

From: [Greg Collett](#)
To: [Rulesinfo](#)
Subject: {External}Re: Raw Milk Strawman Update
Date: Sunday, June 20, 2021 11:56:12 PM

After attending the meeting on June 15, I wanted to share some additional thoughts:

Speculation was voiced stating that product liability insurance would be more difficult to obtain if the state did not perform regular testing of raw milk. This is simply not true. I checked with my insurance provider and they only require "Compliance with County, State, and Federal Food and Safety Regulations". It does not matter what those regulations are. If the state does not require product testing then the insurance company does not require it.

There seemed to be quite some controversy over combining the Small Herd and Unlimited programs. The opposition was primarily coming from a few Unlimited producers. My feeling is that they were attempting to stifle competition by keeping barriers to entry in place for smaller farms to grow into larger operations. Please note that I am one of the larger Unlimited producers and do not share those feelings. I believe in free market principles and I feel it is morally wrong to use the power of the state to further my business interests by reducing competition.

I remember one of the producers stating that the reason the small herd limit was set at three was because he was willing to build a Grade A facility for that number of cows. Does that mean if I was willing to build a Grade A facility for a single goat or cow, we should then require all producers to do the same? That is absurd.

Having different requirements for different herd sizes does not make sense. In either case, raw milk is being provided to consumers. Are we trying to "protect" some consumers but not others? A four cow dairy is a completely different operation than a 100 cow dairy, but under the current rules they are treated the same. A three cow dairy is not much different than a four cow dairy yet under the current rules they are treated quite differently. Setting a herd limit size is arbitrary, no matter the size.

If an industry wants to have standards, so be it. Those who are new to the industry might find that knowledge base helpful. The problem comes when standards are enforced by the state. This conformity, usually done in the name of safety, stifles innovation and increases costs. Consumers will demand the quality they seek and any business not providing it will have a hard time staying in business.

Each producer can decide what they need for infrastructure to scale up. As larger facilities and equipment are needed, they will naturally become more commercial. Hand milking will be replaced by machine, pails will be replaced with bulk tanks, single stanchions will be replaced by milking parlors, refrigerators will be replaced by walk-in coolers, etc. Why does one producer need to worry about what another producer uses? Just because I have some nice piece of equipment does not mean I should require everyone to obtain it. Just because I have a great procedure in place does not mean I should require everyone to follow it.

Questions were raised as to why the state would continue to require Brucellosis and TB testing while not continuing to require drug, bacteria, and SCC testing. I don't think anyone pointed out that one was testing animals and the other was testing milk. I would recommend eliminating both requirements, but logically either one could be eliminated without the other.

I concur with the comments that have been made about Brucellosis and TB testing and the problem with a regressing anniversary date. I also agree with the comments questioning the need for such testing considering the rarity of problems. I propose that section 013 STANDARDS FOR RAW MILK AND RAW MILK PRODUCTS be completely eliminated. If this proposal is not accepted, at least fix the discrepancy between the text preceding the table and the text within the table.

One of the primary arguments against removing testing and sanitation requirements was that human

nature, when not compelled by the state, would result in poor quality products and outbreaks of food-borne illnesses. This is just the opinion of a scaremonger. It relies on two premises: (1) that motivation to provide quality products comes from the state, and (2) that the product is inherently unsafe if not produced in some manner dictated by the state. Both are false.

Producers should be motivated by their consumers and their own inner sense of respect to provide quality products, which I believe is largely the case. Those who aren't will have a hard time staying in business. If someone feels like the force of the state is needed for motivating others, could it be that they themselves are that way?

I have visited and consumed milk from some raw milk dairies where I would never go back as a customer. And yet, they met all of the requirements of the state. On the other hand, I have visited dairies that chose not to be regulated by the state and yet I had confidence in their operations and products. State enforcement of industry standard regulations does not guarantee that milk will not get contaminated and the lack of enforcement in no way increases the chance that milk will get contaminated.

The state made it very clear that the measures they put in place for product safety with testing and sanitation requirements did not produce the intended result. Why are some producers so adamant in keeping around something that didn't work? There was a lot of money spent on the well meant effort, but it was not worth it. Those putting up the money are now calling it into question and want to institute user fees instead. Do producers really want to directly pay for something that is not necessary?

To those producers who believe that reduced regulations will cause mayhem I would suggest they continue with all the measures they hold so dear. Enforce them yourselves on your own farm. If you are correct in your fears, you will be the only ones standing at the end as all others go out of business from the predicted food-borne illness outbreaks and you will have the monopoly you desire. If you are wrong, then... maybe you will eventually recognize that fact.

Another comment I have has to do with the attitude about the safety of raw milk in general. This attitude comes primarily from the propaganda produced by the CDC. If raw milk is inherently unsafe, as they claim, then why is there even a raw milk program in Idaho? The proposed warning just continues the propaganda:

"WARNING: This product has not been pasteurized and may contain harmful bacteria. Raw milk, no matter how carefully produced, may be unsafe."

Is there any food that a similar label could be put on where such a statement would be false? There is a risk of contamination everywhere. Yes, we try to be careful in production of all foods, but all foods are at some level of risk, including pasteurized milk and other cooked foods. Where is the warning on those foods? Why have they not been condemned and singled out like raw milk? Even the CDC has admitted that the top ten riskiest foods are: Leafy greens, Eggs, Tuna, Oysters, Potatoes, Cheese, Ice Cream, Tomatoes, Sprouts, and Berries. Where is the agenda against those foods? Where are the warning labels for those foods? Why are those foods not banned in interstate commerce? Raw milk does not even come close to being near the top in the list of the most risky foods and yet it gets treated like it is the greatest threat to humanity.

