

2023 HOUSE AGRICULTURE

HB 1515

2023 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1515
2/10/2023

Relating to the sale of raw milk directly to a consumer.

Chairman Thomas call the meeting to order 9:15 AM

Members present: Chairman Thomas, Vice Chairman Beltz, Representatives Christy, Finley-DeVille, Fisher, Headland, Henderson, Kiefert, Olson, Pritchard, Schreiber-Beck, Tveit, VanWinkle.

Discussion Topics:

- Testing
- Liability
- A2 milk
- Herd share
- Bottling
- Any milk
- Grade A
- Illnesses

In favor:

Representative Dawson Holle, District 31, Mandan, #20432 and proposed amendment #20492, LC 23.0745.01003

Andrew Bornemann, farmer and ag-business owner Kintyre, ND, #20489

Meghan Estenson, ND Farm Bureau, #20451

Lisa Pulkabek, District 31, #20405

Dr. Steve Nagel, Health Restoration Clinic in Mandan, #20495

Andrew Holle, Mandan Dairy Farmer, (no written testimony)

Craig Miller, Dairy Farmer, Hasselton, ND (no written testimony)

Jennifer Holle, Northern Lights Dairy, Mandan ND, #20493

Opposed:

Nathan Kroh, Dairy Coordinator, ND Department of Agriculture, #20494

Michelle Dethloff, Infectious Diseases and Epidemiology Unit Director, ND Health & Human Services, #20423

Tom Bodine, Deputy, ND Department of Agriculture (no written testimony)

Samuel Wagner, Ag and Food Field Organizer, Dakota Resource Council, #19996

Neutral:

Julie Goweres, Raw Milk Producer, Pretty Rock Farm, #20425

LeAnn Harner, Chairman of Dakota Goat Association, (no written testimony)

Julia Pugh, Dairy Farmer, Bottineau County, ND (no written testimony)

Andrew Holle, Mandan Dairy Farmer, # 20490

Additional written testimony:

Representative Hamida Dakane, District 10, Fargo, #20392
Jared Hendrix, Raw milk consumer, #20443
Grace Deal, District 38, Berthold ND Farmer, #20449
Tiffany Rangeloff, Farmer, Streeter, ND, #19663
Christina Anderson, Beaver Creek Jerseys', Sharon ND, #20145
Jacob Ryun, Woodworth, ND, #20393
Conny Van Bedaf, Carrington Dairy Farmer, #20422

Chairman Thomas adjourned the hearing 11:49 AM

Diane Lillis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1515
2/16/2023

Relating to the sale of raw milk directly to a consumer.

Chairman Thomas call the meeting to order 8:49 AM

Members present: Chairman Thomas, Vice Chairman Beltz, Representatives Christy, Finley-DeVille, Fisher, Headland, Henderson, Kiefert, Olson, Prichard, Schreiber-Beck, Tveit, VanWinkle.

Discussion Topics:

- Bottling
- Any milk
- Grade A
- Illnesses

Nathan Kroh, Diary Program Coordinator, ND Department of Agriculture, #21061
Tom Bodine, Deputy, ND Department of Agriculture (no written testimony)

Representative VanWinkle moved to adopt the amendment, LC # 23.0745.01000.
Representative Prichard seconded.

Representatives Henderson, VanWinkle and Fisher will work on compiling the amendments for review prior to voting.

Chairman Thomas adjourned the meeting 9:37 AM

Diane Lillis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1515
2/16/2023

Relating to the sale of raw milk directly to a consumer.

Chairman Thomas call the meeting to order 3:57 PM

Members present: Chairman Thomas, Vice Chairman Beltz, Representatives Christy, Finley-DeVille, Fisher, Headland, Henderson, Kiefert, Olson, Prichard, Schreiber-Beck, Tveit, VanWinkle.

Discussion Topics:

- Committee action

Nathan Kroh, Diary Program Coordinator, ND Department of Agriculture (no written testimony) available to answer questions.

Representative VanWinkle presented an amendment and moved to adopt, #21240, LC #23.0745.01000.

Representative Prichard seconded.

Roll call vote:

Representatives	Vote
Representative Paul J. Thomas	Y
Representative Mike Beltz	Y
Representative Josh Christy	Y
Representative Lisa Finley-DeVille	Y
Representative Jay Fisher	Y
Representative Craig Headland	Y
Representative Donna Henderson	Y
Representative Dwight Kiefert	Y
Representative SuAnn Olson	Y
Representative Brandon Prichard	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y

Motion passed 13-0-0

Representative VanWinkle moved to further amend, #21239, LC #23.0745.01003
Representative Henderson seconded.

Roll call vote:

Representatives	Vote
Representative Paul J. Thomas	Y
Representative Mike Beltz	Y
Representative Josh Christy	Y
Representative Lisa Finley-DeVille	Y
Representative Jay Fisher	Y
Representative Craig Headland	Y
Representative Donna Henderson	Y
Representative Dwight Kiefert	Y
Representative SuAnn Olson	Y
Representative Brandon Prichard	N
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y

Motion passed. 12-1-0

Representative Olson moved to further amend and adopt, #21062, LC #23.0745.01005
Representative Beltz seconded.

Roll call vote:

Representatives	Vote
Representative Paul J. Thomas	Y
Representative Mike Beltz	Y
Representative Josh Christy	Y
Representative Lisa Finley-DeVille	Y
Representative Jay Fisher	N
Representative Craig Headland	Y
Representative Donna Henderson	N
Representative Dwight Kiefert	N
Representative SuAnn Olson	Y
Representative Brandon Prichard	N
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	N

Motion passed 8-5-0

Representative Prichard moved a do pass as amended.
Representative VanWinkle seconded.

Representatives	Vote
Representative Paul J. Thomas	Y
Representative Mike Beltz	Y
Representative Josh Christy	Y

Representative Lisa Finley-DeVille	Y
Representative Jay Fisher	Y
Representative Craig Headland	Y
Representative Donna Henderson	Y
Representative Dwight Kiefert	Y
Representative SuAnn Olson	Y
Representative Brandon Prichard	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y

Motion passed 13-0-0

Representative Fisher will carry the bill.

Chairman Thomas adjourned the meeting 4:10 PM

Diane Lillis, Committee Clerk

February 16, 2023

2/16/2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1515

Page 1, line 6, replace "Sale to retailer prohibited" with "Prohibitions - Exemptions"

Page 1, after line 6 insert "1."

Page 1, line 7, remove "dairy"

Page 1, line 7, remove ", producing and selling grade A raw milk under a grade A permit."

Page 1, line 8, replace "a" with "the end"

Page 1, line 8, remove "A sale under this section must occur at"

Page 1, line 9, remove "the location of the dairy farm."

Page 1, line 9, after the underscored period insert "2."

Page 1, line 9, remove the second "dairy"

Page 1, line 10, remove "The commissioner may adopt rules imposing other"

Page 1, remove lines 11 and 12

Page 1, line 13, replace "consumption." with "The seller shall only sell milk within this state. The sale may not involve interstate commerce. Raw milk may not be donated."

3. A farm selling raw milk under the provisions of this section is not subject to chapters 4.1-05, 4.1-25, 4.1-26, 19-02.1, 23-9, or title 64"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1515: Agriculture Committee (Rep. Thomas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1515 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "Sale to retailer prohibited" with "Prohibitions - Exemptions"

Page 1, after line 6 insert "1."

