

Chairman Thomas  
& members of the House Agriculture Committee,

My name is Jared Hendrix, and I am writing in Favor of HB 1515.

I am not a producer, but I am a consumer of fresh (or “raw”) milk and related products. I am also an advocate for food freedom issues, having helped write North Dakota’s cottage foods law that passed in 2017. While HB 1515 is not strictly a “food freedom” bill, as it provides regulatory authority to the commissioner of agriculture, it does expand the availability of raw dairy products in direct-to-consumer sales.

I believe the bill needs some work and amending, but I support its intent.

### **Benefits of Raw Milk:**

“Raw” milk is milk in its natural form. The dairy animal’s milk is filtered, cooled and bottled. The cream (butterfat) will rise to the top of the container. Depending on your milk source and time of year, the butterfat and protein content will vary. Raw milk is NOT pasteurized, homogenized, heated or processed in any manner. Pasteurization is the process of heating the milk to certain temperatures for set periods of time with rapid cooling. Homogenization breaks up the butterfat into tiny globules. By avoiding the pasteurization process, raw milk retains higher levels of vitamins, probiotics, essential nutrients, and enzymes that aid digestion. Producers and consumers can create yogurt, cheese or other dairy products with raw milk. Many people already produce and consume raw dairy products in North Dakota, safely and responsibly. This is done through a herdshare program in which customers purchase a “share” of a milk-producing animal, and are provided what it produces.

### **Why HB 1515 is Needed:**

This bill says that we can legally allow our currently safely operating dairies to sell a product directly on the farm that many North Dakotans are already safely consuming. While North Dakotans can acquire raw milk already through herdshare arrangements, it is good to give consumers more options that may meet their preferences.

### **Protect our Herd Shares:**

The current draft of this bill does not affect North Dakota’s herdshare program in any way. The regulatory authority granted to the commissioner in HB 1515 could be far too onerous for most herdshare producers. Herdshare agreements must still be allowed by

law (also, some producers and consumers simply like knowing there's a steady weekly supply of milk and milk products).

### **Safety of Raw Milk:**

Food safety is always a concern for food producers, for obvious reasons. Sick customers are not happy customers. That is why North Dakota food producers – be they selling raw milk through herdshares, or artisan homemade cottage food products – want their products to be both delicious and safe. They do this because it makes good business sense, not because government regulators are standing over their shoulder, so to speak.

Many concerns are raised by government bureaucrats regarding the sale and consumption of raw or unpasteurized milk. State law requires that incidents of foodborne illnesses be reported to the State Health Dept, either by medical practitioners or through self-reporting by citizens. Data from the state shows that, between 1988-2020, there were more people sick from consuming water in North Dakota, than from consuming raw milk. Yes, there are a handful of incidents reported that are linked to raw milk consumption. But that's true of all kinds of foods.

Opposition to raw milk may cite CDC (Centers for Disease Control) data. According to the CDC, between 1990-2006, there were an average of 24,000 cases of reported foodborne illness. Only 1.3% of those were reported from dairy products and only 43% of the reported outbreaks identified a single food ingredient. The only way to be totally certain that the pathogen's source is from raw dairy products is to test both a specimen from the sick individual as well as a sample of the food source in question. Just because individuals who were sick consumed raw milk within a certain window of time, does not make the culprit clear. Therefore, many of these incidents are allegations of "links" to raw milk, rather than confirmed cases.

The most common pathogenic outbreaks of foodborne illnesses occur from commercially available and inspected food products from large food producers. Large food producers produce such high quantities and in such a manner that infections are more common, spread more rapidly and more easily. A 2008 study from the Center for Science in the Public Interest indicated that seafood and produce were associated with the most outbreaks. Dairy products are at the bottom of the list. According to the same study, about 5,000 people die every year from foodborne illness. Yet, while there have been a handful of deaths from pasteurized milk consumption, there hasn't been a single reported death verifiably attributed to raw milk consumption since the 1980s.

For more detailed information and rebuttals to raw milk safety concerns, please visit:  
<https://www.realmilk.com/key-documents/>

### **Suggestions for HB 1515:**

1. **Remove the broad allowance for the agriculture commissioner to write such open-ended rules.** While I do not object to some regulation, and do not object at all to labeling requirements, giving the commissioner such broad authority to write rules that may extend far beyond legislative intent is problematic. I would suggest the following revision (my changes in blue):

#### **Sale of raw milk directly to a consumer - Sale to retailer prohibited.**

A dairy farm, producing and selling grade A raw milk under a grade A permit, may sell raw milk directly to a consumer for personal consumption. A sale under this section must occur at the location of the dairy farm. A dairy farm may not sell raw milk to a wholesaler or retail store for mass consumption under this chapter. The commissioner may ~~adopt rules imposing other~~ **make recommendations for** standards in the interest of public safety, wholesomeness of product, consumer interest, sanitation, adequate supply, saleability, and **require** labeling and promotion of raw milk for personal consumption.

2. **Make sure herd shares are exempt from rules.** I cannot stress this enough. It must be clearly stated that the commissioner has no authority to propose rules for herd share arrangements.

### **In Conclusion**

As consumers grapple with inflation and supply chain issues, the more proactive we are in giving consumers greater freedom and choice, the better we can weather these storms. When it comes to raw milk, we should not exaggerate the risks and underplay the health benefits. Everyone should be able to make this choice for themselves, ultimately. Agriculture is number one in North Dakota.

The dairy industry is dying in our state. Why not allow them another avenue for selling a product that consumers want? Why not help the people of North Dakota educate themselves on safety, handling and health benefits?

Respectfully,  
Jared Hendrix