

Proposal P1007, Primary Production & Processing Requirements for Raw Milk Products.

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Dear Standards Management Officer,

I am responding to the invitation for submissions in assessing Proposal P1007, Primary Production & Processing Requirements for Raw Milk Products. I will be addressing the Proposal on the basis of my views and experiences.

As an Australian dairy farmer currently living in Oregon, U.S.A., I have been working with Oregonian dairy farmers for the past 5 years, both as a dairy farmer and as an official Herd Recorder. A Herd Recorder goes to a dairy, records the amount of milk given and takes a milk sample for component analysis from each lactating animal. If necessary, they also record any change in status information (fresh, aborted, dried-off, died or sold) and reproductive information for each animal. My occupation as a Herd Recorder requires that I work with a vast variety of dairy operations, in various sizes and types. This can be either a goat dairy or cow dairy, from 2 to over 2000 animals. The type of farming style varies significantly, ranging from a farmstead style set-up with raw milk and cheese sold from the farm directly and/or at farmer's markets, to a large dairy that sells milk directly under contract to a processing facility. These farms can be certified organic or non-organic, and the animals may be raised completely under cover on concrete or they may have the ability to graze outside. It is from these perspectives and experiences that I am commenting on the Proposal.

I am strongly in favour of the ability to sell raw milk from on-farm and agree that there should be nationwide standards of practice. My experience has been with the rules and regulations of the state of Oregon, which are as follows:

"The dairy law exempts from licensing a person owning not more than three dairy cows that have calved at least once, nine sheep that have lactated at least once or nine goats that have lactated at least once. The fluid milk from these animals may be sold for human or other consumption only if:

1. The person does not advertise the milk for sale
2. The milk is sold directly to the consumer at the premises where produced; and
3. No more than two producing dairy cows, nine producing sheep or nine producing goats are located on the premises where the milk is produced."

Excerpted from the Oregon Department of Agriculture Food Safety Division Dairy Program, referenced at

[http://www.oregon.gov/ODA/FSD/program_dairy.shtml#Activities that are exempt](http://www.oregon.gov/ODA/FSD/program_dairy.shtml#Activities_that_are_exempt)

The issues I have seen with Oregon's ruling as it stands are:

1. There is a significant lack of clarification regarding the application of these regulations, causing confusion in implementation
2. The literal wording of these regulations is impractical from a working perspective, causing even honest farmers to follow what they feel is the 'spirit of the law'
3. There is no regulation to control or minimize the microbiological risks, potentially causing unnecessary

health risks

In relation to the lack of clarification, many questions from the owner have arisen, including these that I have heard many times. "Can we post a sign at the edge of the farm's property or from the end of the driveway?" "Can I sell the milk over the phone to someone or does it have to be in person?" "What classifies as a dairy cow?/Can I also have beef cows, or do they also fall under 'producing cow'?" "Can I rent part of my land to someone else who wants to have milk producing cows as well?" "Can I milk more than 2 cows if the milk from the additional cow goes to feed on-farm animals, such as calves?" Basically, more questions are asked than are being answered. Unfortunately, when people are inquiring for clarification, the answer varies depending on whom answered the telephone. To further complicate the issue, this is just Oregon's law – each state has a separate law regarding the selling of raw milk, hence the need for an easily understood, nationwide ruling.

Regarding the practicality of implementation, as reflected in some of the questions above, a farm that desires to produce and sell raw milk typically has additional milk consuming animals, such as pigs and calves, as well as beef cattle. In setting limitations, the requirements of the typical raw milk and cheese producer should be kept in mind to minimize the number of farms who 'bend the law' unnecessarily, while at the same time addressing the larger picture of market stability.

Finally, with reference to microbiological risks, I do believe that there needs to be a qualification course providing licensing for the production and handling of raw milk. Any producer selling raw milk from the farm direct to the consumer should complete a certification process which trains in the appropriate handling and care of livestock, correct procedure for obtaining milk, as well as the handling of the milk products themselves, including on-site bacteriological testing. As shown in the following excerpt, the most significant risk is the failure to follow proper procedure:

During the December [2005] investigation into the E. coli outbreak, WSDA [Washington State Department of Agriculture] noted several milk processing violations that would have been addressed during the licensing process had Dee Creek applied for the license. Among the violations were the following:

- No animal health testing documentation for brucellosis and tuberculosis or health permits
- Beef cattle contact with wild elk
- No water or waste water system available at milk barn for milking operations or cleaning
- No hand washing sinks available for cleaning and sanitizing
- No bacteriological test results available for the farm's well-water system
- Mud/manure with standing water at the entrance to the milk barn parlor
- Milking bucket in direct contact with unclean surfaces during milk production
- Multiple instances providing for the opportunity for cross-contamination
- No separate milk processing area from domestic kitchen
- No raw milk warning label provided on containers

In addition, sample testing confirmed the presence of E. coli O157:H7 in two milk samples provided by Dee Creek Farm and in five environmental samples taken from Dee Creek Farm milk-barn areas by investigators.

Excerpted from "Dee Creek Farm E. coli Outbreak - Washington & Oregon" via Marler Clark Attorneys referenced at http://www.marlerclark.com/case_news/view/dee-creek-farm-e-coli-outbreak-washington-oregon

In the matter of licensing for raw milk production and handling, a distinct clarification should be made between dairies producing milk that is being picked up and processed off-site in mass quantities, such as through a dairy cooperative, and those intending to sell raw milk products directly. Dairies that operate in the production of bulk fluid milk should still be required to pass the above mentioned qualification and licensing should they wish to produce and sell raw milk products, in order to safe guard the production/supply chain of raw milk products and the consumers.

In balance, the cost to meet the necessary requirements should not be a deterrent to the very people desiring to

provide these products. This could possibly be done through a price structure that is relative to the size of the operation.

In closing, I appreciate the ability to speak about the things I have found here in the U.S.A. that I see could be beneficial to the Australian way of life.

Sincerely,

Karyn Cassar