Page 1, line 7, remove "dairy"

Page 1, line 7, remove ", producing and selling grade A raw milk under a grade A permit,"

Page 1, line 8, replace "a" with "the end"

Page 1, line 8, remove "A sale under this section must occur at"

Page 1, line 9, remove "the location of the dairy farm."

Page 1, line 9, after the underscored period insert "2."

Page 1, line 9, remove the second "dairy"

Page 1, line 10, remove "The commissioner may adopt rules imposing other"

Page 1, remove lines 11 and 12

Page 1, line 13, replace "consumption." with "The seller shall only sell milk within this state.
The sale may not involve interstate commerce. Raw milk may not be
donated."

3. A farm selling raw milk under the provisions of this section is not subject
to chapters 4.1-05, 4.1-25, 4.1-26, 19-02.1, 23-9, or title 64"

Renumber accordingly

2023 SENATE AGRICULTURE AND VETERANS AFFAIRS

HB 1515

2023 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1515
3/16/2023

A bill relating to the sale of raw milk directly to a consumer.

11:32 AM Chairman Luick called the meeting to order. Members present: Chairman Luick, Vice Chairman Myrdah, Senator Lemm, Senator Hogan, Senator Weston, Senator Weber.

Discussion Topics:

- Dairy herd sizes
- Raw milk sales
- Regulations
- Cow share program
- Disease outbreak

11:32 AM Representative Dawson Holle introduced HB 1515 with proposed amendments and testified in favor. #25464

11:47 AM Pete Hanebutt, North Dakota Farm Bureau, introduced Emery Melhoff, North Dakota Farm Bureau Public Policy liaison.

11:47 AM Emery Melhoff, North Dakota of Farm Bureau and farmer, testified in favor of HB 1515. #25471

11:51 AM Emily Horner, Oliver County, owner of small goat dairy farm, testified in favor of HB 1515. No written testimony.

11:51 AM Leann Larner testified in favor of HB 1515. No written testimony.

11:58 AM Andrew Bornemann, Kintyre, ND, farmer and small business owner testified in favor of HB 1515. #25442

12:00 PM Samuel Wagner, Ag and Food Field Organizer, Dakota Resource Council, testified in favor. HB 1515. #25482.

12:01 PM Marty Beard, testified in favor of HB 1515. No written testimony.

12:04 PM Stacey Williams testified in favor of HB 1515. No written testimony

12:05 PM Nathan Kroh, Dairy Program Coordinator, North Department of Agriculture, testified opposed to HB 1515. #25329

12:08 PM Michelle Dethloff, Infectious Diseases and Epidemiology Unit Director of the North Dakota Department of Health and Human Services, Public Health Division, Disease Control and Forensic Pathology Section, testified opposed to HB 1515. #24939

Additional written testimony:

Christina Anderson, #23831
Lisa M. Pulkrabek, #24056
Tiffany Ormonde, #24116
David Ormonde, #24117
Debra Bolte, #24627
Rocky Babel, #24628
Caitlin Anderson, #24924
Tiffany Rangeloff, #24993
Christine Bilowith, #25022
Jeffrey Anderson, #25433
Conny van Bedaf, #25440
Julie Goeres, #25447
Juanita Johnson, #25476
Alan Qual, #25505

12:17 PM Chairman Luick adjourned the meeting.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1515
3/30/2023

A bill relating to the sale of raw milk directly to a consumer.

9:04 AM Chairman Luick opened the Committee Work on HB 1515. Members present: Chairman Luick, Vice Chairman Myrdal, Senator Lemm, Senator Hogan, Senator Weston, Senator Weber.

Discussion Topics:

- Milk testing timeline
- Other state milk testing timelines
- Amendments
- Committee action

9:04 AM Kirby Kruger, Director, Disease Control and Forensic Pathology Division, North Dakota Department of Health, provided information and answered questions of the committee. No written testimony.

9:11 AM Nathan Kroh, Dairy Program Coordinator, ND Department of Agriculture, provided additional information to the committee. No written testimony.

9:15 AM Representative Dawson Holle, District 31, answered questions from the committee. No written testimony.

9:37 AM Senator Myrdal moved to Amend HB 1515. #23.0745002002. Senator Weston seconded the motion.

Roll call vote:

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Randy D. Lemm	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Vote: 6-0-0- Motion passed.

9:38 AM Senator Myrdal moved to DO PASS HB 1515 AS AMENDED. Seconded by Senator Lemm.

Roll call vote:

Senators	Vote
Senator Larry Luick	N
Senator Janne Myrdal	Y
Senator Kathy Hogan	N
Senator Randy D. Lemm	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Vote: 4-2-0 Motion passed.

Senator Lemm will carry the bill.

9:42 AM Chairman Luick closed the hearing on HB 1515.

Brenda Cook, Committee Clerk

23.0745.02002
Title.03000

Adopted by the Senate Agriculture and
Veterans Affairs Committee
March 30, 2023

AGC
3-30-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1515

Page 1, line 12, remove "4.1-25."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1515, as engrossed: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1515 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 12, remove "4.1-25."

Renumber accordingly

2023 CONFERENCE COMMITTEE

HB 1515

2023 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1515
4/13/2023

Conference Committee

Relating to the sale of raw milk directly to a consumer.

Chairman Thomas call the meeting to order 3:33 PM

Members present: Chairman Fisher, Representatives Henderson, Finley-DeVille, Senators Lemm, Weston, Luick.

Discussion Topics:

- Regulation
- Labeling
- Responsible
- Diseases
- Disclosure statement

Kirby Krueger, Section Director, ND Health Department (no written testimony)

Senator Lemm moved the House Accede from Senate amendments and further amend as follows, LC #23.0745.02003

Senator Weston seconded.

Motion passed 6-0-0

House carrier Representative Fisher.

Senate carrier Senator Lemm.

Chairman Fisher adjourned the meeting 3:59 PM

Diane Lillis, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1515

That the House accede to the Senate amendments as printed on page 1563 of the House Journal and page 1295 of the Senate Journal and that Engrossed House Bill No. 1515 be further amended as follows:

Page 1, line 11, after "to" insert "any other provision of this chapter."

Page 1, line 12, after the fourth underscored comma, insert "or"

Renumber accordingly

**2023 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1515 as engrossed

House Agriculture Committee

- Action Taken **HOUSE accede to Senate Amendments**
 HOUSE accede to Senate Amendments and further amend
 SENATE recede from Senate amendments
 SENATE recede from Senate amendments and amend as follows

 Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Lemm Seconded by: Weston

Representatives	4-13			Yes	No	Senators	4-13			Yes	No
Chairman Fisher	X			X		Chairman Lemm	X			X	
Henderson	X			X		Weston	X			X	
Finley-DeVille	X			X		Luick	X			X	
Total Rep. Vote						Total Senate Vote					

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Fisher Senate Carrier Lemm

LC Number 23.0745 . 02003 of amendment

LC Number 23.0745 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment:

Page 1, line 11, after "to" insert "any other provision of this chapter,"

Page 1, line 12, after the fourth underscored comma, insert "or"

Insert LC: 23.0745.02003

House Carrier: Fisher

Senate Carrier: Lemm

REPORT OF CONFERENCE COMMITTEE

HB 1515, as engrossed: Your conference committee (Sens. Lemm, Weston, Luick and Reps. Fisher, Henderson, Finley-DeVille) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1563, adopt further amendments as follows, and place HB 1515 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1563 of the House Journal and page 1295 of the Senate Journal and that Engrossed House Bill No. 1515 be further amended as follows:

Page 1, line 11, after "to" insert "any other provision of this chapter."

