



Northeast Organic Farming Association of Vermont

An organization of farmers, gardeners, and consumers working to promote an economically viable and ecologically sound Vermont food system

Testimony of David L. Rogers

H.125 – Farm Fresh Milk Restoration Act of 2009

Vermont House Agriculture Committee

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My name is David Rogers. I am a Policy Advisor with the Northeast Organic Farming Association of Vermont (NOFA-VT) in Richmond, Vermont. On behalf of NOFA Vermont I'd like to thank the Committee for its consideration of H.125 and the opportunity to offer testimony in support of it.

NOFA Vermont was founded in 1971 and is one of the oldest organic farming organizations in the country. We have over 1200 members -- farmers, gardeners and consumers -- working to promote an economically viable and ecologically sound Vermont food system for the benefit of current and future generations. Our programs providing technical support and information to Vermont's farmers and promoting locally produced foods in schools and communities reach every corner of the state.

NOFA's certification branch, *Vermont Organic Farmers*, is Vermont's only USDA-accredited agency providing independent third-party verification of compliance with national organic standards. In 2008 we certified 543 Vermont organic farms and processors of all types; 209 of these were certified organic dairies – 20% of all Vermont dairy farms.

We estimate that about fifty of these organic farms are selling unpasteurized organic milk directly to consumers under the current fifty quart/day exemption. Many of them could sell considerably more and improve their farms' income if they were allowed to meet increasing consumer demand for this product.

For twenty years, under the current statute, Vermont's dairy farmers have been selling milk directly from their farms to Vermont consumers. We estimate that approximately three hundred Vermont households purchase unpasteurized milk each day, and that over the last twenty years something on the order of 17 million servings of unpasteurized milk have been sold and consumed in Vermont (* endnote). The result has been a very impressive record of quality and safety.

NOFA supports H.125 because it would lift the limits on direct sales and boost farmers' income and because it provides for the development and enforcement of strong standards



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– stronger than current standards and requirements – that would ensure the continued high quality and safety of unpasteurized milk sold in Vermont.

As you know, H.125 stipulates the creation of a State Certification Committee and a number of Local Certification Committees made up of producers, consumers and health care professionals. The committees develop standards, conduct farm inspections, carry out enforcement and provide technical support to farmers.

NOFA Vermont has twenty-five years of experience in working with peer committees similar to the above. Our organic certification review committees have responsibilities that include standards policy and review, as well as compliance enforcement on Vermont's certified organic operations. These committees are made up of Vermont organic farmers and processors who have a vested interest in the integrity and enforcement of organic standards and their work is of the highest quality. This is one reason why we have confidence that milk produced and sold by farmers under the proposed committee structure will meet high quality and safety standards. In our opinion it is an innovative, responsible, community-based approach in achieving these goals.

I have a background in microbiology. Prior to joining NOFA Vermont several years ago I had a 28 year career at the University of Vermont where, between 1973-1988, I worked as a research technologist in the field of veterinary and livestock disease microbiology. I was also a co-founder of and microbiologist for a small biotechnology company.

In preparing my testimony on this bill I reviewed many published reports, journal articles and government publications pertaining to illnesses associated with unpasteurized milk and milk products over the last twenty years, including, I believe, every relevant case study published by the Center for Disease Control and Prevention (CDCP).

What I found striking in this review was that in cases where full investigations were carried out, a large majority of them involved processed products (e.g., soft cheeses, ice cream, curds) and/or marketing practices (e.g., interstate sales, walk-in farm sales, off-farm retail sales, sales at public events) that are not permitted under the current exemption or H.125.

As in the current exemption, H.125 requires that milk must be sold *directly to consumers by the farmer*. This is of central importance in that it enables each customer to establish a first hand relationship with the farm and the farmer, and it fosters customers' understanding of the proper handling and use of milk to protect its quality. H.125 strengthens the current requirement by also requiring that milk must be *sold only to prepaid customers* who are known to the farmer. This eliminates sales of unpasteurized milk in retail establishments, restaurants, public gatherings and other locations.

