



OHIO FARMERS UNION

The Voice of Family Farmers, Rural Residents and Consumers

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OPINION EDITORIAL

Raw Milk or Raw Deal?

State action unfair to consumers and producers

By Jeff Eschmeyer

Consumers' ability to make responsible and personal choices about their food and their health is under assault by our state government. Ohio Department of Agriculture (ODA) Director Fred Daily signed an order last week to revoke the Grade-A milk producer license of Darke County dairy producer Carol Schmitmeyer and her husband Paul for operating a herd-share agreement which allows participants to drink raw milk from a dairy herd which they have purchased ownership.

The "sale" of raw milk in Ohio is illegal; however, state law allows an owner of a cow to consume raw milk. Twenty-eight other states allow the legal purchase of unpasteurized milk in some manner, whether from direct farm to consumer sales, retail sales, or through herd-share agreements.

In Ohio there are thousands of consumers who are adamant that fresh, unpasteurized milk best meets their health needs. Consumers have made substantial investments in the ownership rights of dairy herds such as the Schmitmeyers, whose management skill has earned them prestigious honors from a national dairy cooperative. Additionally, participants compensate the farmer with an ongoing boarding fee to support their part of the herd and to continue to receive their portion of the milk. These actions maintain a legal avenue to a product that consumers feel is healthful and nutritious.

Currently Ohio does not address the specific issue of herd-share agreements, yet the ODA has decided to target the Schmitmeyers. The Schmitmeyers attempted to contact the ODA early on to discuss concerns regarding the herd-share arrangements but were refused a meeting.

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After an ODA hearing, the Schmitmeyers learned their grade-A license had been revoked from a daily newspaper reporter looking for comment instead of through the Department. The loss of this license could make the Schmitmeyers lose their family farm, even though 87 percent of their gross income is from sales of Grade-A milk to processors, not through herd-share agreements.

Other recent investigative ODA activities include a sting operation on an Amish dairy farmer in which undercover agents solicited a raw milk “sale” in return for a donation. He had his license revoked as well, yet it was later reinstated. In that case the judge explicitly said the farmer’s herd-share agreement was not at issue in the case.

The timing of ODA’s recent action is of additional concern. The democratic wheels are already turning in the state legislature regarding raw milk. Representative Arlene Setzer (R-Vandalia) has introduced House Bill 534, which would create a “raw milk retailer license,” giving the ODA the authority to establish rules and handling protocols to ensure the health and safety of the public. Active debate is taking place in the House Agriculture and Resources Committee where concerns are being addressed and progress made on the legislation.

The ODA’s intervening to place farmers in the position of possible bankruptcy, while discussion is taking place at the Statehouse, seems heavy-handed. Why punish those farmers who are assisting consumers in their freedom of choice, when Ohio’s courts and laws have not made clear judgment on the issue? Penalizing farmers won’t curb the thirst of those who choose raw milk; I fear it will only drive them underground and away from rules and protocols designed for their benefit.

Ohio Farmers Union supports legitimizing the “sale” of raw milk, including House Bill 534, as long as appropriate safeguards are in place, and the sale is from a conscientious farmer to an informed consumer. The regulatory process put in place by the ODA would establish a set of rules – it would spell out the guidelines and expel the ambiguity. People have the right to consume these dairy products and Ohio’s dairy farmers can provide them in a safe manner.

Whether one agrees completely with raw milk advocates or not, it seems in this matter, that Ohio’s consumers and family farmers are getting a raw deal.