy debate over the commercial food industry. Proponent testimony last week from the family farm-friendly Ohio Farmers Union (OFU) would portend remarks on macro food production and processing. President Thomas Fleming of Ohio Dairy Producers (ODP) would also cite a long list of industry opponents, and the committee received promised testimony on [HB534](#) (Setzer) Wednesday from various detractors convened by ODP.

The well-organized opposition included the Ohio Department of Agriculture (ODA), Ohio Department of Health (ODH), Ohio Dairy Producers (ODP), The Ohio State University Department of Human Nutrition and Food Management, Ohio Dietetic Association, the U.S. Food and Drug Administration (FDA), International Dairy Foods Association (IDFA), and others. Some, including Director John Sheehan of the FDA Division of Dairy and Egg Safety and Dairy Farmers of American (DFA), were limited to written remarks.

ODA Director Fred Dailey led off testimony, saying his agency was a "small but vital component of a nationwide system that keeps our food supply abundant, affordable, and safe, and operating in cooperation with other agencies at all levels of government, as well as industry and academia." Dailey anticipated the central assertion of later opponents in saying that dairy and other regulatory branches of ODA are governed by sound science developed at the federal level, including the Pasteurized Milk Ordinance

and the National Conference on Interstate Milk Shipments.

Other officials from ODA followed with a detailed analysis of harmful bacteria that may be found in milk: E. coli, Salmonella, Listeria, campylobacteria, and others. Several witnesses singled out Listeria as occurring in five percent of raw product, though they did not cite the sample source. Other opponents including Katalin Koranyi, faculty member at The Ohio State University College of Medicine's department of pediatrics, broke down the medical complications that may result from these pathogens, including meningitis, kidney failure, gastrointestinal infection, miscarriage, and rarer conditions such as brain encephalitis and Guillain-Barre syndrome.

"Data on the true incidence of foodborne illness in the United States is lacking and relies heavily on estimates due to the large number of unreported cases ..." noted Lydia Medeiros, associate professor of human nutrition at The Ohio State University (OSU). "True case estimates of raw milk-associated foodborne illnesses are unknown."

Lobbyists from the dairy industry also weighed in, including ODP, DFA, and IDFA. The latter's senior vice president for legislative and economic affairs, Gerald Kunde II, explained the body's institutional relationships. "IDFA, which represents the nation's dairy processing and manufacturing industries and their suppliers, is composed of three constituent organizations: the Milk Industry Foundation, the National Cheese Institute, and the International Ice Cream Association," said Kunde. "Its 500-plus members range from large multinational corporations to single-plant operations, representing more than 85 percent of the volume of milk, cultured products, cheese, ice cream, and frozen desserts produced and marketed in the United States."

ODP was represented by Fleming and Director of Producer Services Tim Demland, who said that after growing up to manage the family farm for several years, he "transitioned into industry as a field representative for Milk Marketing Inc.," once among the state's largest co-ops. Demland cited Sheehan's written testimony, which offered a technical analysis of nutritional claims for raw milk and against pasteurization that he described as unproven. Sheehan offered the following caveat, however: "Milk does indeed contain certain indigenous enzymes to which antimicrobial properties have been ascribed and milk may contain certain strains of bacteria which might be able to produce anti-bacterial compounds known as bacteriocins, but these enzymes and microbes (if present) do not render raw milk safe."

The relative meaning of safety and acceptable or unacceptable risk was the centerpiece of a following Hannah News interview with Demland and Ohio dairy engineer Warren Taylor, a raw milk proponent who graduated from OSU in dairy technology before joining "the nation's largest fluid milk processing organization" and assisting the formulation of current federal standards on pasteurization.

Taylor was called to testify minutes before the committee concluded with a busy House session waiting, and after most of the committee had already left. He rejected claims that raw milk was uniquely prone to contamination as compared to pasteurized milk, citing a recent visit to a Grade A raw milk dairy in Fresno. The McAfee dairy supplies the retail market under the supervision of the California Department of Agriculture. "Raw milk to be used for Grade A pasteurized products must have a general bacteria count below 100,000 organisms per gram," said Taylor. "Pasteurized Grade A milk for sale to consumers must have less than 20,000 organisms per gram. Mark McAfee posts daily

counts under 2,000 on his website." He added that the dairy had been selling raw milk for seven years -- "120,000,00 glasses sold," though he did not explain the origins of that figure -- without incident or complaint.

Taylor echoed the lack of adequate research noted by Medeiros and called for formal medical studies in Ohio. He also sought to put industry opposition into context. He said the dairy infrastructure, beginning with rising factory farm producers and moving through distribution monopolies and existing regulatory agencies, had much to lose with a growth in raw milk consumption, noting one third the price of a gallon of milk goes to commercial processors and packagers. He said DFA held over a 50-percent market share on pre-processed milk, with Deans Dairy enjoying the same dominance of pasteurized milk.

"There are really two kinds of milk and two kinds of dairies in the U.S.," said Taylor after the hearing, though he wasn't referring to pasteurized and raw milk per se. "Traditional farms raise healthy, grass-fed cattle that do not show the same level of infection and disease as cattle confined in a stall with their head in a bag of feed. Factory farms sell an inferior product that requires pasteurization to make it safe. Traditional farms are able to produce premium milk with necessary safety controls, pasteurized or unpasteurized."

Demland took exception to Taylor's position, saying the raw product had to be consumed more quickly than the one destined for pasteurization, leaving too little time for the complicated testing needed to ensure its safety. "We in the industry are confident of the processes we have developed to maintain public health standards in the distribution and sale of milk. Any level of risk is too much," said Demland. He did not, however, provide Hannah News with a requested scale comparison to other risks in the food chain.