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March 12, 2013

Dear House Ag Committee Members,

There were multiple inaccurate claims by the opposition during the hearing for HB574 that I would like to clear up. Foremost, this bill is a **Consumer Protection Bill** as it puts protections and oversight on an underground movement already happening in Montana. It brings current raw milk activity out in the open to meet increasing demand and benefit Montana's economy.

1. When I challenged DOL's **fiscal note**, Dan Turcotte said that Idaho's raw milk collections were mostly in the Panhandle (thus making it less of a challenge to collect samples). The Idaho Ag bureau chief, Marv Patten (208-332-8550), told me there are 125 small farm facilities in Idaho (the 3rd largest dairy state) and out of that 125, only 35 are in the Panhandle. It is doubtful we will exceed Idaho in their number of small herd exemption numbers, but I could be wrong. (Speaking of Idaho Ag, the wording for the small herd exemption was taken directly from the law Mr. Patten had passed in 2010.)

The Mineral County Sanitarian (Tim Reed?) referred to previously being a "contract milk tester." Lifeline Dairy's owner is certified and collects his own milk to send to the lab. Idaho hires part time, unskilled people that they train. The collecting of milk can be done by certified sample collectors. This simple job does not need to be done by a Sanitarian. And why does collecting vials require an extra cab truck?

Mr. Turcotte also mentioned sending a sampler out for "1 goat." People with few animals will tend to do "herd shares" using New Section 4. The farmers who would jump through the hoops and do the permitting and testing will be the ones with multiple animals so they could sell fresh milk, using the small herd exemption.

2. There were several mentions about lack of **labeling**. There are labeling requirements stated twice in the bill (New Section 3 and Section 14).

3. Mr. Mackay mentioned undulant fever from **brucellosis** in "unpasteurized soft cheese or raw milk" and seven bison bills. I'd like to know the percentage of dairy cows mingling with bison? The bill provides for "**at least**" **yearly TB and brucellosis testing**.

4. **Antibiotic testing** already occurs as part of the SPC, coliform and somatic cells testing protocol.

5. I added the section about **independent labs** in the bill at a House member's request because we were trying to find a way to make it easier and cheaper to get milk tested (maybe have part-time regional sample-takers?) instead of having to get the milk to the state diagnostic lab at MSU at costly FedEx/UPS rates. There was **nothing prohibiting**

using the state lab. The wording in the bill says "may use" the other labs, not "have to exclusively use." I'm sure independent labs and/or hospitals would love the additional revenue. Somehow the terminology "department of health and human services" was added as a venue for testing. That was an **error** and should read "Montana Diagnostic Lab" (or whatever the correct term is for the lab at MSU.)

6. Doctored illness statistics: The two deaths Opposition referred to from raw milk products were from "queso fresco" or "bathtub cheese" which is illegal for a reason. Per the data sheet/chart I sent at New Years and re-sent to McKenzie for the hearing, when you read the footnotes for the state chart for rates of illness, you will see in a 12 year period for Colorado, 143 illnesses were allegedly attributed to raw milk, while during the same time period 200 people were sickened by *pasteurized* milk in Colorado, and in **California, 1,744 people were sickened by *pasteurized* milk.**

There was a campylobacter outbreak in Wisconsin that the govt blamed on raw milk and as a result shut down the dairy. But on further investigation, it ended up that the **24 people who got sick out of 385 clients of Clearview Acres farm had actually eaten hamburger** at the same restaurant and 800 total people got sick total, only 24 of them raw milk consumers. People were getting sick eight weeks after the farm was shut down. This type of govt harassment happens in other raw milk states as well.

<http://www.realmilk.com/press/wisconsin-campylobacter-outbreak-falsely-blamed-on-raw-milk/>

7. Liability. DOL is no more liable for raw milk than they are for the thousands of documented illnesses from pasteurized milk or meat or any other area they cover.

8. The testing standards for raw milk are more stringent than the finished pasteurized product.

9. Please amend if possible. Page 6, Line 27 reads that "the Department shall establish...fees for issuing and renewing a small herd exemption permit." This language concerns me as the DOL is against this bill and could set unreasonable fees for raw milk producers.

10. It sounded as though the DOL felt they wouldn't be allowed to inspect premises. Section 5 "powers of the dept" says they can not only inspect, but quarantine.

11. Despite opposition concerns, if anyone becomes sick from raw milk, this will in reality help the existing dairy industry, as people will then buy pasteurized milk!

Just FYI, in the raw milk map McKenzie printed for you showing what states have which raw milk laws, Wyoming, as of September, is now a herd shares state and that has not been updated yet on the map. New Section 4 was taken directly from WY's law.

THANK YOU!

/s/ Chris Rosenau