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**Pennsylvania
Association for
Sustainable Agriculture**

104 North Street
PO Box 419
Millheim, PA 16854
(814) 349-9856
Fax (814) 349-9840
www.pasafarming.org

August 17, 2009

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

Attn: Paul Hoge

Re: Proposed Rulemaking, Milk Sanitation [39 Pa.B. 4677; 8/1/09]

cc: PA Independent Regulatory Review Commission
PA Governor Edward G. Rendell
PA Senate Agriculture and Rural Affairs Committee
PA House Agriculture and Rural Affairs Committee

Dear Mr. Hoge:

Please consider this as our testimony pursuant to the discussion of proposed new regulations for milk sanitation to be discussed at the announced hearing on August 18, 2009 at the Department of Agriculture, Room 202 at 1:00 p.m. As this hearing is, by your insistence, limited to discussions of "the number and character of bacteria in milk," we will address our principal concern in that manner and will reserve the right to address several other concerns about the proposed new regulations through the public comment process.

We are greatly distressed that changes as momentous and comprehensive as the current proposal represents have been limited to a 30-day public comment period, particularly when those 30 days are scheduled to pass entirely within the month of August, a time of the year when many affected farmers and consumers will have a very difficult time responding in a timely way. This unfortunate situation is compounded by the fact that many of the Commonwealth's dedicated dairy farmers are Amish or Old Order Mennonite and do not have direct access to a computer or the Internet. We have spoken with a number of farmers (Plain and otherwise) who have not seen the notices sent out by the department, and some who are wondering how they'll ever get all the information they need in order to respond intelligently on their own behalf by the deadline.

INDEPENDENT REGULATORY
REVIEW COMMISSION

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Therefore we propose that, in order for all farmers and other interested parties to be able to respond in a reasonable and informed manner on bacterial standards, as well as other aspects of the proposed regulations, the public comment period should be extended to 90 days, i.e. to the end of October. We further propose that such an extension be implemented forthwith and communicated to all interested parties as soon as possible in order to ease the stress caused by the suddenness of the proposed rulemaking and the busy time of year.

Finally, the staff and Board of Directors the Pennsylvania Association for Sustainable Agriculture (PASA) do hereby offer to work with the department to ensure that any farmer who wishes to receive a full copy of the proposed regulations, and otherwise does not have access, can receive one in a timely way. Some may also want to see the existing regulations, to understand what changes have been made – the hundreds of pages involved is the basis for our emphasis on a 90-day comment period.

We realize the department is not required by law to do what we ask, even to the extent of notifying all affected parties concerning these proposed new regulations. But we also understand that a successful effort to update and extend new regulations for such an important segment of the Commonwealth's agricultural community requires an effort that goes "above and beyond" what is specifically required by statute. We feel certain that such a successful process is in fact the department's primary goal, and that you will work with us to get there together.

We look forward to your timely reply.

Yours sincerely,

A handwritten signature in cursive script that reads "Brian Snyder".

Brian Snyder
Executive Director