

**Raw Milk at the Boiling Point**  
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**10/1/08**

Readers of this column should note that I am writing in response to the submission on the next page entitled “Raw Milk Permits – The CARE Perspective,” so you may want to read that piece first. Events of the current year have been characterized by a lively exchange of views on the availability of raw milk products in Pennsylvania, and we wanted to make sure to portray not only our own view, as determined by the PASA board of directors, but also this important contrasting view from another group that includes some of our members.

As you are all aware, PASA has worked for several years on the issue of legal raw milk sales here in the commonwealth, particularly with an eye to expanding the list of raw dairy products that may be produced and sold under a valid state-issued permit. We have also advocated for farmers wishing to get a permit who were encountering problems doing so. Our efforts have been very successful, especially considering that when we started working on these issues in 2003, there were just 20 or 30 raw milk permits issued in Pennsylvania, while that number has reached 120 or higher at times this year.

There are also several of these permitted farmers who are currently selling raw products not specifically allowed by law (like butter, cottage cheese and kefir) through the so-called “labor contract system” whereby customers pay in advance not only for milk, but also the farmer’s labor to process that milk into the desired products. To be frank, the success of the labor contracts seems to vary according to the ability and sensitivities of various inspectors from the Department of Agriculture (PDA) to both understand and support the system. I personally have purchased raw dairy products under such contracts without even the hint of a problem.

That some kind of contract may be needed to facilitate sales of raw dairy products seems to be a point of general agreement. The CARE system, for instance, is based on private contracts. We also believe that, regardless of what is specifically allowed by law, the whole idea of using advance-payment contracts in the style of a Community Supported Agriculture (CSA) farm is one of the strongest and most promising practices being used by the sustainable farming community today.

There may come a time, not so far off, when individual consumers (perhaps through buying clubs) will routinely contract with a specific farm, or group of farms, to provide 100% of one’s nourishment needs on a yearly basis. This is a positive trend both in terms of building strong relationships between farmers and consumers, and also in mitigating the financial risk experienced on any farm.

PASA's greatest moment in this now 5-year process, however, occurred when I had an opportunity to address the Pennsylvania Senate Agriculture and Rural Affairs Committee in a hearing held in September of last year. My statement was well received, both by the committee and more widely in the press and on the Internet. Most importantly, the recommendations I made on behalf of PASA members at least indirectly resulted in two laws being introduced concurrently in the House and Senate this year that would accomplish two things: 1) Allow for any and all raw dairy products to be processed and sold by farmers who hold a valid state permit, and 2) Require PDA to issue permits to groups of farmers (like CARE, it was intended for them) who have demonstrated an ability to meet legal standards and manage their own inspection and quality control issues among themselves.

It is at this high point where, at least for now, the process has broken down. The CARE statement explains why these farmers wish to go even farther and be allowed to operate without state-issued permits for direct sales to the public. At the most critical time for consideration of new legislation in the current legislative session, i.e. as the 2008 summer recess ended, it was found that three distinct camps existed on these issues – those opposed to any changes, those wishing to expand the use and distribution of permits and those wishing to forgo the permit system altogether for direct sales. Simply put, the forces that wish to resist change, or even to eliminate the raw milk trade completely, are too strong to be defeated by a community of raw milk supporters who are split on the issue.

So, the 2007-08 legislative session is at an end, and the bills PASA helped to support will die for now. The second bill, designed to help groups like CARE to interact with PDA as a unit, is probably gone for good – if CARE doesn't want it, then what's the use? But the first bill will come back, and its success will, I believe, depend entirely on there being a unified voice from those of us in favor of making raw dairy products easier to access. As for the legislature, we solicited and received statements from members of both the House and Senate Ag Committees. As the minority chair of the House committee, Representative Hershey (R-Chester) writes:

*Our economy is based on supply and demand, and recent studies have indicated that consumers want more organic and raw choices when it comes to the food they consume. Legislation introduced this year would expand the permitting and sale of raw milk products in Pennsylvania for consumers. However . . . we have been unable to have action taken on the bill. This leaves consumers with continued restrictions on their food options and some dairy farmers with fewer options for production and marketing of raw dairy products. With the economy in a slump, I think we should be focusing our efforts on boosting local businesses' ability to operate, not continuing to delay progress*

Representatives Bryan Cutler (R-Lancaster) who originally introduced both bills, and Mark Keller (R-Perry/Franklin) also added their regrets at the eventual outcome. It should be noted

that efforts to get a statement from the majority chair of the house committee, Rep. Mike Hanna (D-Clinton/Centre) have so far not been successful.

On the Senate side, Senator Mike Brubaker (R-36), chair of the Ag Committee, released the following statement:

*Access to high quality raw milk and related products remains an issue of interest to me; I understand that there is a demand for these products and that's why I introduced Senate Bills 1500 and 1501. There is not enough time remaining in this legislative session to adequately address these bills. I select my two-year session legislative priorities by a process that includes talking to many constituents and people all across PA. I will give this issue consideration again in the 2009/2010 legislative session.*

The PASA board has considered and reconsidered its stance on the raw milk issue broadly, and is firm in its determination to work with authorities to improve and expand the system, including advocating for changes in the law that will support the growing market for raw dairy products. This is not an indication that anyone believes the current authorities or system to be flawless or somehow beyond reproach – quite the opposite actually.

As the CARE statement points out, *we agree that government has a lawful role. But it's a sad commentary when we say we trust politicians, bureaucrats and their associated special interests, more than our neighbors.* At PASA, we do in fact trust neighbors first, but we also recognize the wisdom of working with one branch of government (PDA) to balance and offset other branches that are not nearly as supportive of the local foods movement in general – e.g. local and state health departments and the federal Food and Drug Administration.

We feel that PDA must continue to move, as they have with painstaking slowness, in a direction of being supportive of farmers who choose to feed their neighbors first. In the future, this may entail a need to create a separate division within the department for such farms, rather than trying to regulate all kinds of farms, whether growing commodities or serving communities, through a single unit.

So we find ourselves at a significant crossroads on the raw milk issue, and tempers are flaring every time an outbreak of illness is reported by the state Department of Health (PDH), requiring another state agency, PDA, to take action. We hold firmly that, in cases like this, folks at PDA are not the enemy of raw milk producers . . . in fact they might be the only reason that raw milk sales go on relatively unfettered in most areas of Pennsylvania – PDH would certainly prefer it otherwise.

The legislature is also not the enemy, nor one political party or the other. The legislature is in fact made up of people who we duly elect to represent us, and the one thing we could do to help them in that process is to provide a unified voice on this and other important issues related to

building local food systems. We certainly do have common opponents, and they will be heard. As a community, we may have shot ourselves in the foot this time, but another chance will come.

I have said many times to folks who work in state government that with raw milk and other issues of farm sustainability, we are not so much dealing with mere differences of opinion as we are the ramifications of a cultural revolution that is at least as significant as the so-called “Green Revolution” that followed the end of World War II. As it is a “revolution,” we cannot expect an orderly process to always hold sway – there is a place for resistance and even civil disobedience in this process. But in the end, it will not be our ability to resist authority, but the strength and pragmatic nature of our vision that will carry through and win the day.

That’s where PASA wants to end up . . . standing with our farmers, our neighbors and our elected representatives at the end of a process that brings a new day for agriculture in Pennsylvania and elsewhere.