

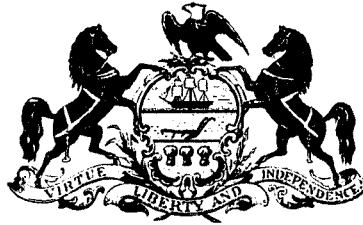
ROSEMARIE SWANGER

MEMBER
102ND LEGISLATIVE DISTRICT

HARRISBURG OFFICE:
PO BOX 202102
HARRISBURG, PA 17120-2102
(717) 787-2686
FAX: (717) 260-6514

DISTRICT OFFICE:
2232 LEBANON VALLEY MALL
LEBANON, PA 17042
(717) 277-2101
FAX: (717) 277-2105

WWW.REPSWANGER.COM
RSWANGER@PAHOUSEGOP.COM



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COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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2777.

December 17, 2010

The Honorable Russell C. Redding
Secretary
Department of Agriculture
2301 N. Cameron St.
Harrisburg, PA 17110-9408

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Dear Secretary Redding:

I would like to respectfully ask for an administrative decision to suspend enforcement of the new requirements in the raw milk subchapter of the Milk Sanitation regulations until such time as the Legislature has held hearings and considered statutory revisions.

I would estimate that the new regulations would become effective about mid March 2011. If we assume that IRRC will approve these regulations on Dec 16, they would then wait until the House and Senate reconvene and send them to the Agriculture Committees. Once the Committees are formed, the Committees have 30 both houses if they deem it should be disapproved. This rarely happens, but it is a possible step. I think it would be excellent if the Committees would establish a prompt hearing to consider broad changes for raw milk and raw milk products.

These are hard times on the farm, and very hard times for the state budget. We will need to trim the state budget dramatically, as you know. And yet, the Pennsylvania Department of Agriculture is releasing revised regulations that impose very burdensome and excessive costs on small dairy farmers. I request that you suspend enforcement of the revised Raw Milk sanitation standards in Regulation #2-160, pending action by the appropriate committees and the General Assembly on these matters.

I see no public purpose in these increased regulatory burdens on my constituents who produce raw milk for sale to the public. Nor do I see any benefit to my constituents who choose to purchase raw milk and raw milk products for the additional health benefits these products offer. Consumers buy raw milk because they choose to do so. Many studies show that raw milk is simply better than pasteurized milk, and I believe that consumers should have this choice.

In the Department's responses to the many public comments received about this regulation, I took note that the Department feels that statutory revisions to the 1935 Milk Sanitation Law are necessary in order to accommodate public demands. Please suspend the additional requirements until the General Assembly has had an opportunity to consider these matters fully.

Some of the glaring problems of concern in the proposed regulation are:

- * PDA would now require the expense of 2 full herd checks and blood tests a year for two diseases that do not exist anywhere in Pennsylvania herds. This is both expensive and completely useless.

- * 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. Let farmers design their own means of filling and capping in a sanitary way, as suits the farm situation.

- * 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 the 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 Co-op. There is no public benefit to duplicating an inspection that is already performed by the suitable business interests.

- * PDA must verify a test result before taking adverse public action against a dairy. Publishing unverified adverse testing is not fair to the farmer and not in the public interest.

If nothing else, these stepped-up regulations will waste more taxpayer money for no benefit to the public. Please suspend enforcement of the revised Raw Milk sanitation standards in Regulation #2-160, pending action by the appropriate committees and the General Assembly on these matters. Thank you.

Sincerely,



RoseMarie Swanger
STATE REPRESENTATIVE
102nd Legislative District

CC: Kim Kaufman, Executive Director, IRRC
Representative John Maher
Representative Mike Hanna
Senator Mike Folmer
Governor-Elect Corbett's Agriculture Team Chairperson

RMS/lh