

## WICFA STATEMENT OF OPPOSITION TO SB 434 & AB 628

The proposed legislation is inadequate in addressing the concerns of fresh milk producers throughout the state, and does not satisfy the mission of this organization.

The shortcomings of the proposed legislation are as follows.

1. The bill would be in addition to current statute; however, it would be expected that anyone selling milk under the current exemptions to the prohibition of raw milk sales would very likely be prosecuted for not having a raw milk permit.
2. Current statute allows the sale of milk meeting grade A standards, the bill requires a grade A permit thereby preventing the sale of perfectly good milk by person not having a grade A market.
3. The statement "the department (DATCP) may not specify additional requirements for a permit under this paragraph" does nothing to prohibit the department from enforcing the other requirements of Wis. Statute 97 such as those in Chapter 80 of the Wis. Administrative Code regarding the processing and packaging of dairy products as such matters are not specifically addressed by holding a raw milk permit or by this bill.
4. The bill's requirement that "a sanitary container for the product that has been prepared in a sanitary manner and the container is filled in a sanitary manner." in effect requires a mechanical bottle filler and capper as Chapter 80 states "no hand capping allowed" as open air processing and packaging is not considered sanitary in the dairy industry.
5. The signage requirement is inane as decades of propaganda have made the public aware of dangers real and perceived regarding raw milk, other products presenting greater safety concerns require no signage, such as cold cuts, deli foods, and salad fixings.
6. The signage requirement does not prohibit placement of a large sign at the farm entrance from the public road thereby enticing the public to buy a product without the referral and guidance of a satisfied customer thereby allowing less than desirable dairies to profit from first time customers.
7. Absolving the farm from product liability is very likely unconstitutional under Section 9 and 21 of the Wis. Constitution, product liability is an insurable risk for any legal product if the farm wishes to protect itself.

### Other Considerations

The development of administrative rules regarding the enforcement of the statute would be the responsibility of the DATCP and it is long established that certain employees and board members have friends to protect from competition, and will lie and use deceptive means to assume more authority than the legislature intended, which has resulted in the perverted and extreme interpretation of the current statute regarding farm sales of raw milk. Examples include the voluntary NAIS which will now result in the non-renewal of permits and licenses issued by the DATCP. The convoluted calculation used to justify the milk volume premium rather than requiring milk buyers to use the generally accepted principles of accounting, resulting in the loss of a considerable amount of competition in the procurement of milk from the farm.

Any expectation that the DATCP is able to promulgate rules to enforce the bill as it is currently written and still be an asset to the Wisconsin dairy farmer and consumer is laughable.

Since there is no exemption to Chapter 80 requirements regarding licensing of butter makers etc... nor the requirements regarding processing and packaging and related equipment, it can be expected that the DATCP will eventually require everything except pasteurization, therefore benefit of this legislation would accrue to a very few people who could build a milking facility, processing plant and a retail store on the edge of fairly large cities having sufficient potential customers to support such a grandiose enterprise. It would very likely involve the employ of persons with little or no dairy farm experience and any health problems resulting from improperly produced product would affect many consumers.

Eventually when the raw milk product industry is fully regulated by the government it will be very difficult if not impossible to keep product not produced locally, that meets comparable standards, from being imported and sold in what should be a very local market, due to international free trade agreements the state may lose authority to restrict such sales of product meeting comparable standards from even overseas countries.

In the event that a consumer wishes to prove that "death or injury was caused by willful or wanton acts or omissions" it is expected that a party in a court case will call upon the DATCP to defend certain on farm practices or more likely to join in the condemnation of certain acts or omissions, whether or not it was directly the cause of the damage, thereby creating defacto regulations, even though it is not entered into the Wisconsin administrative code as regulation, which is prohibited by this bill.

#### Assorted Comments

The secrecy that was maintained by the authors and their constituents until the completed bill was presented, while legal and expedient, was a slap in the face to the many people potentially affected by this bill.

In 1957 when the current statute was created to restrict raw milk sales to on farm sales, there very likely were more people drinking milk from the family's herd than there are consumers interested in raw milk today. The average quality of milk today is much better when considering the bacteria and somatic cell count.

1957 was about the beginning of the end of on farm bottling plants and small town and city milk bottlers with door to door delivery, some families had been purchasing milk from a farm bottler for generations and the farm could have had a substantial business without the pasteurizer and bottle filler. The legislature was probably called on to protect the more modern and larger milk bottlers from the competition, as is it yet the case regarding specialty dairy product.

The Wis. Department of Agriculture did not issue Grade A permits until late 1977, at least in eastern Wis. which had been served by the Chicago Board of Health. (Good riddance also)

Grade B farms were not visited by state inspectors until 1979 unless milk samples tested under grade. The State began licensing grade B farms in the mid 80's.

The highways and byways were not littered with the sick and dying prior to the DATCP's heavy handed enforcement.

The 10 cent quality premium did more to clean up the states milk than all the bureaucrats in Madison.

Wisconsin born dairy cows have been free of tuberculosis for many years.

The only place to buy milk from cows tested free of Johne's disease is at the farm.

The current statute regarding raw milk sales is fairly good when it is reasonably interpreted by using normal definitions of the words. The DATCP has created the problem by using very narrow and extreme definitions in developing and enforcing Administrative Rule.

"If the people let government decide what foods they eat and what medicines they take, their bodies will soon be in as sorry a state as are the souls of those who live under tyranny" Thomas Jefferson