

From: [Sara Sweet](#)
To: [Dr. Scott Leibsle](#); [Lloyd Knight](#)
Subject: {External}Re: Raw Milk Strawman Update
Date: Friday, June 18, 2021 1:19:52 AM
Attachments: [image003.png](#)

Here is my input on these changes, for the record. If this is not the right way to submit my input please redirect me!

My name is Sara Sweet and I am permitted by the ISDA for a small herd exemption to sell raw milk. I have been operating under this permit for several years, being the second individual to obtain such a permit. I have reviewed the 2021 changes proposed for the raw milk rules in Idaho. In short, the proposed changes eliminate all milk quality testing for anyone selling raw milk, everyone from an individual with one backyard cow to a large raw milk dairy, and also eliminate any facility inspection for any large raw milk facility. To me, this change is irresponsible on behalf of the ISDA.

Prior to the small herd exemption being created, the sales of raw milk was technically illegal in Idaho. Why? Presumably because there was no way for the ISDA to oversee the quality of the products being sold, and at that time, the ISDA felt a responsibility to Idahoans that products being offered for sale were under the umbrella of oversight that the ISDA provides. The initial raw milk rules provided that oversight. The 2021 changes being proposed now imply that the ISDA has no responsibility to oversee the quality or practices of raw milk production or raw milk products produced or sold in Idaho. To me, the idea that the ISDA has no responsibility to do so is false, because Idaho consumers believe that such oversight must be occurring if products are legal to sell.

Consumers believe that the state has a responsibility of oversight, and as a producer, so do I. When the small herd exemption was instituted, I helped other small herd producers distribute their products to consumers via home delivery. Because I was involved in the distribution, monitoring milk quality results was important to me, so I requested copies of milk quality tests for all small herd exempted producers and reviewed them regularly. I visited St Johns raw milk dairy and discussed principles of milk quality with owner Peter Dill to better understand how to produce a quality product. I know from my record requests that there were many small producers who were failing milk quality tests. I personally visited a few of these producers (with their consent and by request) and observed their milking and milk handling procedures to help them identify factors in their practices that might be causing problems.

There were producers with practices and milking areas that were not clean, and they were not producing an uncontaminated product. For example, one producer washed but did not dry the cow's udder. In this case, the dirt and manure that may have been on the cow's udder would have been still present in the wash water on the udder and sucked into the machine or dripped into the bucket. These well-intentioned individuals were alerted to their cleanliness issues because of the milk quality test results. The testing was helpful to myself as well, as we introduced a milking machine and found that with so many milk contact surfaces, we had to take into account many new factors to produce a product that would reliably pass milk quality tests. In my experience, the milk quality tests were very helpful in identifying problems in cleanliness of the products.

I understand that because of the "honor code" style of the milk sample collections from

small herd producers, not all milk samples were representative of the final raw milk product. By this I mean that because milk samples collected for testing were provided by the small herd producers without any regulation in how those samples were collected, this meant that the samples could have just been taken straight from the cow's udder into the collection tubes, rather than run through the milking machine, strainers, and/or batch cooling procedure. Method of collection was on the honor system. Other requirements such as the duration of cooling to a set temperature were not able to be monitored by the state. It was impractical to do so. But such guidelines, indeed all the quality guidelines listed for small herd producers to follow did provide a benchmark for inexperienced producers to use as goals for their practices, even when the samples were on the honor system.

In the meeting on raw milk rules that I was able to attend on June 15, I did not hear support from very many individuals present on the changes being proposed. I don't feel like the raw milk producers in that meeting believed that it is in the best interest of the consumers to do away with all milk quality and facilities testing for raw milk producers. How could it be? Eliminating all oversight is not in the consumers' best interest. Grouping all raw milk producers, regardless of size, into one category is not wise, since the practices of small-scale and large-scale producers is vastly different and present a completely different risk to consumers. A small producer where customers come visit that farm vs large producers whose products appear on store shelves for consumers to purchase without knowing where it comes from are totally different things. I believe that making a distinction between small scale producers with a couple of cows who can hand milk and hand bottle vs large scale producers with milking equipment and cooling equipment is completely different and requires different oversight.

