

Raw Milk – A Nation of Differences  
CASA Annual Education Conference  
Saratoga Springs, NY  
May 8, 2008



New York State  
Department of Agriculture & Markets

David A. Paterson, Governor  
Patrick Hooker, Commissioner

## Presentation Overview

- New York State Regulations
- NYS Benchmarking Comparison
- NASDA Survey



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## NY Raw Milk - Background

- current regulations codified at 1 NYCRR section 2.3(b)
- date back to 1981 – but were “inherited” from NYS Department of Health certified milk regulations
- attempt was made in 1989 to ban the sale of raw milk in New York State (only 5 permit holders at the time)
- no changes to the regulations involving raw milk sales in over a decade



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## NYS Raw Milk Sales Restrictions:

- may sell, offer for sale, or otherwise make available raw milk only:
  - directly to a consumer
  - on the dairy farm where the raw milk is produced
  - in either a single service container or in a container provided by the consumer and mechanically filled in the consumers presence
  - sign must be conspicuously posted reading:



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# NOTICE

## RAW MILK SOLD HERE

THIS MILK DOES NOT PROVIDE THE

PROTECTION OF PASTEURIZATION

## NYS Requirements

- Permit holder shall:
  - be in substantial compliance with farm level sanitation regulations
  - enroll in state mastitis control program (QMPS)
- Bacteria standard: 30,000 per ml.
- Somatic cell standard: 750,000 for cows and sheep, 1,000,000 per ml. for goats
- Temperature: 45 degrees F or less
- no animal drugs (beta lactams) detected
- Sediment test: less than 1.5 mg.
- Animal health requirements for TB and Brucellosis



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## Permitting Process

- Part 2 application for the sale of raw milk to consumers
- Arrange for a water sample and a milk sample to be taken by a Dairy Products Specialist and delivered to an approved laboratory
- The milk sample shall be screened for the following pathogens: (Note: average cost for screening is around \$130.00)
  - Salmonella enterica
  - Listeria monocytogenes
  - Campylobacter spp.
  - Escherichia coli
  - E. coli O157:H7
  - Staphylococcus aureus



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## Permitting Process

- Upon receipt of the following the permit will be issued:
  - Satisfactory Pathogen screen
  - Satisfactory Water analysis
  - Completion of the Part 2 application
  - Receipt of the Quality Milk Production Services herd survey
  - Passing farm inspection
  - Brucellosis analysis report
- Not one application has been denied



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## After Permit issuance

- The permit holder will be held to established quality standards that have been created to help protect public health – monthly sampling
  - Somatic cells Not more than 750,000 per ml.
  - Somatic cells- Goat Not more than 1,000,000 per ml.
  - Bacteria- SPC Not more than 30,000 per ml.
  - Salmonella enterica None present- Recall if present
  - Listeria Monocytogenes None present- Recall if present
  - Campylobacter jejuni/coli None present- Recall if present
  - E.coli O157:H7 None present- Recall if present
  - Escherichia coli <10/ml Recall @ >10 per ml
  - Staphylococcus aureus <10,000/ Recall @ 100,000 per ml.



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## NYS Raw Milk Statistics

- In 2005, there were 10 raw milk permit holders in NYS
- In 2006, the number of permits rose to 12
- In 2007, we peaked at 23 raw milk permit holders
- Currently in 2008 we have 21, but 2 have temporarily voluntarily stopped sales
- In 2007, the Department responded to 4 cases of confirmed pathogens in routine sampling, which required a press release and recall of product



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### Harassment of Raw Milk Farmers in Pennsylvania and New York

A consistent pattern of harassment against raw milk farmers is emerging in Pennsylvania and New York. We are sending this Action Alert to all members because these tactics could be used in other states as well. It is vital for raw milk farmers to know how to protect themselves from unfair treatment by inspection agents, and for consumers to protest to the proper officials that their access to raw milk is being unfairly threatened.

We are watching this situation very closely and will be submitting Freedom-of-Information requests in both states to obtain test records and any statements by officials on this situation.

A concerted letter writing campaign by WAFP members can really help this situation and help ensure a supply of raw milk in these two very important states. . . so we are asking that everyone pitch in with their most persuasive writing skills!

