



State of Connecticut
Department of Agriculture
Milk Regulation Board

26 Jan 2009

Minutes of the Milk Regulation Board
Regular Meeting of January 21, 2009

Board Members Present:

F. Philip Prelli – Chairperson/Commissioner of Agriculture
Robert D'Alessandro
Neil Marcus
Mae Schmidle
Jim Stearns
Jack Tiffany
Tracey Weeks, DPH rep.

Board Members Absent :

Robert Jacquier
Joseph Ruwet

1 position vacant (milk processor)

Others Present:

Wayne Kasacek - DoAg
Melanie Attwater-Young – DoAg

Dr. Bruce Sherman - DoAg

Meeting called to order 10:03 am Copies of the departments proposals were available to the public in attendance.

Agenda Item 2: The Commissioner asked that the public sign in. A separate sheet was passed for those who wished to speak during the public comment period. The Milk Regulation Board members present introduced and identified themselves.

Agenda Item 3: Wayne Kasacek told the board that we had received 3 letters in response to the Retail Raw Milk proposals the department was pursuing. Copies are attached.

Agenda Item 4: October 15, 2008 minutes. Jack Tiffany made a motion to accept, 2nd Jim Stearns. There were no comments. The Oct. 15, 2008, minutes were unanimously approved.

Agenda Item 5: The Commissioner reported that the DAG and DECD Remi study of the Dairy Industry was completed. The University of Connecticut, College of Agriculture assisted (P.A. 08-164). Copies were forwarded to the Environment Committee, posted on our website and made available to Farm Bureau. http://www.ct.gov/doag/lib/doag/pdf/dairy_impact_report_-_1-12-2009_v6.pdf

The Commissioner reported that the States Ratification Committee (SRC) had a recent conference call to discuss dairy related proposals before Congress. The proposals include changes to MILC, a

risk management package, re-authorization of the Dairy Compact and authorizing or allowing states to collaborate on milk pricing.

The Commissioner stated that the VT minimum milk pricing system was still in hearings. MA has passed a reverse income tax which give tax credits when the cost of production is less then the milk price received. The total tax credit to be distributed is capped at 4 million dollars.

The Commissioner asked Wayne Kasacek to talk about the department proposals (agenda items 5 and 6). The Commissioner explained for the public that the department makes legislative proposals and that the purpose of Milk Regulation Board is to assist the agency with promulgating regulations which typically flesh out statutes and help establish agency policy on how to administer the statutes.

The Commissioner briefly explained the legislative process for department statutory initiatives and the process for adoption of regulations for the public attending.

Agenda Item 5: Wayne Kasacek distributed copies of the department proposals concerning the sale of adulterated milk or milk products, retail raw milk, the impoundment of roaming livestock and a recent position statement of the American Academy of Pediatrics' regarding the consumption of raw milk.

The adulterated milk proposal is changed from the draft the board was given at the October 15, 2008 meeting. The penalties for the sale of adulterated products or operating without a required license were modified, otherwise it adds standard definitions similar to those used by FDA and DCP for the words "adulterated" and "misbranded" and, cleans up the language used in the testing of milk for antibiotic's statute and expands the exemption provided for retail raw milk producers.

Neil Marcus asked what changes were made regarding the penalties.

Mr. Kasacek responded, as currently written in the department's proposal, the penalty is for violation of an order issued by the department or selling milk without obtaining the appropriate license from the department, which differs from the October draft version the committee saw. The first violation of an order is an infraction the second or subsequent violation of an order a class A misdemeanor. Violation of selling without a license is an infraction, the 2nd violation a misdemeanor. As a practical matter anyone found operating without a license or selling adulterated product is given the opportunity for voluntary compliance before the department takes any regulatory action. The department would like to have some tools that could involve law enforcement for those instances where we need to be able to take swift action such as shutting down individual's who manufacture "bathtub" cheese as we had to do in early 2008.

Mr. Kasacek spoke about the Retail Raw Milk proposal. As was discussed in the October 2008 Milk Regulation Board meeting when a draft of this proposal was given to the board, in light of the incident in July 2008 and the fact that most of the individuals who were sickened were children, the department felt it prudent to try an obtain some restrictions on the sale of Retail Raw Milk, increase the pathogen testing of milk and add pathogen testing of feces, add a standard for the presence add stronger language about the risks of consuming raw milk to the label, of e-coli bacteria similar to New York's and California's and limit sales of Retail Raw Milk to on farm sales only. The department also would like to adopt a standard for Staphylococcus aureus similar to New York's and based in the recommendations of Cornell University. Staph aureus is routinely present in all milk and in high enough numbers it can form enough toxin to cause food poisoning.

Jim Stearns asked what rational for testing feces was.

Mr. Kasacek responded, because pathogens in Retail Raw Milk are almost always the result of contamination by fecal matter and testing of milk is not reliable because the contamination is

random. In the kind of environment found on a dairy farm and even with the best sanitation, fecal contamination of the milk is difficult to avoid. Testing the milk producing animals would give Retail Raw Milk producers better information about whether pathogens are being shed.

Mae Schmidle asked about retail sales in other states.

Commissioner Prelli responded, that 12 states allow the sale of raw milk in stores.

Mae Schmidle stated she thought that sales should at least be allowed in natural food stores.

Commissioner Prelli stated that the proposal does not prohibit sales at farmer's markets by the milk producer as farmer's markets are considered an extension of the farm.

Mae Schmidle asked why the department wanted to limit sales to farms only.

Mr. Kasacek stated that he feared that an uninformed consumer might believe that Retail Raw Milk was as safe to consume as pasteurized milk and purchase Retail Raw Milk for her children believing she was doing something good for them. Retail Raw Milk is sold along side pasteurized milk, looks like pasteurized milk and that the industry promotes its product as a safe alternative to pasteurized milk. Limiting sales to on farm sales would also give the department easier access to customer lists when the next outbreak occurs as the Retail Raw Milk producer is required to keep a customer list and it would be impractical for a retailer to keep such a list.

The third department proposal is the Roaming Livestock bill, that died on the calendar last year and this year's proposed language was passed out for informational purposes.

Agenda Item 8. Public Comments.

27 people commented on the Retail Raw Milk proposal. Commenters were opposed to pathogen testing of feces and producers bearing the cost of testing feces and milk for the presence of pathogens, stating the costs were prohibitive. Some questioned the language about how the consumer warning was to be displayed on labels. Comments included 2 individuals who claimed that their own or their children's conditions and illnesses improved with the consumption of raw milk. Some suggested language changes which were submitted in writing. Some spoke about the department's Marketing Bureau's support of Retail Raw Milk producers through farm viability grants. Many spoke about the convenience of purchasing Retail Raw Milk in stores and that they felt their decision to purchase Retail Raw Milk was informed. 1 person from the public spoke in favor of the department's proposal and Dr. Randall Nelson, DVM from DPH spoke in favor of the proposal.

Agenda Item 9: Old business, none.

Agenda Item 10: New business, none.

Agenda item 11: Robert D'Alessandro motioned to adjourn, 2nd Jim Stearns, motion approved unanimously. Meeting adjourned at 12:21

Respectfully submitted,

 Approved 29 APR 09

Wayne Kasacek
Clerk of the Board