Page 1, line 12, after the fourth underscored comma, insert "or"

Renumber accordingly

Engrossed HB 1515 was placed on the Seventh order of business on the calendar.

TESTIMONY

HB 1515

I am in opposition of this bill. We (husband and I) run a small farm outside of Streeter ND, I grew up around livestock, spent many years working on a small dairy farm that shipped their milk bulk. That small dairy also was selling herdshares, but they were not Grade A. The cows were milked by the owner, or myself as an occasional relief milker. Now, my husband and I do herdshares for both goat and cow.

People do not like that they have to do paperwork, buy into the herd for each share (a share is approximately a gallon), and pay a weekly fee to receive their share of the milk. Many people walk away once you explain the legalities of raw milk to them, its easier to go to the store and buy the amount of milk they want vs having to pay multiple share buy ins to own part of the cow/goat/herd. I would love to support this bill, but as it is written, I do not support it. By opening up Grade A dairies to sell raw milk by the gallon with no contracts, herd buy ins, no hassle for the buyer, this has the potential to ruin the small producers that have successfully and safely been doing herdshares.

The need for accessible raw dairy is very real, but these Grade A dairies can already supply via herdshare (10% of their production, which is very likely more than the small producers even come close to producing)

I had emailed Representative Holle and discussed why I was against the bill as is. Then he called and stated the same info that we already talked about.

He could not tell me why the Grade A dairy cannot do the same thing as I have to do, herdshares. They can (only 10% of their production, but he also couldn't tell me what the average grade a dairy produces in ND, it's a lot more even at 10% than the little guys produce in whole).

He could not tell me what would happen to my (and other small herdshare suppliers) when they could go buy unlimited amount of gallons, have no contract to fill out and no buy in herd fee. To get multiple gallons legally in a herdshare, you have to buy that many shares. People don't like that at all, what happens to the little share providers if this bill were to pass as is?

He could not tell me how many cows in a grade a facility are tested for everything under the sun like most small herdshare producers do. (Not all,

but most test for many diseases and they test their milk for bacteria and quality)

He could tell me how the Grade A dairy is safer because they follow standards (most small producers are taking more precautions and following better standards, raw milk standards, not standards designed for pasteurized milk).

He could tell me that there is a need for raw milk sales (there absolutely is).

He could tell me that it's a great first step in the door (it's a great step for big dairy to take away from small dairy).

I can tell you, I would never ever drink raw milk from a bulk tank of any Grade A dairy. Pasteurized, absolutely, we bought a lot of milk from Bessy Best before they closed their doors.

MN allows on farm sales direct to the customer, MT allows that and selling of raw dairy at Farmers Markets. Many other states allow on farm raw milk sales. Not just for Grade A dairy, but for little producers.

I would hope that with the right bill, including all producers, that we would be able to sell raw milk directly off the farm to others, but until then, I invite the Grade A dairies to do the same as everyone else and offer herdshares to customers. At least with a herdshare, you know who is getting raw dairy, you know their name and they know yours. They know the names of their cow/goat, and the health of that animal as they can come see them at any time.

Tiffany Rangeloff
Serenity Hill Ranch
Streeter ND

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1720 Burnt Boat Dr. Ste 104
Bismarck ND 58503
Testimony in opposition for HB 1515

To the Honorable Chair and members of the House Ag Committee,

Mr. Chair,

The Dakota Resource Council would like to make this clear that although we have opposition to this bill, it's not a bad idea. We have one primary concern about this bill regarding the grade A permit.

1. **The Grade A permit.** We would like to point out that a grade A permit doesn't have anything to do with the quality of the milk rather than how nice your barn looks. We have several members of our organization that have the utmost standards for cleaning their cows and milking devices, but are only awarded a Grade B permit because their barn floor has some cracks in the concrete. The permit really has nothing to do with the quality of the milk.
2. **Contracts and Quantities.** As the current law stands you can acquire raw milk for personal use using a system called herd sharing. This is a process where you own a part of the cow, pay for some of the feeding and care of the animal and by extension you are entitled to a share of the milk that the cow produces. We only ask that fair competition and safety can be achieved by limiting the milk being sold so all dairies can have an equal playing field. As it stands there are currently farmers, some of those being our members who own small scale dairies selling to local markets, in North Dakota providing raw milk to consumers from a grade B facility.

Our organization has contacted Representative Holle, and support his amendments for food safety, but if food safety is being regulated strictly then the Grade A facility really has no meaning when the milk is being regulated already.

If the food safety regulations are there, buying raw milk would be similar to when you buy sushi in North Dakota where you are reminded that eating raw foods can pose health risks but the consumer has the ability to make that choice for themselves.

Our recommendation would be to amend line 7 to state A dairy farm may sell raw milk directly to a consumer for personal consumption and remove any mention of Grade A facilities in the bill.

We recommend DO NOT PASS unless the Grade A requirement is removed.

I am in opposition of this bill, HB 1515. My husband and I live on a farm. We raise a small herd of beef cattle and now 3 jersey cattle. I was raised on a farm in MN. To be more specific I was raised on a dairy farm. In the early 1990s my parents had to sell their farm and get out of dairy. My parents accepted jobs in North Dakota where we moved and I currently reside. While living in Minnesota, my dad was Grade A initially but when it was required to "modernize" our facility and do things differently on our farm to become Grade A, he chose to go to Grade B. It was not justifiable for our family to put in pipelines and try and throw money into upgrading our barn so it would fit into the bracket Grade A required. On the weekends we helped out our neighbor who was grade A. There was no bond with the animals. They were merely numbers and income. There was no extra work to make sure the animals were healthy, no real "quality control". There was stripping of the teats and if mastitis was suspected, we pulled a hose where it went onto the floor and we washed it down the drain. We would then mark the animal with a paint stick and treat it. Several times the owner ended up dumping his bulk tank out because a hired hand milked that cow and not pulled the hose for the treated milk to be dumped down the drain. While I realize things have changed since the 1990s, what hasn't changed is the requirement to differentiate between the 2 classes. Grade A doesn't mean the milk is better. It simply means their equipment, facility and grounds are at Grade A classification and Grade B isn't to those standards. It has nothing to do with the quality. A Grade A can have moderate-high SCC but because of the amount of milk and it being pasteurized, it can stay. A Grade B can have excellent SCC but because their facilities aren't what is required for the Grade A certification, their milk is sent for cheese, yogurt, and butter.

My opposition of this bill comes simply based on the wording. As I discussed with Mr. Holle when we talked over the phone, I stated there was nothing preventing his family selling herdshares. I live on the eastern part of the state where there is 1 Grade A dairy. Many people wanting raw milk do not want to have to buy a share of a cow just so that when it is in lactation they can get access to their portion of the commodity from that animal. Also, many (not all) Grade A dairies don't want the public coming out to their farms, possibly carrying diseases from other farms or animals, to purchase raw milk.

