

## Support Consumer Access to Raw Milk in Texas

Under current law, farmers can legally sell raw milk in Texas directly to consumers under a Grade A Raw for Retail license. Texas Grade A Raw for Retail dairies are subject to regulations that meet or exceed all regulatory standards for pasteurized milk.

However, agency regulations limit the sales to “the point of production, i.e., at the farm.” This marketing restriction burdens both farmers and consumers. Farmers who invest significant resources to become licensed face unfair limitations. Consumers who want unprocessed food must expend significant time, gas, and money on long weekly drives.

In the 2013 Texas legislative session, Representative Dan Flynn introduced HB 46 to address this problem. HB 46 would have expanded legal sales of raw milk by licensed farmers directly to consumers by allowing sales at farmers markets, and by allowing farmers and consumers to agree to delivery arrangements. The bill had 17 sponsors and co-sponsors and was approved by the House Public Health Committee. It was never set for a vote by the Calendars Committee.

### Proposed Provisions

The bill does only one thing: removes the on-farm restriction on the sale of Grade A raw milk. The bill makes **no other change** to the existing regulatory requirements for licensed raw milk producers that have been successful in protecting the public’s health in Texas.

Sales will continue to be limited to direct-to-consumer transactions, as they are currently. The bill will **not** allow sales of raw milk in grocery stores or similar outlets.

### Advantages

The bill’s main effect is to allow a farmer to make a single trip from the farm to the urban area, rather than having each individual customer drive out to the farm. This has multiple benefits:

- Improved safety by allowing producers to transport it in accordance with the normal regulations for transporting potentially hazardous foods, rather than relying on consumers to remember to take coolers and ice.
- Environmental benefits from reducing vehicle miles, thereby benefiting air quality, traffic congestion, and public safety.

The bill also has significant economic benefits for rural communities. Direct farm-to-consumer sales of raw milk bring a significant premium over the prices paid by the conventional dairy industry. This allows a farmer to make a reasonable living with a smaller herd using sustainable farming methods, rather than being forced to expand into a large-scale confinement operation to make ends meet.

## Food Safety

The arguments against the bill focused on the alleged risk of raw milk. While all food carries some risk, it is important to recognize that dairy – whether pasteurized or raw – is a relatively low risk food.

- Texas raw milk farmers have an excellent safety record. CDC data from 1998-2008 show that there were **only two** reported illnesses attributed to raw milk in Texas during that time. Since 2008, there have been 4 additional illnesses allegedly linked to raw milk, for a total of 6 illnesses in 15 years.
- Based on CDC estimates, approximately 3% of the population drinks raw milk. In Texas, that would mean that approximately 750,000 people drink raw milk.
- Approximately 12,500 foodborne illnesses were reported in Texas between 1998 and 2010, traced to such foods as mangos, cake, beans, lettuce salads, salsa, pot pie, chicken salad, hot dogs, deli meats, and beef brisket.
- Raw milk has a better safety record in Texas than many foods, including strawberries (29 illnesses), chicken soup (47 illnesses), and turkey (852 illnesses).

It is vital to recognize that the bill would make no changes to the existing regulations that govern the production and handling of raw milk. Farmers will continue to be held to high standards, and inspected and tested regularly. The only change is to remove the barrier to selling raw milk off the farm.

The data shows that Texas consumers have been buying raw milk with remarkably few problems. No other legal product is limited to sales at the point of production, and there is no reasonable basis for singling out this one product in such a way. The raw milk bill would simply allow consumers who wish to buy this product, and farmers who are licensed to sell it, to be able to do so in a reasonable manner.

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