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**Testimony of Amy Shollenberger to the House Agriculture Committee
On H.616 – The Farm Fresh Milk Restoration Act of 2008
February 27, 2008**

Thank you for the opportunity to testify this morning on H. 616, and thank you particularly to the committee for holding this hearing in spite of the weather. I am here today to speak in support of H.616, the Farm Fresh Milk Restoration Act. Rural Vermont supports this bill, and particularly, I speak on behalf of a large group of dairy farmers who have spent a great deal of time working on this issue, some of whom are here today. These are Vermont dairy farmers who see a chance to have profitable dairy farms in our state – and they don't need anything from the state of Vermont except permission. I am here today to ask you to grant this permission to these farmers, so that we can see thriving dairy farms here in Vermont.

I'd like to give you a bit of background about this bill and how the proposal for it was put together. I'd also like to speak to how H.616 addresses several of the goals that you set last year in H.522. First, though, I think it is important to introduce you to some of the farmers who contributed to the proposal that became this bill.

As you will see, this is a diverse group of farmers. Not everyone who contributed is pictured in this book, but it does give you a sense of who we have been working with. While you're perusing the book, I'll go on with the background.

For Rural Vermont, it all started with our vision for Food with Dignity. I have shared this vision with you before, so I won't go into detail about how we wrote it, but I would like to read it for you once again:

Our Food with Dignity vision is for a Vermont local food system which is self-reliant and based on reverence for the earth. It builds living soils which nurture animals and people with wholesome, natural products, supporting healthy, thriving farms and communities. These communities in turn work to encourage and support current and future farmers, continuing our Vermont heritage. This abundant and generous way of life celebrates our diversity and interdependence.

When we began sharing this vision with the public – in 2005 – we almost immediately began getting calls at our office from farmers who wanted to sell more raw milk and who had questions about what the rules were around the sale of raw milk. At that time, we began working with a group of farmers to identify what the current rules were and to find out if they needed to be changed. Our initial research showed that there was a lot of confusion around the rules. However, the Agency of Agriculture, and in particular the Dairy Inspection Chief was very helpful in clarifying what the current rules are. So, our first project was creating this fact sheet, to share with farmers what is allowed and what is not. It is important to note that most of what is on this fact sheet is part of what is a “gentleman's agreement” and is not actually written in law or regulation. The actual law is just a sentence.

Our next step was to talk with the group of farmers we were working with to determine what they would like to be allowed to do. However, we found that we wanted more information before making this decision. So, we hired a lawyer to research for us what other states allow, and how farmers in other states were dealing with the regulations and how easy or difficult it was to sell raw milk in other states. After going over that information, our farmers decided on the following three goals:

- 1) Unlimited direct sales of unpasteurized milk from the farm
- 2) Ability to advertise that unpasteurized milk is available for sale
- 3) Ability to deliver milk to pre-paid customers

By this time, we knew we had some legislators who were willing to introduce a bill, and who were asking us for a proposal, but we weren't quite ready yet. One important piece of information that we found when we got the information back from the lawyer we hired was that most states have similar regulatory schemes around raw milk. These regulatory schemes require a significant investment for the raw milk farmer, similar to the investment required for a commercial operation. Estimates for per cow investment for commercial operations range from \$1200 per cow to \$5900 per cow. What we found in these states is that there is a relatively small number of farmers selling raw milk legally because of the regulatory hurdles and up-front expense associated with it.

At the same time, we recognized that these regulations were intended to deal with concerns around safety of unpasteurized milk. Of course, our top priority is a high quality, clean, safe product. So, at this time, our farmers decided to do some research to find out if we could come up with a proposal for regulations that would work for the farmers here who want to sell unpasteurized milk, and that would also address any safety concerns.

We developed a survey to give to current raw milk producers in Vermont. Over this past summer, we visited 60 farms where raw milk is currently being produced and sold, and we interviewed the farmers, toured the farm and milking area, and met the cows, sheep, and goats. On many of my visits, I also sampled the milk. We then analyzed the data we collected to look for areas where there was strong agreement. We were pleased to find that not only was there agreement, but the vast majority of the farmers answered most of the questions with very similar answers. As part of the survey, farmers were also asked to fill out the "pyramid of clean, safe, healthy milk." This is a copy of the combined answers to the survey questions and the farmers' filling out the pyramid.

While we were doing this work, we were also talking with farmers and others and looking for models for a way to certify farmers so that the standards that we were developing would be followed. The structure in the bill is our proposal. I won't go into it now, although I have a lot to say about it, but I am happy to answer questions.

The standards that are in the bill are the result of a process that we went through after surveying the farmers. We wrote up the results of the surveys and presented them as a list of standards to the farmers who have been participating in our group. We then collected feedback from them and did a new draft, and so on. In all, we did five drafts of the standards before presenting our proposal to the bill sponsors. I want to stress that this process took several weeks, and many

people had input into the process. We wanted to make sure that we were addressing the key points that are critical to keeping milk clean and safe, and yet, not writing standards that required farmers to address these points in one specific way. We wanted flexibility, with integrity. Whenever it is appropriate, I will be happy to go into these standards in detail with the committee, and I'm sure some of the farmers who participated in the process would also want to share their views with the committee.

For now, I'd like to draw your attention to the findings section of the bill. These findings show how the bill will address the goals (which are also listed in the bill) that you set last year.

In conclusion, I urge you to pass H.616. Again, this bill will impact a large number of dairy farmers in this state and allow them to set their own price for milk, provide a high-quality product for Vermonters who want it, and provide a high quality of life for their families.

Thank you, and I am happy to answer any questions.