In MN, it is legal to purchase raw dairy from the farmer directly on their farm. So when I am approached by someone who doesn't want to purchase a share and pay me weekly regardless if the animal is lactating or dry for boarding/feed/milking I suggest they find a farmer in MN who has dairy and where it is legal for them to purchase directly from the farm itself.

The negative I see with this bill is that (1) it is only for Grade, (2) there is no extra testing required for these dairies, and (3) the outcome for those of us who currently do herdshares, the negativity we would get if individuals were getting sick from Grade dairy milk that was initially meant to be pasteurized and extra precautions were not being taken.

However, I do agree with there being a need for raw dairy. I do agree with a bill that would open up selling to public from all dairy's regardless of a grade or not, to keep current dairy local to this state.

Christina Anderson
Beaver Creek Jerseys'
Sharon, ND



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Hamida Dakane

District 10
4802 15th Avenue South, Apt. 301
Fargo, ND 58103-8926
hdakane@ndlegis.gov

COMMITTEES:
Industry, Business and Labor
Transportation

02/09/2023

To the Honorable Chair and members of the House Ag Committee,

I'm in support of house bill 1515 for the sale of raw milk to a consumer.

Raw, unpasteurized milk by nature provides higher levels of essential nutrients like probiotics, vitamins, good gut-benefiting bacteria, and immunoglobins that support antibody resistance efforts in the human body. Raw milk also yields healthy digestion enzymes that are not found in pasteurized milk. Lactose intolerance is caused by the removal of these enzymes in raw milk.

I also support the addition of "safety standard" labeling on the product for consumer risk measures. This provides a sort of accountability in terms of clean, standardized practices of not only the environment of the lactating mammals, but also the processes involved in the handling and packaging of the food product. Oftentimes "raw milk" scares people because of the potential illnesses caused by naturally occurring bacteria in the colloid (listeria, salmonella, even tuberculosis), forgetting that open air environments and germs from the human-contact production side also play a huge influence in carrying these potential diseases.

Furthermore, allowing family-owned dairy farmers creates an initiative that continues to fiscally support our North Dakota communities by keeping things Local.

Because of these reasons, I again recommend a do pass vote on HB1515.

9 Feb 2023

MEMORANDUM FOR ND HOUSE AGRICULTURE HEARING

FROM: Jacob Ryun

SUBJECT: Testimony in opposition of HB1515

1. I would like to offer my testimony on House Bill 1515, relating to the sale of raw milk directly to a consumer. First, I will provide some background on myself and my family. We live near Woodworth, ND and operate a small livestock operation with beef cows and horses. Additionally, we have a small herd of dairy cows and sheep, both of which were started as 4H projects by our children. We are frequently asked about purchasing direct-from-the-farm raw milk, but the only option we have is to offer herdshares. This is often complicated and involves attorney reviewed contracts and a lot of legal-ese that is a ridiculous barrier for such a simple transaction.
2. I believe, first and foremost, personal freedom of choice is at the center of this discussion. As we know, the agriculture industry has been on a path of more and more regulation and the result of this over-regulation has taken us further and further away from the very simplistic supply chain that should be farm-to-table food. Consumers have realized this problem, and as they educate themselves, they realize that the safest and healthiest products are local and available. With more and more food recalls, empty shelves, and supply chain issues, locally available food products have increased in importance. Additionally, people want to understand directly where their food comes from and can decide for themselves what foods they choose to purchase and consume. We see this in two very similar direct-to-consumer examples in locally sourced meat and eggs. Currently, both of those examples have favorable regulations for producers to offer products to those looking for them. I would like to see dairy follow suit, and I believe this bill is a step in the right direction to support that.
3. As I mentioned above, our small herd of dairy cows was started as a 4H project by our 14 year old son. He is an amazing young man, always the first to wake each morning to get to the barn and milk his cows before he is off to school. After school, he works hard in his animal husbandry duties with his cows, and milks again after supper each evening. We are very proud of him and his work ethic. I believe there are others like him in North Dakota, and we should be supportive of young people who have this determination, and interest in agriculture. My wife and I grew up in Wisconsin with most of our friends' families operating small dairy farms, and when we moved to North Dakota, we purchased a farm that was once an operating dairy. As we all have seen, over-regulation of the dairy industry has pushed out every opportunity for small, family-owned dairy producers to have even the slightest chance of making a living. To put this plainly, there is currently no practical path for anyone to 'start up' a dairy operation (even a small one) without beginning deep in debt. Further, the existing smaller dairy operators were squeezed out of this supply chain by regulation. I believe the intent of this bill mostly supports opportunities for beginner dairy operations.
4. I believe House Bill 1515 partially meets the desires of the current farm-to-table consumer "freedom of choice" needs. Several other states in this great nation, including our bordering states, allow for direct-to-consumer raw milk sales, and it's time North Dakota follows suit in supporting the same. However, I cannot offer my full support of this bill for one big reason. Line 7 includes verbiage regarding Grade A permits and it being a requirement for selling raw milk direct to consumers. This limits the ability to sell raw milk to a select few dairy operations. As I finalize my testimony here, I

see others have pointed out the fact that a “Grade A” permit doesn’t equal quality or safety of the milk. Simple things like a small crack in the concrete can disqualify a farm for Grade A permitting. Additionally, a requirement to have a bulk tank is not practical for some of the smallest producers. There are other practices that fulfill the need to quickly cool and safely store raw milk that are not as cost and maintenance intensive. This bill, as written, only serves to add an additional revenue option for the larger Grade A dairy farms. As a note, Grade A dairy farms already have the option to offer raw milk through legal means via herdshares. I support eliminating the barriers that herdshares include, for everyone, not just Grade A dairy farms.

5. In summary, I would support this bill if the “Grade A” requirement was removed. As it is written, I do not support the bill, but believe the acknowledgement that personal freedoms and opportunity are important to recognize. It is difficult for me to “oppose” this bill because I am obviously in favor of most of it, however, I believe it’s time to get this right once and for all. If you would like to contact me regarding this testimony or this issue, feel free to call me at 701-260-1462 or email jdryun@gmail.com.

My name is Lisa Pulkrabek from District 31. Please DO PASS HB 1515 with amendment to remove "Grade A milk" and "Grade A permit".

I am writing to you today because I care about HB 1515 regarding the sale of raw milk. Initially I was in favor of this bill. However, upon a bit more research, I feel that we need an amendment. Then I spoke with Rep. Holle about this and I think we are about on the same page now!

First of all I am in favor of the sale of safe, raw milk straight from the producer to the consumer. There are many well known health benefits of raw milk. I have included a few links to websites outlining many of these benefits.

<https://www.realmilk.com/>

<https://draxe.com/nutrition/raw-milk-benefits/>

<https://www.rawmilkinstitute.org/about-raw-milk/>

I am sure the state health dept. will be testifying against this bill citing the risks of foodborne illnesses contracted from drinking unpasteurized milk. The big milk borne disease outbreaks of the late 1800's early 1900's were due to horrible conditions of cows being housed in the middle of large cities, eating diseased food, getting sick and then the producers adding poisons such as formaldehyde and chalk to the milk to disguise it as fresh and safe. The stories of how many children died from back then are what fueled the "need" and acceptance of pasteurization. Had those cows been raised on safe and healthy pastures instead of crammed in a city eating the byproducts of , they would have been able to avoid those illnesses altogether. You can hear a bit about this in the short video below.

