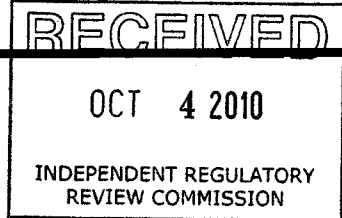


Shomper, Kris



From: Maywoodfarminc [maywoodfarminc@aol.com]
Sent: Monday, October 04, 2010 2:04 PM
To: wchirdon@state.pa.us; IRRC
Subject: Dairy Reulation comments

My name is Tom Maurer. I farmed for 35 years and now I consider myself a spokesman for local/regional agriculture and food choice. This past spring I also started a store designed to serve people who understand the value of quality local food for themselves, the community and the farmers who are part of that community.

The issues facing agriculture are numerous and complicated. Milk, particularly raw milk, is just the tip of the iceberg. Unfortunately, agricultural policy has been disjointed and unimaginative for a long time, as the proposed milk regulations demonstrate. Correcting some of these problems will require action by the Federal government but many can, and should, be addressed at the State level. However, to do so will require some out-of-the-box thinking.

One cannot begin a discussion of the problems facing agriculture without a discussion of food safety. But food safety has become the race card of the food system. It is used to shut down intelligent discussion or to try to make someone who questions a proposed action or policy look like they oppose safe food. Nothing could be farther from the truth. The knee-jerk reaction for more regulation is, at best, an easy, ill-conceived response, making people think something is being done when in reality nothing is. If regulations were the solution, there should be no problems in the US as we have the most highly regulated food system in the world. Yet we still have hundreds of thousands of eggs, tons of ground beef and other products recalled with sufficient frequency that people are concerned but not surprised. Before you rush to enact even more regulations, it is time for you to stop and identify the real problems. I'll come back to the food safety issue in a moment.

Part of the problem facing agriculture is that, because there are so few farmers, the understanding of the role of farming in our overall economy has been lost. Without that understanding and the associated national policies, the economy will continue to run in circles as it has, except for three periods, for the last century. So how do we turn things around? There is a body of work compiled by Carl Wilken and several others covering the 1930s to the 1960s. During that period, Wilken testified before committees of Congress about this work more than any other individual on any subject. His work is not a theory but rather an analysis of the mountains of data on agriculture, collected by the Federal government. It shows the relationships between the various aspects of the economy. A group of people have continued Wilken's work right up to the present. **Analyzing these data show that in the period from 1950 to 2004, Pennsylvanians lost more than \$4.3 TRILLION because of the national agricultural policy. If New York and Ohio are included, the three states' residents lost in excess of \$14 TRILLION.** We, and our Federal Representatives and Senators, need to be paying much more attention to national farm policy. Unfortunately, much of the input for policy and legislation comes from special interests and an insurance company that masquerades as a group representing agriculture yet, for the last 75 years, has opposed the policy that would have produced **\$4.3 trillion** of real wealth, not subsidies or government payments, for Pennsylvania's residents.

In the past, Pennsylvania has also relied heavily on these special interests and bogus farm groups for its position on issues including raw milk, food labeling, food safety, etc. In addition we have allowed the Federal Government to ignore our 10th Amendment rights and interfere in issues that are solely Pennsylvania's responsibility to address as its citizens see fit.

So let's think outside the box and go back to the food safety issue. You need to first understand and accept that it is impossible to protect us from everything. We neither expect nor want government to assume that role. Life is a risk, and we the people are capable of and willing to take responsibility for our choices. In the past we were able to know where our food came from and whom to see if there was a problem. What we need is for government to referee, not play the game or change the rules to suit the perceived crisis of the moment or the special interest of the day.

As current polls and the news media clearly show, the public has a less than favorable view of government. That, however, does not mean that government should not be involved in regulating aspects of our food system. The State's authority to regulate food comes from its power to create artificial people called corporations. When creating these corporations, the corporations, not the Constitution, gives the State the authority to regulate them. And with that authority, the State has the obligation to regulate them.

The large corporations are perpetrating the myth that food safety is size neutral. Common sense should tell us this is bogus. Size, in fact, is the problem and as we have seen that the big public health problems have originated from the big corporations. In any operation, the more complex it is and the more people that are involved, the more difficult it is to maintain quality. Furthermore, in the case of food production, we continue to separate, and in fact isolate, the farmer and the eater, resulting in the eater losing control or recourse if there is a problem. We are told we can vote with our wallets. But I find it hard to believe that a company selling hundreds of thousands of eggs will quake at the thought that I would stop buying my weekly dozen eggs if there's a problem. Government, and that means the States because only they can approve the creation of a corporation, needs to be responsible for the children (i.e. the corporations) it has propagated.

