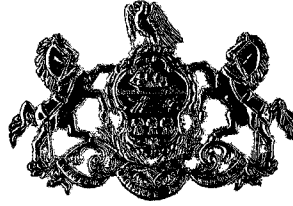


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MIKE FOLMER



Senate of Pennsylvania
48TH SENATORIAL DISTRICT

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2777

December 15, 2010

Kim Kaufman, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Regulation #2-160 (IRRC #2777)
Department of Agriculture
Milk Sanitation

Dear Mr. Kaufman:

It is my understanding that under Section 7(a) of the Regulatory Review Act the IRRC, at this juncture, has only two options: approve the entire regulation or disapprove the entire regulation.

While I will not comment on the pasteurized milk portion of the regulations I do have strong concerns about the regulations as they pertain to raw milk. The feedback I receive from constituents indicate that the raw milk regulations are unnecessary, far too expensive and not in the best interests of the public. I find it disconcerting that IRRC was not able to make the raw milk portions of the regulations acceptable, despite hundreds of public comments. In short, the raw milk portion of the proposed regulations should be stopped.

Should you be unable to stop the raw milk portion of the proposed regulations I respectfully request the current and future Agriculture Secretaries to suspend enforcement of the new parts of this program until hearings can be held.

Some of the glaring problems with this regulation that need to be corrected before implementation of the regulations are as follows:

PDA requires the use of mechanical bottling and capping for any off farm sales of raw milk, even though the use of additional equipment only serves to introduce more risk of contamination. Would it not be more productive and efficacious to let farmers design their own means of filling and capping in a sanitary way, thereby taking into account individual farm situations?

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PDA should not require any private testing of milk when the milk is also sold to a creamery that makes the same tests. The Creamery Co-op tests are certainly adequate and farmers should not be put to the expense of duplicating these tests.

PDA should not waste administrative resources and tax money on site inspections which also duplicate the site inspections made by the Creamery. There is no public benefit to duplicating an inspection that is already performed by a suitable inspector.

Milk that is being sold at a farmer's market should still be classified as "on farm sales" for permitting purposes, since it is being purchased directly from the farmer, a member of his family, or an employee.

Pathogen tests would be required to be performed twice a year under the new law. Under current law, when the Commonwealth paid for testing, once a year was sufficient. What has changed to necessitate the change in policy?

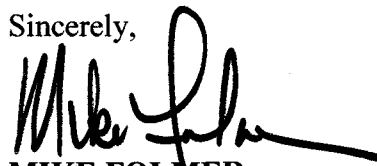
Currently, if a positive test for pathogens occurs the offending farm's name is immediately distributed via all available forms of media. Why could not a second test be immediately done, as verification, prior to a public news release?

Many of these issues are resolved by adding the term "raw milk" to labels on products which contain raw milk. Those consumers who choose to consume raw milk are in the best position to determine the best choice for themselves and their families. Consumers choose raw milk because they want the health benefits of raw milk and raw milk products.

If the above changes were made, there would be no sacrifice to public safety and costs could be lowered for consumers, raw milk farmers, and Pennsylvania.

Thank you for taking the time to consider my input and look forward to hearing from you.

Sincerely,



MIKE FOLMER

cc: Members, IRRB Board