<https://www.youtube.com/watch?v=YC0MSSHOsHE>

I tried to look up the numbers of illnesses for the last few years in ND. The numbers are there but on the website below there is no indication of what the causes or suspected causes of the illnesses were. Since there are many different ways of coming into contact with these pathogens beyond just drinking raw diary we can make the case that not all of these illnesses are due to consumption of raw dairy. Those that choose to consume raw dairy products know the small risks they are taking, know what kind of illnesses to watch for and are generally inclined to treat those illnesses quickly, in the case that they present themselves.

<https://www.hhs.nd.gov/health/data>

<https://draxe.com/nutrition/9-myths-of-pasteurization-or-homogenization-better-options/>

Since SB2072 passed the ND legislature in 2013 and was signed into law by Gov. Dalrymple, consumers have been able to buy raw milk through "herd sharing programs". These programs

are good but not good enough nor accessible to enough North Dakotans who want to buy raw milk.

For HB 1515, I am asking for an amendment. I would like to see the language mentioning "Grade A milk" and "Grade A permit" taken out OR add wording allowing any producer who does "animal shares" or "herd shares" also be able to sell raw milk by the gallon directly to customers who can't buy a share.

Here is my reasoning behind this thought process. Those who want to drink raw milk want it because of the health benefits. Many of these people prefer as close to organic food and beverage products as they can get because they are super health conscious and are trying to limit as many toxins and medicines as possible. They are trying to heal their bodies using food as medicine. Therefore they are seeking out small farms with the highest standards of safety (cleanliness of the animal and testing of the milk) but the least amount of hormones and antibiotics. However, many consumers don't want the hassle or can't afford the large share costs. They want to be just a "customer" and buy by the gallon. So discluding these small producers who are already following the 2013 SB2072 law and who are practicing very safe methods, we are tipping the scales toward the big Grade A producers. Herd sharing producers will see some of their business leave if this bill passes. People who don't want the shares will buy from Grade A producers and the small farms will suffer. If a herd share producer is providing safe enough milk to be within the legal limits now, then they will continue to be safe enough if the bill passes. Including these producers in the bill will help them to reach new customers.

I would like to see a bill that allows all producers a fair chance at selling raw dairy.

I like the requirement that the milk needs to be sold directly from producer to customer.

All herd share producers are already abiding by the following which is part of the SB 2072 law. They are required to notify the consumer that the milk is not pasteurized, potential pathogens may be present in the milk, there are potential health concerns associated with the consumption of raw milk or raw milk products.

Also, annually, they are required to provide consumers with the following information: the standards used to ensure the health of the milk - producing animals, the standards used to ensure the production of milk, the results of any tests performed on the milk - producing animals, together with an explanation of the test results and the results of any tests performed on the milk from the milk - producing animals, together with an explanation of the test results.

I think that that any producer, regardless of their grade, who wants to sell raw dairy should be required to follow those same requirements list in the last two paragraphs.

Again I kindly ask that you recommend a DO PASS on HB 1515 with the amendment Rep. Holle is proposing. Thanks so much for your efforts and dedication to ND.

Lisa Pulkrabek

Carrington, February 9, 2023

My name is Conny van Bedaf. I was born and raised on a dairy farm. Together with my husband, our children and their spouses, I own and operate a dairy farm in Carrington.

I am not opposing this bill because I am against raw milk sales. I support raw milk sales if it's done right, which means regulated.

My family has been recognized for producing excellent quality milk for 35 years, every year since we started dairy farming. Still I can't guarantee, the milk our cows produce, is 100% safe without pasteurization. In fact, nobody can!

-A cow may, although rare, contract TB. It happened in North Dakota not that long ago. TB is transferable to humans through raw milk.

-Milk might get contaminated with Listeria through unsanitary bottling and insufficient cooling.

-Birds or chickens in milkhouse might contaminate milk with campylobacter.

The chances of this happening might be low but not 0.

Like most producers I don't like inspections, especially since our milk quality is consistently excellent, but I do understand it's for the greater good: the safety of our food! Most producers will do an excellent job with cleanliness and milk testing but reality is, some won't.

For those reasons I strongly believe, we can only allow raw milk sales that are well regulated by certification. The same way our farm earns Grade A certification, Raw Milk farms should earn Raw Milk certification by following rules and regulations put forward by the Department of Agriculture with key stakeholders.

I think every dairy farmer, Grade A or not, has the same goal: providing the consumer with a nutritious, delicious and SAFE product.

Thank you for your consideration,

Conny van Bedaf



HB1515
House Agriculture
February 10, 9:00 a.m.

Good morning, Chairman Thomas and members of the House Agriculture Committee. My name is Michelle Dethloff, and I am the Infectious Diseases and Epidemiology Unit Director of the North Dakota Department of Health and Human Services Public Health Division, Disease Control and Forensic Pathology Section (Department). I am here today to oppose House Bill 1515.

Unpasteurized dairy products, such as raw milk, have contributed to the transmission of infectious diseases and this has been well documented. Before I provide information on the risks of consuming raw milk, I would first like to remind all of us about the history of pasteurization and public health. Before routine pasteurization of milk began in the 1920s, many people became sick and some died of diseases such as *tuberculosis*, *listeriosis*, *campylobacteriosis*, typhoid fever, *salmonellosis*, Shiga toxin-producing *E. coli* (STEC), *brucellosis* and other diseases spread through raw milk. Pasteurization, which is the process of heating milk to a high temperature for a long enough time to kill these bacteria, has been recognized as one of public health's most effective food safety interventions of the 20th century.

Raw milk has been recognized as a source of infection for over 100 years. Harmful pathogens such as *Campylobacter*, *E. coli*, *Salmonella*, and *Listeria* can contaminate milk and cause serious illness, hospitalization, or death. Common symptoms from these pathogens include diarrhea,

stomach cramping, and vomiting. Infection can also cause severe or long-term consequences such as Gillian-Barre' syndrome which can result in paralysis or hemolytic uremic syndrome (HUS) which can result in kidney failure. Infection is predominantly serious in those who are very young, adults 65 years and older, or those who have impaired immune systems.

Milk can become contaminated in many ways, including from an animal's fecal material, skin, germs in the environment, or if the animal has a disease such as *tuberculosis* or *brucellosis*. In 2019, a cow from Pennsylvania had *Brucella abortus* RB51, which is the *brucellosis* strain in the vaccine used by veterinarians, and infected one individual and exposed people from 19 states that consumed raw milk from the dairy. Because the risk of *brucellosis* infection is high after consuming raw milk potentially contaminated with RB51, those exposed needed to take antibiotics for 21 days to prevent infection. In some rare instances, vaccinated cows can shed RB51 in their milk. In this situation, pasteurization of the milk would have killed the RB51, along with other types of *Brucella*, and other disease-causing pathogens.

This bill would permit the sale of raw milk directly to an individual for personal consumption. Of primary concern is the consumption of unpasteurized milk by children, older adults, pregnant women, and those with compromised immune systems as these individuals are at greater risk for severe outcomes if infected. A study published in 2015 that reviewed outbreaks linked to raw milk in the United States from 2007-2012 found that 59% of outbreaks involved at least one child younger than five years¹. A similar study published in 2022, found that of the raw milk outbreaks reported (2013-2018), 48% involved at least one child younger than 19 years of age².

