



# Farm-to-Consumer Legal Defense Fund<sup>®</sup>

Legal Representation ♦ Political Action ♦ Education

February 10, 2020

## Position in Opposition to SB 300 and SB 308 Farm-to-Consumer Legal Defense Fund

Raw milk is currently legal to sell directly from the farm in Kansas, and consumer demand for this healthy natural product continues to grow. While there has been no specific incident or reported illness from raw milk cited to justify it, new legislation in Kansas would either prohibit the sale of raw milk (SB 300) or increase regulation on farms selling raw milk (SB 308). Farm-to-Consumer Legal Defense Fund is a non-profit organization protecting, defending, and broadening the rights and viability of independent farmers, artisanal food producers and their consumers. On behalf of the organization, raw milk producers in Kansas, and consumers of raw milk, the Farm-to-Consumer Legal Defense Fund submits these comments in opposition to the proposed legislation.

### Procedural history:

Farms in Kansas have been producing, and consumers enjoying, raw milk for decades and much longer. Unlike pasteurized milk, raw milk is easily digestible and provides excellent nutritional value. Many consumers and experts agree that raw milk can decrease the rate of asthma, allergies, and some respiratory problems. While on-farm sales have been lawful until recently, the state had prohibited the advertising of the product off farm. On November 6, 2019, the Kansas state court ruled this prohibition unconstitutional. Only after this ruling has the state introduced the pending legislation.

### Raw Milk is a Safe and Nutritious Product

- **Published, peer-reviewed scientific studies show health benefits from raw milk.** Multiple studies have found that drinking “farm” (raw) milk protects against asthma and allergies.<sup>1</sup> A 2015 study found that raw milk consumption reduced the risk of rhinitis, respiratory tract infections, ear infections, and fever by around 30% compared to the consumption of ultra-pasteurized milk.<sup>2</sup> Pasteurization denatures proteins, inactivates enzymes, and destroys heat-sensitive vitamins.

- **Raw milk is not a high risk food.**

Nationwide, there are an average of 134 illnesses per year attributed to raw milk, out of an estimated nine and a half **million** people who drink it. There were similar numbers of illnesses attributed to pizza (104 illnesses/yr avg) and far more to deli sandwiches (243 illnesses/yr avg).

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<sup>1</sup> See Riedler, J. et al. 2001. Exposure to farming in early life and development of asthma and allergy: a cross-sectional survey. *Lancet* 358:1129-33. Perkin, M.R. and D.P. Strachan. 2006. Which aspects of the farming lifestyle explain the inverse association with childhood allergy? *J Allergy Clin Immunol*. 117(6):1374-8. Waser, M. et al. 2006. Inverse association of farm milk consumption with asthma and allergy in rural and suburban populations across Europe. *Clinical and Experimental Allergy* 37:661-670. Perkin, M.R. 2007. Unpasteurized milk: health or hazard? *Clinical and Experimental Allergy* 37:627-630.

<sup>2</sup> G. Loss et al., Consumption of unprocessed cow's milk protects infants from common respiratory infections, *J. of Allergy and Clinical Immunology* 134: 56-62 (2015).

- **The Center for Disease Control data shows few Kansas illness caused by raw milk.**

During the period 1998 – 2017, the CDC data indicates that there were 16 illnesses caused by raw milk, and zero hospitalizations. Compared to other food illnesses, this is quite low and poses little risk to Kansas consumers.<sup>3</sup>

**The proposed legislation will harm raw milk producers.**

Farmers in general are struggling to make ends meet. The increased demand by consumers for farm fresh products, including raw milk, has been a lifeline to many farmers. Members of the Farm-to-Consumer Legal Defense Fund emphasize the need for this business to stay afloat. Kansas legislation should support small farmers' ability to make a living and contribute to the local economy.

**The proposed legislation will harm consumers.**

Many consumers seek out raw milk for the health benefits cited above. The proposed legislation will interfere with consumers' ability to find healthy food of their choice.

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<sup>3</sup> <https://www.Cdc.gov/norsdashboard>