I was shocked that raw milk providers have also bought into the propaganda. Why are you even selling raw milk? Why are you willing to perpetuate the fraud by clinging to testing standards that have no scientific basis or meaning?

Pasteurized milk gets tested for bacterial levels to confirm the efficacy of the pasteurization process. Raw milk needs no such testing since it should contain bacteria. The beneficial bacteria in raw milk has been shown in experiments to crowd out and eliminate pathogens whereas pasteurized milk leaves behind a breeding ground for pathogens. Raw milk is a living food; pasteurized milk is a dead (cooked) food. Try this simple experiment: Leave raw milk sitting out and it will sour and curdle yet still be a viable food source. Leave pasteurized milk sitting out and it will putrefy and become deadly.

Raw milk has survived as a food source through not just the centuries, but through the millennia— in fact throughout all recorded history. Can we please stop vilifying it? This is not a philosophical debate. These are real facts, supported by logic and science. The CDC is not just misleading, but they (and other organizations and agencies) publish outright lies about raw milk. Please read the research. It can be found from many sources, but an easy place to start is here: <https://www.westonaprice.org/health-topics/facts-about-raw-milk/>. Also, read the actual studies that the CDC uses as references in their publications and compare it to what they say.

I agree with the comments made by others about the impracticality of implementing warnings on labels, especially glass bottles. However, I believe the stronger argument is that no other food is required to carry such warnings even though they pose much more of a risk for food-borne illnesses, so why should raw milk carry a warning? I propose that section 014 LABELING - 03 Product Warning be eliminated.

To say that it is irresponsible of the state to pull back from testing and sanitary inspections is to completely ignore science and common sense. The efficacy of the existing program has been called into question. If you believe those programs are necessary then prove it by logic, facts, or scientific research. All of those prove otherwise.

Some have expressed the feeling that the state has a duty, obligation, mandate, or responsibility to protect the public by regulating raw milk. If this really was the case, then what liability does the state incur? The answer is none at all. Even though the force of law requires raw milk providers to get a permit, submit samples for testing, implement sanitation requirements, etc.— all in the name of food safety— if someone does get sick the state takes no responsibility and is not held liable in any way for such an occurrence even when the producer has met all requirements. If the state is not willing to accept any liability then why should the state get any say?

The argument that consumers expect or demand oversight from the state regarding raw milk is a generalization. While some may, others do not. Regardless, it is not a valid reason for the state to take action anyway. Government should stay within its proper role, not act on the whims of self-serving individuals. Government oversight does not result in food safety. Compare the historical numbers and types of food-borne illness outbreaks with amounts of corresponding regulatory oversight and it will become very apparent. Any consumer confidence in government regulation is a sham.

Finally, I wanted to address the legal standing of the state to regulate raw milk. From comments made by state officials in previous meetings, the state believes it has authority to regulate all raw milk sales in the state. However, the only law dealing with the sale of raw milk is in regard to herd shares, of which we were told there were zero permits currently registered with the state. That means that all current sales of raw milk in the state are outside of the regulation provided for by statute. The small herd and unlimited raw permits are simply made up in administrative rules and are not in keeping with the statute. The sale of raw milk in Idaho is not declared unlawful except in the administrative rule. Administrative rules should be in keeping with the statutes, and in the case of raw milk regulation it is clearly not. If the state wishes to “remedy” this it should do so through legislative action. My proposal is to eliminate all sections of the current proposed rules except for section 040 HERD SHARE PROGRAMS. Otherwise, the state leaves itself in a very vulnerable legal position should the need for a challenge ever arise.

Comments about the very latest proposal adding requirements regarding Nutrient Management Plans:

The latest proposal that added Nutrient Management Plan requirements was very unsettling. Once again, the state wants to set up an arbitrary distinction on herd size. Why was the number 30 chosen? Is there scientific data behind this? What about 29 or 31 or 3 (like it is with existing rules) or 1000? My current herd size is 33. Did this factor in? To meet customer demand, I have been growing my herd over the past several years and plan to continue to do so up to a maximum herd size of 50 allowed by my current lease. However, if I know there are additional regulations for herd sizes over 30 I may decide to curtail back to that number just to avoid the extra hassle. Is that the intent of the state— to artificially keep herd sizes smaller?

Also, the requirement for a NMP does not consider the facilities of the dairy; for instance, pasture versus

confined feeding. Even though animal units are used to define herd size, it does not properly consider the complexities of manure handling for different species. Most importantly, this is a situation where government is trying to solve a problem that it created itself by classifying something that is good and beneficial as waste and a pollutant.

I know one of the producers mentioned the NMP in the last meeting and the benefit from becoming certified to write his own plan. I am also certified to write my own plan and I can assure you that there was no benefit on my part to the certification meeting nor to the existence of an actual plan. It is simply red tape, time consuming, and a complete waste of money. If followed as required, it also poses a breach of privacy for unwitting citizens.

As with other aspects of running a dairy, producers can take care of the manure from their farms as they see fit without needing someone else telling them how to do it. If for some reason a dairy farmer is negligent and causes problems with neighbors they should be prosecuted for that. A NMP is not required.

One of the desirable side effects of eliminating testing and sanitary inspections from the administrative rules will be reducing the cost of administering the raw milk program. Does the state really want to add costs back in with manure inspections that have no perceivable benefit?

I propose that section 030 NUTRIENT MANAGEMENT PLANS be eliminated along with the definition in 010-04. If the state is unwilling to consider my proposal, I suggest they at least modify the herd size to be more in line with a larger CAFO.

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