Several studies in the United States have compared the number of outbreaks and associated illnesses in those states where raw milk sales are legal to those states where it is not. One study found that in areas where raw milk was legally sold there were 3.2 times more outbreaks than in areas where the sale of raw milk was illegal². Another study estimated that the risk of outbreaks linked to raw milk is at least 150 times greater than the risk of outbreaks linked to pasteurized milk³. These studies show that the increase in the availability of raw milk is associated with more illnesses and outbreaks.

Cows and other dairy animals often do not appear ill but can carry harmful pathogens. Furthermore, no matter how clean the farms and dairies are, disease-causing germs can still be in the milk. Testing one batch of raw milk does not assure that the subsequent batches are not contaminated with harmful germs. Additionally, tests may not always detect low levels of contamination. One cannot look at, smell, or taste raw milk to determine if it is safe to consume.

Pasteurization continues to be an important public health intervention that offers consumers safe dairy choices. Most of the nutritional benefits of drinking raw milk are available from pasteurized milk without the risk of disease-causing illness or serious long-term consequences.

This concludes my testimony. I am happy to answer any questions you may have.

- 1- [Mungai EA, Behravesh C, Gould L. Increased Outbreaks Associated with Nonpasteurized Milk, United States, 2007–2012. Emerging Infectious Diseases. 2015;21\(1\):119-122. doi:10.3201/eid2101.140447.](#)
- 2- [Koski L, Kisselburgh H, Landsman L, et al. Foodborne illness outbreaks linked to unpasteurised milk and relationship to changes in state laws – United States, 1998–2018. Epidemiology & Infection. 2022;150:e183. doi:10.1017/S0950268822001649](#)
- 3- [Langer AJ, Ayers T, Grass J, et al. Nonpasteurized Dairy Products, Disease Outbreaks, and State Laws—United States, 1993–2006. Emerging Infectious Diseases. 2012;18\(3\):385-391. doi:10.3201/eid1803.111370.](#)

Link to stories from individuals that demonstrate the risk of consuming raw milk. www.cdc.gov/foodsafety/rawmilk/raw-milk-videos.html

February 9, 2023

MEMORANDUM FOR ND HOUSE AGRICULTURE HEARING

FROM: Julie Goeres – Pretty Rock Farm – Raw Milk Producer

SUBJECT: Testimony Neutral for HB 1515



To the Honorable Chair and members of the House Ag Committee,

My name is Julie Goeres, and I, with my family, own and operate a farm in Pretty Rock Township in Grant County, North Dakota. We currently offer raw goat milk under Herdshare agreements.

I would like to offer my testimony on House Bill 1515, relating to the sale of raw milk directly to the consumer.

Regarding the safety of raw milk, raw milk obtained from healthy animals within sanitary conditions, cooled quickly and stored in 35-39-degree Fahrenheit conditions is a low-risk, nutrient-dense and delicious food. In its unadulterated and full-fat form, raw milk has pro-biotics, enzymes and vitamins that have not been altered by pasteurization which the body can then easily digest and receive the full nutritional value of the milk.

I have several customers who receive milk from me every two weeks. They use this milk to feed their families, including babies and small children. They understand the nature of raw milk. They comply with the Herdshare requirements because they know it is the best milk they can obtain.

If the Committee wishes to dig further, there is a plethora of research and information on the safety and value of raw milk provided by the Raw Milk Institute at www.rawmilkinstitute.com.

Regarding the Grade A or licensing language of HB 1515 with ND Department of Agriculture, the “Grade A/licensed” designation does nothing to ensure the quality of the milk is high. More regulation on an already over-regulated industry will not help the small dairy producers or raw milk consumers in North Dakota.

While HB 1515 may give consumers more access to raw milk, where is the assurance that the product will be low risk. Raw milk intended for pasteurization is a different product than raw milk intended for human consumption. These two products require two different systems and training of the people in those systems.

Our farm has invested in a facility on our property for producing raw goat milk. It has been designed to ensure sanitary conditions are maintained before, during and after the milk has been harvested. All milking goats have their udder inspected and temperature taken before milk collection starts at every milking. If their temperature is outside the health standards or their udder feels hot or hard, that milk is kept separate and does not go to humans. Our herd is tested annually by a licensed veterinarian for zoonotic diseases, and we test our milk monthly for Coliforms, bacteria count, and antibiotics. We keep

our milking goats separate from other animals and any sick goats are removed to a separate facility away from the milking facility. We ensure that the milk is stored between 35-39-degrees. Our cleaning procedures and equipment used allow us to see and touch all areas where milk has been.

All this is done without any government oversight or requirement. We do this, because it is what is needed to produce the best product for our customers. We did not need a government agency to regulate how to produce low-risk raw milk.

Our farm is highly invested in the quality of our milk as we see our customers every week and will know right away if our milk is not meeting their expectations or causing them issues. We have sought out and received training on dairy goat husbandry, milk collection and handling procedures without government inducement.

Our customers can contact me directly if any issues arise. We enjoy feeding our community and helping them to achieve good health. Our customers want access to local food, and we want to serve them directly with a low-risk, premium product.

I am neutral towards HB 1515 because of the “Grade A/licensing” language. No law can make people care about producing low-risk raw milk or ensure that it is 100% safe. The systems and people in those systems are what ensure the milk produced is low risk. In addition, this Bill only serves the inspected large dairies which seek to take more market share from the small dairy producer.

I would be in favor of this Bill if the “Grade A/licensing” requirement and the oversight by the commissioner were deleted.

I greatly appreciate the time and attention this Committee and its members are giving to the raw milk issue and look forward to a Bill that meets the needs of consumers and producers alike.

Respectfully,

Julie N Goeres
Pretty Rock Farm
Elgin, ND



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Dawson Holle

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COMMITTEES:

Human Services
Political Subdivisions

2/10/2023

Good Morning Chairman Thomas, and members of the Agriculture committee,

For the record my name is Dawson Holle, and I am honored to serve the great people of District 31. Today I come here to introduce HB 1515 which legalizes the sale of raw milk directly to a consumer on a farm.

Why legalize the sale of raw milk direct from farm to consumers? We've heard the numbers; 37 dairy farms is all that's left in North Dakota and I recently heard that one of the larger farms in the northern part of the state will be no longer milking this upcoming fall, that means we will be down to 36, maybe lower. The year that I was born, according to the USDA there was approximately 400 licensed dairy herds across the state. Over the years I have seen a trend that actually hurts my heart and that the high financial cost, very hard manual labor with lots of hours, severe weather that all farmers have endured over the years, market trends, and many, many other factors that have led to the dairy farmer numbers continuing to decline. The saying in the dairy farm industry that I have heard over the years is you either have to get big or get out, but dairy farmers physically can't pay their bills with 40 cows anymore like they could 20 years ago. What does that mean? Back in 1977, the price of Class 3 milk per hundred weights (which is how dairy farmers are paid) was \$9.70. The year I was born it was \$12.10 a hundred weight, today it is \$19.43 according to the USDA. If we take into account the increasing rise of inflation of 3.51% per year since 1977, todays dairy farms should be making at least \$62.54 a hundred weight just to keep up with inflation. But the sad reality is that the highest price that dairy farmers have seen in the last 50 years is \$25.21 per hundred weight. Some years, it is sad, but a farmer actually doesn't get paid for milking their cows, they go backwards and into debt. Our personal farm has gone through many growing phases over the years, and sometimes still at the end of the year, it doesn't pencil out, so farmers have had to get creative and subsized their incomes. We started a custom chopping operation so that not only our corn silage gets harvested at the correct time for the cows nutrition, but it is a to off-set negative balance sheets, hopefully, at the end of the year.

