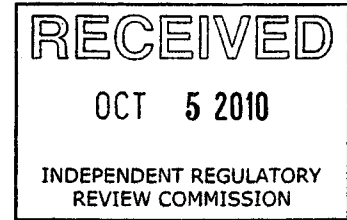


2777

**Shomper, Kris**

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**From:** Miller, Sarah E.  
**Sent:** Tuesday, October 05, 2010 10:01 AM  
**To:** IRRC  
**Subject:** Fw: IRRC Website - New Message



Not form letter

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**From:** Independent Regulatory Review Commission [mailto:No-Reply@irrc.state.pa.us]  
**Sent:** Tuesday, October 05, 2010 09:58 AM  
**To:** Help  
**Subject:** IRRC Website - New Message



**IRRC**

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**Independent Regulatory Review Commission**

A new message has arrived from the IRRC Website

**First Name:** Pete

**Last Name:** Kennedy

**Company:** Farm-to-Consumer Legal Defense Fund

**Email:** [pete@ftcdf.org](mailto:pete@ftcdf.org)

**Subject:** Disapprove proposed regulation #2777 Dept of Ag 2-160

**Message:**

Dear Commissioners, My name is Pete Kennedy. I am president of the Farm-to-Consumer Legal Defense Fund, an organization that is designed to protect the right of farmers and consumers to engage in direct commerce. We have a number of members who are raw milk producers in the Commonwealth of Pennsylvania. I am writing to ask you to vote to disapprove the proposed regulations, #2777 Department of Agriculture 2-160. Proposed regulations will economically burden raw milk producers without benefitting the public health. Most notably, the requirement to have a mechanical bottling machine and a separate room for bottling will cost producers significant amounts of money; many producers currently bottle and handcap in the milk room. There has been no record of any food safety problems having occurred because of this practice. This is a process-oriented requirement and has no bearing on a producer's ability to produce a safe, quality product. In addition to the bottling requirements, the proposed regulations would impose further cost on producers by requiring them to pay for pathogen testing which is currently mandated to take place twice a year. Up to now, the commonwealth has been paying for the pathogen testing and that should continue. In these economically difficult times, producers should not be required to incur this expense; the cost of testing for four pathogens twice a year is significant. Finally, the proposed regulations would give the Secretary of the Pennsylvania Department of Agriculture (PDA) the power to destroy milk or milk products without a court order. Unfortunately in Pennsylvania, the situation exists in which the department has suspended the permits of producers for positive pathogen tests without in fact knowing whether the product was in fact harmful to human health. Pathogens--such as *Listeria monocytogenes*--that the department tests for have many benign strains that pose no risk to

human health. If PDA wants to destroy product from batches of raw milk or raw cheese that have tested positive for a pathogen, the producer should at least have the opportunity for a hearing so it can be determined whether the pathogen was in fact harmful to human health and therefore adulterated. I hope you realize the damaging effect these proposed regulations would have on raw milk producers to make a living. Thanks for your consideration. Pete Kennedy, Esq. - President Farm-to-Consumer Legal Defense Fund 8116 Arlington Blvd, Ste 263 Falls Church, VA 22042 703-208-3276 phone 703-208-3278 fax [pete@ftcldf.org](mailto:pete@ftcldf.org)  
[www.farmtoconsumer.org](http://www.farmtoconsumer.org)