

THE WEST VIRGINIA FARM FRESH DAIRY ACT (SB 58)

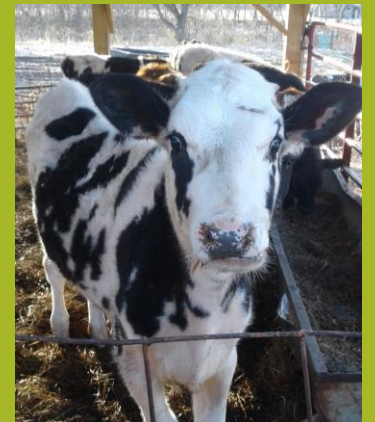
What it is, Why we need it, & How it works

Joint Committee on Agriculture & Rural Development

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House Judicial Committee Room 420M

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What is the WV Farm Fresh Dairy Act?

- An innovative, common sense approach to dairy regulation
- Removes WV's lingering prohibition on direct farm-to-consumer sales of unprocessed milk and milk products
- Empowers consumers to understand how their milk is produced and how to use it safely
- Sensitively and affordably supports and promotes micro-dairy operations
- Governs the milking process to preserve the natural freshness of the milk as it is collected from the dairy animal

Why do we need it?



- Herd Shares law requires a complex legal agreement with a consumer, rather than a comfortably informal agreement—Extra cost to the producer
- Herd Shares arrangement works best for larger producers—less adequately for homestead micro-dairies seeking to subsidize the cost of their operations
- Herd Shares law does not authorize the sale of valuable milk products (butter, cheese, yogurt) which can expand income opportunities for the smallest operators
- If you can legally supply a consumer with unprocessed milk by selling a share of your herd ownership, what makes the same product more dangerous to sell for cash?
- WV Farm Fresh Dairy Act Bill does NOT repeal or conflict with the current Herd Shares Law and only provides an *additional, affordable* option for unprocessed milk sales
- We are rapidly losing our traditional dairy farm heritage to giant farms that are not suited to our landscape constraints—We need to support smaller operations
- Cigarettes are inherently dangerous to your health, yet our laws don't prohibit me from selling them to an informed consumer or you from buying it—Milk is inherently healthy
- As of 2016, 31 other states allow direct farm-to-consumer sales of unpasteurized milk, including California, New York, and Massachusetts

How does it work? – Milking Process



- Requires compliance with 10 basic best sanitary milking & milk handling practices
- Preserves the natural integrity of the milk—Follows same basic process as a Grade A Dairy
- Does ***not*** allow milk to be squirted into a pail—preventing airborne contamination
- Producer can be inspected by BOTH the Dept. of Ag. *and* customers for compliance

How does it work? - Administration

- Producers must first register with the Dept. of Ag.
- Initial inspection by Dept. of Ag. required before commencing sales or processing for eventual sale—Any and all written inspection concerns must be addressed by the producer
- Prior to selling processed milk products, the producer must obtain a valid WV Food Handler's Card from the Dept. of Health
- All producers must comply with all applicable USDA labeling requirements
- Dept. of Ag. may conduct periodic annual inspections, the frequency of which may increase if violations are discovered
- Inspections must be conducted during regular milking times

How does it work? - Sales

- All sales MUST be conducted directly between the producer and consumer – No consumer resales of milk or milk products are allowed
- All sales MUST occur either on the producer's farm or at a local Farmer's Market, the consumer's home or place of work – No interstate sales or retail sales in stores are allowed
- Producer may sell no more than 80 gallons of milk nor more than 40 pounds of processed milk products per day
 - Effectively restricts the producer's scale of operation to limit competition with Grade A Dairies
 - Bill does NOT prohibit Grade A Dairies from participation
- All fluid milk must be sold or processed into milk products within three days of production
- Customers MUST be offered a tour of the producer's operation prior to any sales relationship and upon request
- Producers MUST provide all customers with written Safe Raw Milk Handling and Use Guidelines to make sure the consumer is informed about how to safely use and maintain the integrity of raw milk

How does it work? - Violations

- All violations shall be administered and enforced by the Dept. of Ag.
- Two levels of violations
 - Violation of required best sanitary milking and milk handling requirements
 - Department may suspend producer sales for three weeks to cure violation
 - Department may require producer to attend training
 - Department may conduct more frequent inspections for a year
 - Department may apply an additional fine of \$50-\$500 for repeat offenders
 - Violation involving a *confirmed* food-borne pathogen incident or producer interferes with an investigation of any food-borne pathogen incident investigation
 - Commissioner may apply any and all penalties provided above
 - Commissioner may suspend producer sales for thirty days to cure violation
 - Commissioner may require producer to submit two samples of blended milk, taken on separate days, which must be tested by the Department to satisfy Grade A Dairy testing requirements before resumption of sales is allowed

How does it work? – Why are no routine periodic sample tests required?

- Periodic sample test results only apply to the milking from which the sample was taken – Producers milk their dairy animals twice daily
- States do not have consistent contaminant level restrictions - If testing is needed to ensure health safety, why are the standards not universally consistent?
- Unprocessed milk has a significantly shorter safe consumption lifespan than processed milk (approximately 10 days from production, with a 3-day limit on producer sale) – What if the producer cannot reliably receive the test results within that time frame?
- Natural (normal) somatic cell counts differ between goats and cows – How many testing standards do you need to adopt?
- The integrity of sample testing requirements may be frustrated when a producer freezes multiple samples from a tested batch of milk for future submission
- Sample testing is a significant additional expense to the producer – Samples must be mailed in a freezer pack to the testing laboratory

Questions?

- Thank you for your attention and consideration!