I ABSOLUTELY believe that the ISDA has a responsibility to Idaho consumers to inspect ALL large scale raw milk facilities, both pasteurized and raw milk producers, whose products are being sold to consumers, particularly in retail locations. To eliminate inspection of facilities is completely irresponsible. Even if milk quality testing requirements were adjusted, facilities inspection should continue. Exempting raw milk production from any rules is to set up the whole raw milk industry to fail, and perhaps that is the goal of de-regulating raw milk?

I understand that the current milk quality testing may not be able to predict food-borne illness, because specific pathogens that cause illness are not being tested for. However, I agree with the several raw milk producers who voiced in the June 15 meeting that milk quality tests do help identify overall cleanliness.

There were concerns brought up by the ISDA regarding the cost of milk quality testing. I do think that there are some alternate changes that could be beneficial for the raw milk program to lower the costs of testing. For example, I do not think that regular milk quality testing is necessary for all small herd raw milk producers who have a history of passing milk quality tests and who have consumers come to them for pickup. Such producers could demonstrate in 5-6 months of consistent passing of milk quality tests that their milk is satisfactory, and could thereafter be tested quarterly or bi-annually. This should reduce costs and man-hours significantly.

To address the issue of samples being on the "honor system," if the ISDA wished to obtain a more accurate milk sample from the small herd producers, I believe they would

need to personally witness the producer pour such a sample from a finished container of milk. I do understand, however, that when a small herd producer is selling only a few gallons of milk a week or filling up jars provided by customers that this is quite inconvenient, as obtaining the sample “ruins” that container (as it is then short) or relies on the consumer to provide a sterile container. Perhaps producers selling less than 15-20 gallons AND/OR any producer who sells directly from the farm only could provide the “honor system” milk samples, while those selling in locations off their farm or selling a higher quantity of milk could be held to a higher standard.

In regards to the new labeling proposal to require lengthy warnings posted on all raw milk products; if the ISDA is requesting that producers label raw milk in a way that indicates that it is dangerous, then that means the ISDA believes that raw milk presents a risk, and therefore should do their part to mitigate this risk rather than “opt out” of all oversight. Slapping a warning label on raw milk rather than attempting to facilitate the safe production of raw milk is a cop-out. Labeling does not make the consumer more safe, whereas facilities inspection and milk quality testing has the potential to do so. Labeling is also very inconvenient for small producers who do not use labels for their raw milk products and/or when milk jars are being washed and reused regularly (and labels do not stay on the jars). Again, when customers come to the farm, they know exactly what they are purchasing. The only place where labels on raw milk would be necessary would be in a retail location, where consumers may not know what they are buying. Even then, if the words “Raw” and “Unpasteurized” are prominent on the label, further warnings are not needed. If the store wished to reduce any liability they may feel is present when selling raw milk, or if the ISDA wished to increase awareness of risks associated with raw milk consumption, a warning posted on the refrigerators containing raw milk products should be sufficient. Requiring unnecessary labeling is an unnecessary burden to raw milk producers, particularly small-scale producers.

I truly hope that those who might be reading this letter can understand the responsibility that the ISDA has toward Idaho’s consumers to be involved in raw milk production in Idaho. Raw milk producers share this responsibility to provide quality raw milk products to Idahoans, but the responsibility is indeed shared and part of it should be shouldered by the ISDA in the future as it has in the past.

From: "Dr. Scott Leibsle" <Scott.Leibsle@ISDA.IDAHO.GOV>
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Sent: Thursday, June 17, 2021 8:14:42 PM
Subject: Raw Milk Strawman Update

Raw Milk Stakeholders –

The updated version of the Raw Milk Strawman has been posted to the ISDA rulemaking website. The document is titled “Post Meeting Strawman”. Please use the following link to access the document:

<https://agri.idaho.gov/main/i-need-to/see-lawsrules/rulemaking/isda-rulemaking-2021-2022/>

For purposes of clarification of the new language, the nutrient management plan (NMP) requirement in this rule will only come into play for those raw dairies choosing to milk more than 30 cows; 150 goats or

150 sheep (or any combination of the three that totals more than 30 Animal Units). Please remember, the comment period for this rule closes on June 20. If you have any questions, please feel free to contact me or Lloyd Knight. Thank you.



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