So this conversation is not a new one. We have all seen the trends, we have all seen the decline, and I think we can all safely say that most of us want to see a regeneration of dairy in the state of ND.

Post Covid, there has been a revival of direct farm to consumer businesses. Pride of Dakota is an awesome avenue for the people of ND to make homegrown, homemade goods and sell them directly to consumers. During Covid, something called Farm to Table in not only the state of North Dakota took off, but around the country. Consumers were in lock down and didn't have their usual access to products. Currently there are 34,000 members of the ND Farm to Table and it keeps growing. If you go on their social media, you can find plenty of posts from not only farmers advertising their products directly from their farms, but also consumers looking for farm products in their area. Enter raw milk. There has been a severe shift in the market and demand for raw milk directly from the farm. Now, there is a cow share program already in the state of ND, so this bill is not competing with that, but only creating another avenue to strengthen dairy in our state.

Lets look at other states in the country that have already legalized the sale of raw milk. There are 11 states that have legal raw milk sales in retail stores and 17 states that allow direct farm to consumer sales. Take for instance California, which is the highest producing dairy state in the country both in herd numbers and also milk pounds, you can readily find raw milk in refrigerators of retail stores. But, this bill is focusing on direct sales from farm to consumer so lets talk about a state that is similar to this bill. Kansas allows on-farm sales of raw milk with a label identifying the product as unpasteurized. Kansas currently has 45 raw milk farms. 45 raw milk farms! Can you imagine? That is more raw milk farms then we have dairy farms in our state! What would another 45 milk farms do to our states economy? My main focus and drive is to support ND farmers and allow them to do what they do best, farm and make a living off of their products. Some farms don't want to milk 700 milk cows 3 times a day, such as our family farm and sometimes I am not even sure that I want to milk 700 cows 3 times a day LOL. There is huge amount of responsibility that comes with a farm that size. There is positive and negatives with having a large farm and for some farmers, that may not be what they want. They want to focus on a smaller herd, utilize the current market trends, and meet consumer demands for niche markets that for example are 1.Grain fed 2.Organic 3.GMO-free 4. A2 milk (which is a new trend that is variety of cow's milk that lacks a beta-casein protein in milk). How great would it be to pass this bill and farms that have been struggling to either make their farm profitable, or maybe they don't have a processor, or they don't want to expand their farm, and all they want to do is milk cows and sell their product. I am not saying that passing this bill is a magic wand and all of the sudden the number of dairies in ND is going to double, but why not create this avenue and allow farmers the freedom to sell their healthy, high-quality, nutritious product that is certified and licensed from the ND Department of Agriculture so that we do this the right way. Since the first thought of this bill, I started reaching out to other farmers, organizations, and we are all on the consensus that we all want to support ND Agriculture and raw milk, however my initial bill did not address some of their concerns so I listened to them and added amendments that you can see before you. Most of the amendments that I added address safety standards and concerns such as labeling, testing, providing documentation for transparency, and creating a risk analysis and management plan that addresses 10 key issues.

If you want to do your own research, there is a website called realmilk.com where all the raw milk farms are listed. You can go on and click on the individual farms, read their mission statements, see their products and pricing, tour their farms, and even meet their families.

I think one of the best thing about being an American is the amount of freedom we have. We should have freedom for what food we eat and drink. Raw milk is a product, that if it has the proper safety measures in place I can really see it making a difference not only on small farms but to revive the North Dakota Dairy Industry.

Thank you and now I will stand for questions.

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

I am writing in support of HB 1515 (with a suggested change.) As a small farmer, I have seen the great need for consumers to get back to knowing their local farmers. Our food supply is currently so distant from our local communities. Our local dairies MUST be allowed to sell their milk in its purest form to their local customers. We have close to 40 Grade A dairies, and numerous smaller Herdshare Dairies across our state.

Last year, my husband and I bought an old farmstead. 30 years ago, this was a thriving dairy operation that fully supported the family who lived there. It was sad to see the old dairy barn deserted and empty. The small and too often now abandoned dairies scattered all around our state were once the life blood of their small communities. We would love to see life breathed back into these small farms. We need to allow dairies be able to provide fresh milk directly to their local neighbors. This could potentially allow more dairy farmers to price their excess fresh milk competitively with a direct to consumer sales model. This would benefit our local farmers.

Raw milk has many health benefits and many people are looking for the option to have that nutrient dense food available to them. Pasteurized Dairy is unfortunately the number one food intolerance. Yet, I have personally talked to MANY people with this dairy intolerance who can drink raw unpasteurized milk with no problems. People want this option.

As a farmer who has a small herdshare operation, I have seen the demand for raw milk at an all time high. I am not able to keep up with the number of people in my community who are looking for high quality raw milk for their families. I hear personal testimonies from my members who have seen their family's health improve by adding raw milk into their diets.

We need to allow the farmers and consumers to make the choice that is best for them. By allowing dairies to sell their product on farm, we allow the farmers the option of an alternative revenue source. Farmers are such a vital part of supplying our communities with necessary food sources. Please allow this option. We absolutely need more local food sources and this would be such a great option for our state

I recommend a DO PASS on HB 1515 after changing the wording in line 7. The sale of raw milk should not just be limited to Grade A dairies. Of course a Grade A dairy should absolutely be able to sell their milk directly off their farm. However, I do not think it should be limited to the Grade A dairies. Looking at our surrounding states, we can see similar laws, which allow for the sale of raw milk on farm. (South Dakota, Minnesota, Nebraska for example without the Grade A permit requirement.)

Recommended Changes to HB 1515:

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

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

Grace Deal
 Berthold, ND
 District 38.



ndfb.org

House Agriculture – HB 1515

Meghan Estenson, NDFB Legislative Counsel

February 10, 2023

Chairman Thomas and members of the House Agriculture Committee,

My name is Meghan Estenson and I represent the North Dakota Farm Bureau.

NDFB stands in support of HB 1515. Our policy urges our legislators to reduce regulations to allow for as much local products as possible. - ID#: 2437/211

Twenty eight states currently have less restrictive raw milk laws than North Dakota. Ten states currently allow raw milk to be sold in retail stores. Eighteen states including all of our surrounding neighbors (Montana, South Dakota, and Minnesota) allow for farm to consumer sales.

We think this bill is a step in the right direction to loosen regulation and allow our dairy farmers to sell raw milk directly to consumers.

NDFB respectfully requests a “Do Pass” recommendation on HB 1515.

Fargo

1101 1st Ave. N. | PO Box 2064, Fargo, ND 58107-2064
Phone: 701-298-2200 | 1-800-367-9668

Bismarck

4900 Ottawa St. | PO Box 2793, Bismarck, ND 58502-2793
Phone: 701-224-0330 | 1-800-932-8869

HB 1515 Testimony – In Favor

Mr. Chairman and members of the House Agriculture Committee,

My name is Andrew Bornemann, I am a farmer and small ag-business owner from Kintyre, ND, and I am here to testify in support of House Bill 1515.