The solution to the food safety, farmland preservation, and health/wellness issues is a healthy local/regional food system. We need to make Pennsylvania food independent. Energy independence would be nice – food independence is critical. In Pennsylvania we have the unique capability to produce almost everything we need to eat. Why not capitalize on that strength? A healthy local/regional food system has a number of benefits including:

- Raising quality and safety standards because there is a direct connection between the farmer and the eater,
- Making the farmer directly responsible to the eater if there is a quality or safety issue. A poor or unsafe product can put the farmer out of business or cost him his farm. He cannot close shop and reopen down the street nor does he have a high-priced PR or legal staff to "manage" the problem,
- Giving eaters choices of what they buy and from whom they buy it, such as raw milk and raw milk products, and produce from farmers whose horses may poop in the field, as they have for generations.
- Preserving farmland, and more importantly farmers and the next generation of farmers, by making farming profitable.

If you want to help farmers and eaters, you need to allow **them, not government** to build healthy local/regional food systems. For this to occur, you need to accept some basic assumptions/policies.

- Food choices are our lawful right, not a privilege bestowed by government.
- It's a farmer's right, not a privilege granted by government, to grow or produce any lawful food and sell it to whomever he chooses.
- Neither the state nor the federal government has the lawful authority to interfere in direct sale transactions for lawful products. ***This does not apply to incorporated activities as those entities gave that authority to the***

State in return for permission to incorporate. This puts the duty to regulate them squarely with the State that created them. Eaters' ability to regulate corporations is essentially via lawsuits. However, eaters' impact on corporations, particularly the large ones where the bulk of the problems occur, is limited due to the disparity of available resources between the corporation and the eater.

- Stop giving the State's rights to the Federal Government.
- Stop relying on the Federal government, special interests and bogus farm organizations for your information, policy and legislative input. They led us into the wilderness. Obviously they don't know or want to find the way out.
- Listen to the farmers and eaters

So how can you accomplish this?

- When any legislation or regulation is proposed, read it and understand how it will impact the local and regional food system, particularly how it will impact all the family farms in the state, not just a few large agribusinesses.
- When any legislation or regulation is proposed, read it and understand how it will impact consumers' food choices.
- Refuse to propose or support legislation, or encourage the bureaucracy to enforce legislation, regulations or policies that reduce or interfere with the farmers' right to produce, or the consumer's right to purchase lawful products directly from farmers or from stores that resell the product without repackaging or altering the item so that the product is compromised or the producers' identity is lost, hidden or compromised.
- Encourage a policy of food independence. Pennsylvania talks a good game with its Farmland Preservation, PA Preferred and Buy Fresh Buy Local programs. However, if a vibrant local/regional food system is to continue to grow and flourish, Pennsylvania needs to view its role as that of an enabler, not a regulator. If Pennsylvania is only interested in controlling and regulating direct sales between farmer and eaters under the guise of public safety, it will prevent the development of a healthy food system, that more and more of the citizens want, and deprive Pennsylvanians of safe, nutritious and reliable food as well as the associated financial, health, environmental benefits this system will produce, without additional taxes or debt.

The proposed regulation is part of the problem not the solution. It is time for the State to stop penalizing or working to exterminate, rather than exempt, the operations that have not been a problem and are customer policed. Instead the State should focus on the large, faceless operations that have been the source of the vast majority of the problems and have manipulated the "regulatory" process to serve their ends. Just who do our representatives actually represent?

I am a raw milk consumer and I respectfully request that you reject proposed regulation #2777 Department of Agriculture 2-160: Milk Sanitation. I am an intelligent, discriminating consumer and do not need protection from my farmer-neighbor or local market or store. If they provide an unsatisfactory product or fail to appropriately correct a problem they will be out of business quickly. At that level, State regulation does not and cannot provide a higher level policing; every consumer polices that supplier with every transaction and has direct enforcement options. Where we need government involvement is where the suppliers or markets are no longer our neighbors but rather corporations created by the State. Food safety is not size neutral. Larger operations are more complex, problems have much more far-reaching impacts and we have no direct meaningful recourse if there is a problem. The regulation needs to focus on those operations.

Although some regulations on this latter group are necessary, the regulation would be much simpler if they were performance standards, requiring that the end product achieves a desired result. How that result is achieved is the producers' responsibility, not the State's. That would result in the State's role being limited to testing for compliance, a function that could easily be contracted out, rather than inserting itself in micromanaging a farmers operation.

Again, I view the proposed regulation as excessive and in some cases onerous, that adds little in the way of providing additional public safety, presuming one accepts this to as the state's role.

These flaws warrant that the proposed regulation be either withdrawn or rejected.