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**Shomper, Kris**

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**From:** Stacy Miller [stacy@farmersmarketcoalition.org]  
**Sent:** Monday, October 04, 2010 11:02 PM  
**To:** IRRRC; wchiridon@state.pa.us  
**Subject:** Regulation #2-160 (IRRC #2777): "Milk Sanitation"  
**Attachments:** PA\_Milk\_Sanitation\_Letter\_10.4.2010.pdf

Dear Mr. Chiridon, and whom it may concern at the Independent Regulatory Review Commission,

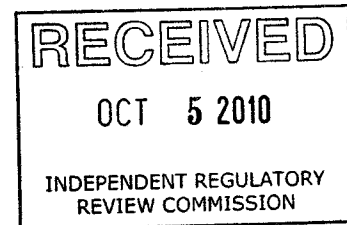
Please see the attached comments concerning Regulation #2-160 (IRRC #2777): "Milk Sanitation," submitted on behalf of the Farmers Market Coalition. Please feel free to contact me should you have any questions.

Thank you for your time and attention.

Sincerely,

Stacy Miller

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Stacy M. Miller  
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Farmers Market Coalition  
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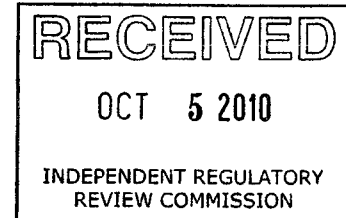
2777

October 4, 2010

To: Pennsylvania Department of Agriculture (PDA)  
Bureau of Food Safety  
Division of Milk Sanitation  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

Attention: William Chirdon; Paul Hoge

To: Independent Regulatory Review Commission (IRRC)  
333 Market Street, 14th floor  
Harrisburg, PA 17101



From: Stacy Miller, Executive Director  
Farmers Market Coalition (FMC)  
P.O. Box 331  
Cockeysville, MD 21030

RE: PA Department of Agriculture Final Regulation #2-160 (IRRC #2777): "Milk Sanitation"

Farmers markets are thriving as hubs of viable local food systems because more and more consumers and farmers are recognizing the importance of transparency, authenticity, and diversity in their food system. In Pennsylvania, in particular, USDA recognizes at least 215 farmers markets operating in 2010. As farmers markets grow, they offer entrepreneurial opportunities and real-time feedback for thousands of Pennsylvania farmers, including a growing number of small-scale dairy producers. Dairy farmers have suffered mightily amid the rapid consolidation in the dairy industry, and are quite understandably seeking alternatives to the wholesale fluid milk commodity stream.

The recent ruling in Ohio presents a clear challenge to FDA's finding that there is "no measurable compositional difference" between milk from rbGH-treated cows and milk from untreated cows. The court's ruling cited three reasons why such milk differs:

- Increased levels of the hormone IGF-1;
- A period of milk with lower nutritional quality during each lactation; and
- Increased somatic cell counts (i.e. more pus in the milk).

Approximately half of states in the U.S. have well-organized systems for the production and sale of raw milk, and Pennsylvania is considered a top leader in this regard. However, the proposed "Milk Sanitation" regulations, as currently drafted, are significantly flawed in both content and process. These rules, as proposed, would indirectly but severely limit consumer choice. As the Ohio ruling clearly validates, consumers have a right (some would say responsibility) to place a premium on transparency, quality, and safety—elements intrinsic to any direct farmer-to-consumer relationship.

In addition to the fact that your proposed rules do not allow for single-use containers, and lack clarity in the requirements for distinct rooms, I also strongly feel that farmers must be more involved

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in any potential changes to the regulatory framework. As an ally of the Pennsylvania Association for Sustainable Agriculture, I fully support their recommendation that the Pennsylvania Department of Agriculture withdraw the proposed "final" regulations in advance of the October 7 meeting of the IRRC so that no action may be taken thereon at that time.

I stand with PASA in recommending that, in the event PDA does not withdraw the proposed regulations, the IRRC take action to reject them as currently drafted. PDA can and should then work more closely with the PASA dairy farming community to ensure that any new regulations are appropriate to the scale of operation.

Thank you for your support of farmers and farmers markets in Pennsylvania, and please accept my best wishes for a bountiful fall season.

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