The bill also follows the current exemption by requiring that *only fluid milk may be sold*. On-farm manufacture and sale of soft cheeses, ice creams and other unpasteurized milk products would be prohibited. Breakdowns in quality control during the manufacture and

marketing of both pasteurized and unpasteurized dairy products are not uncommon and are implicated in a number of well-documented cases.

Some time ago, I was in a natural foods store in New Hampshire, where sales of unpasteurized milk in retail stores is allowed. The refrigerated case in that store had a dozen or so half-gallon containers of raw milk each labeled with the date of milking. Approximately half of them were one day old – the cows had been milked on February 22nd. But the other containers had a milking date of January 28th – the milk in them was nearly one month old! I had several thoughts: (1) this milk may represent an elevated food safety risk and should not be offered for sale, (2) if consumption of it were to lead to a reported illness, the important fact that the milk was outdated and mishandled would probably be ignored in the inevitable alerts about raw milk safety, and (3), H.125's disallowance of retail sales would prevent this scenario.

There have been many published studies over the years that have examined on-farm factors related to milk quality and safety. A number of them examine the obvious and critical role of milking hygiene and sanitation practices. In my review, clear violations of accepted sanitation standards were cited in a number of widely cited outbreaks. (I also found that acknowledgement of relevant “facts of the case” like this are very often omitted from government press releases and press accounts of outbreaks.) Vermont's farmers have obviously been doing a good job in this area and H.125 has strong quality standards that would lead to further improvements.

Many studies have examined the role of various herd characteristics, animal diets and management practices that affect the presence and prevalence of pathogens on dairy farms. These are complicated relationships, and questions remain, but there is good evidence that dairy animals living in low stress environments, in small or mid-sized, closed herds (herds where all or most animals are born and raised on the farm), and whose diets are relatively low in grain and high in quality forages, especially grazed forages, are more likely to live healthy, long lives and are less vulnerable to infectious diseases, including pathogens of concern. As a result, the chances of contamination of barns, fields and, therefore, milk by these organisms are substantially reduced or eliminated. The above practices are common on Vermont farms selling unpasteurized milk.

Of course, farms like these are fast disappearing in this country. Like other sectors of America's livestock industry, dairy farms have been rapidly increasing in size and “intensiveness” in recent decades. Total confinement operations are common, as are dairy cattle rations formulated with high grain, high energy components, and with a variety of novel ingredients. On these farms, the prevalence of animal stress and disease, rates of animal culling and purchases of outside animals that may be carriers of pathogens have increased dramatically.

It is clear that these developments have had public health consequences. In my review of outbreak reports a number involved larger-scale, more intensive farm operations where

one or more of these factors may well have played a role. Unfortunately, they are usually not investigated, or even mentioned as a possible risk factor, in most reports, public health discussions and food safety policy debates.

According to the CDCP, there are an estimated 76 million foodborne-related illnesses in the United States each year. The vast majority are never reported, and in those that are reported, full information is usually not available. Instead, “exposures” to specific foods are noted and these are ultimately compiled to generate statistics, summaries, estimates of associated risks and public health warnings. In a very small number of outbreaks in-depth investigations of the factors involved are carried out.

As a result, in food safety investigations, public discussions, government regulations and policy debates *all foods* in a given category – e.g., processed poultry, fresh produce, unpasteurized milk – tend to be “lumped” together in terms of associated risks, even though there are often significant differences in production, handling, distribution and marketing that clearly affect those risks. Consumers, regulators and policymakers, therefore, often do not have the kind of information they need to make well-informed choices and decisions.

Nevertheless, Vermont’s farmers’ twenty-year record of producing and selling high quality, unpasteurized milk speaks – very loudly -- for itself. This is the result of our farmers’ good practices, good judgment and professionalism. We believe they have earned the opportunity to expand sales of unpasteurized milk in this state and that the standards and requirements proposed in this bill provide a good framework for moving forward. We urge the Committee to vote in favor of H.125.

Thank you.

***Endnote**

17+ million servings/twenty years:

(50 farms/year selling) X (4 gallons/64 servings/day) X (270 selling days/year) X (20 years) = 17+ million servings sold/20 years

300 Households/Day:

(75 farms currently selling milk each day) X (4 gallons sold/day) X (1 gallon/customer) = 300 household customers/day