Background

ernor  
 Commissioner

## NY Benchmarking

- CT, ME, MD, MA, NH, NY, PA, RI, VT, CA, WA, WI
- NY - most frequent routine pathogen testing (monthly)
- NY - most frequent farm inspections (monthly)
- NY – only state without coliform standard
- CT & CA have an LPC (Lab Pasteurization Count) standard
- NY, MA, VT – on farm sales only
- MD & RI – raw milk banned
- WI – raw milk banned by statute, but “incidental” farm sales allowed



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## State Raw Milk Regulations

- No "one size fits all" approach
- NCIMS committee established to review
- Hot spot states: California, Pennsylvania, New York
- CA – 10 coliform standard by legislation
- PA – non-permit holders operating
- NY – one permit holder turned in permit, established LLC and continues to operate – expanded to raw dairy products and distributes at farmers market
- Farm to Consumer Legal Defense Fund

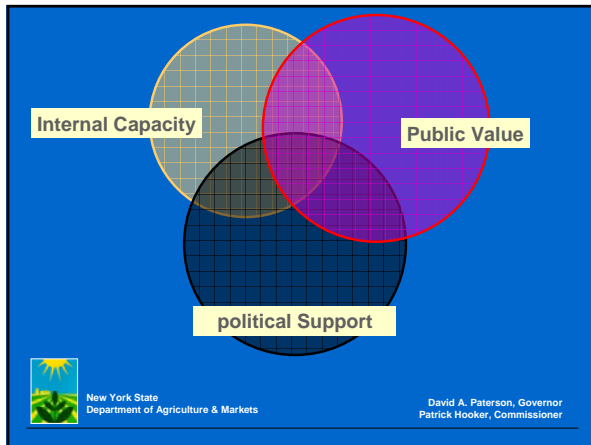


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Dairy Division of National Association of State Departments of Agriculture  
RAW MILK SURVEY  
RESULTS SUMMARY  
NATIONAL SUMMARY

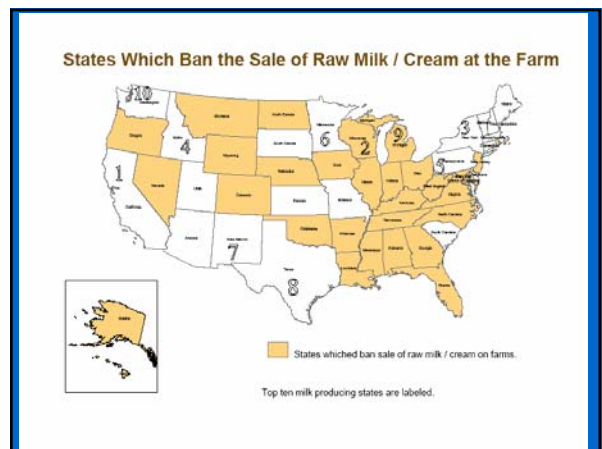
2004 National Survey from Dairy Division of NASDA Updated Jan 2008

Question	CA	PA	NY	Other	Total
1) Does your State permit the sale of bottled or packaged raw milk and/or raw cream at farm markets or other retail outlets?	100%	100%	100%	100%	100%
2) Does your State allow consumers to participate in a "Cow Share" program?	100%	100%	100%	100%	100%
3) Does your State have any pending legislation to regulate the sale of bottled or packaged raw milk and/or raw cream in your State?	100%	100%	100%	100%	100%
4) Has there ever been a confirmed lactococcal outbreak that was traceable to the consumption of raw milk or raw cream? If so, what year(s)?	100%	100%	100%	100%	100%
5) Are there any pending legislation to regulate the sale of bottled or packaged raw milk and/or raw cream in your State?	100%	100%	100%	100%	100%

Source: E. Swan, (Revised: 08/14/2007)  
Dairy Division of NASDA  
Dairy Department of Agriculture  
Washington, DC, 20001-2000  
Revised 12-01-07

2004 National Survey from Dairy Division of NASDA Updated Jan 2008


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## Summary


- Public Health Concerns
- Balanced Reasonable Approach
- Informed Consumer Choice
- Future Changes????



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## Got Questions?



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