I would like to start by directing your attention to the origins of pasteurization, and the reasons that mandatory pasteurization became the norm. To find these origins, we have to look all the way back to the mid 18th century, when Louis Pasteur first developed the germ theory. First applied to wine, as a method of extending it's shelf life, Pasteur's process of heat treatment was eventually applied to beer, and by 1886, to bottled milk. By 1892, the new process had made it's way to New York City, where a severe epidemic of Tuberculosis was raging, and it was found to curb the spread of this terrible disease through the milk supply. By 1909, Chicago had mandated the pasteurization of milk sold in the city, and New York City followed the following year.

While there is no dispute that pasteurization DID indeed help curb not only the tuberculosis epidemic in New York, but also helped massively drop the infant mortality rate in the same, and other large cities, the question remains, why? There is a lot more to this story...

First off, near the turn of the century, the entire concept of germs and the transmission of disease was in it's infancy, and if even known, there was little understanding of the importance of keeping foods and utensils clean. Milk was often delivered in large horse drawn wagons, with customers containers filled directly from milk cans in the streets. Contamination was not just possible, it was the norm.

Second, the concept and technology of refrigeration was in it's infancy, and not yet widely used. The best option available was the icebox, and while effective, ice in large quantities in the summertime was prohibitively expensive. Thus, milk was often delivered and stored poorly cooled, if at all.

Third, the problems arising from raw milk in the late 1800s were almost exclusively found in the large cities, where the consumer was farther removed from the producer, and the issues of contamination and lack of cooling combined to form a hazardous situation. Raw milk continued to be used in the rural areas, where they had better access to fresh, clean supplies, with little to no ill effects.

Thankfully, both of these major contributors to food borne illnesses have been all but eliminated today. Chlorinated cleaners and contained milking systems have drastically cut down on the chances for contamination, and the universal use of refrigeration, both commercially and in the home, has probably been the single most important advancement in eliminating food borne illnesses.

The times have changed, and technology has advanced drastically in the last 120 years. It's time to join our neighboring states and many others in leaving the requirements of yester year's big cities behind, and allowing the citizens of our state access to raw milk again.

While I support the bill before you as a step in the right direction, I believe it doesn't go far enough. I grew up on a farm, consuming raw goat's and cow's milk, and would gladly purchase raw milk from one of my neighbors who is now milking a couple of cows. This bill, as written, only opens the doors to raw milk for those who happen to live near a Grade A dairy, of which there are precious few remaining in our state, and coming from a dairy background in my family, I can assure you most of those will not have time nor interest in dealing with selling a few gallons of raw milk directly. Also, the current bill does not allow for the sale of anything besides commercially produced cows milk, which leaves other persons, who may be intolerant to cows milk like I was as a child, without any options. I ask that you would expand the scope of this bill to also allow small producers to sell direct to consumers, and thus open the doors for many more North Dakotans to access the raw milk they desire.

Thank you for your time. I would be glad to answer any questions you may have.

Good morning Chairman Thomas and members of the Agriculture committee.

My name is Andrew Holle. I am here as a dairy farmer representing the Milk Producers Association of North Dakota. My family and I milk 700 cows south of Mandan for about the last 20+ years, producing some of the highest quality milk in our plant.

I am here to give neutral support for bill HB 1515. Providing a safe, high quality, nutritional product has always been the most important part to being a dairy farmer. That being said, Pasteurization has allowed us to create a scale of economics to produce, distribute and store milk more efficiently and distribute it to places that otherwise would not get milk if it wasn't pasteurized creating long shelf life and even storing it at room temperature through ultra pasteurization. Pasteurization has done many beneficial thing but it has also reduced some of the natural healing and beneficial qualities that raw milk can bring to a persons diet. I just had a conversation yesterday with Dr. Don Hastings a retired practicing vet and a researcher and he was telling me that 20 years ago he was working Dr.s and getting raw milk in the hands of people struggling with arthritis and it helped a lot without drugs! There are many, many other health benefits.

I believe the sale of raw milk should be allowed providing that we have a way to regulate the producers to make sure they maintain high quality standards for cleanliness and milk quality. The last thing we want is for someone to get be misinformed about the risk associated with raw milk so we need to have correct labeling and posted signs in the area of sale of raw milk, explain about what it is, risks and how to correctly store it.

I like the direct sales from farm to consumer. We are eliminating the middleman, creating a little extra income for the farmer but yet you are allowing the people to see what the farm looks like and then they can determine if they want purchase the milk from that farm. There's a lot in how a farm looks gets carried into how much they take care of their animals and what kind of quality comes out of them.

I think we have an opportunity to provide a niche market for a dying industry in our state. We need to be able to sell raw milk to the people that want it but as a safe and reliable product. I think a Raw Milk Certification granted by the Ag department with requirements that they see fit much like the Grade A permit that we have now would be a great start.

I hope this bill turns into something great that we can all be proud of in saying that we helped to distribute raw milk to the people that want it in a safe and reliable system.

Thank You,

Andrew Holle

23.0745.01003

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1515

Introduced by

Representatives Holle, Christensen, Dakane, Henderson, Hoverson, Prichard, Rios, Toman,
Tveit

Senators Myrdal, Schaible

1 A BILL for an Act to create and enact ~~a three~~ new ~~seetion~~sections to chapter 4.1-25 of the North
2 Dakota Century Code, relating to the sale of raw milk directly to a consumer. raw milk safety
3 standards, and standards for raw milk farmers.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Sale of raw milk directly to a consumer - Sale to retailer prohibited.**
8 A dairy farm, producing and selling ~~grade A~~ raw milk under a ~~grade A permit~~raw milk license
9 issued by the commissioner, may sell raw milk directly to a consumer for personal consumption.
10 A sale under this section must occur at the location of the dairy farm. A dairy farm may not sell
11 raw milk to a wholesaler or retail store for mass consumption under this chapter. The
12 commissioner may adopt rules imposing regarding the issuance of a raw milk license and may
13 impose other standards in the interest of public safety, wholesomeness of product, consumer
14 interest, sanitation, adequate supply, saleability, and labeling and promotion of raw milk for
15 personal consumption.

16 **SECTION 2.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Labeling, identity, and safety standards for raw milk.**

19 1. Raw milk and raw milk products must bear the following label:
20 WARNING: Raw (unpasteurized) milk and raw milk dairy products may contain
21 disease-causing micro-organisms. Individuals at highest risk of disease from
22 these organisms include newborns and infants; the elderly; pregnant women;

Sixty-eighth
Legislative Assembly

- 1 those taking corticosteroids, antibiotics or antacids; and those having chronic
2 illnesses or other conditions that weaken their immunity.
- 3 2. All individuals who come in contact with raw milk shall exercise scrupulous cleanliness
4 and may not be afflicted with any communicable disease or be in a condition to
5 disseminate the germs of any communicable disease that may be conveyed by milk.
- 6 **SECTION 3.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
7 and enacted as follows:
- 8 **Standards for raw milk farmers.**
- 9 A raw milk producer in this state shall:
- 10 1. Test for coliform bacteria at least monthly.
- 11 2. Test for standard plate count at least monthly.
- 12 3. Ensure raw milk does not contain:
- 13 a. Salmonella spp.;
- 14 b. E. coli 0157:H7;
- 15 c. Campylobacter spp.; or
- 16 d. Listeria monocytogenes.
- 17 4. Sell raw milk for direct human consumption that is from that raw milk producer's farm
18 only.
- 19 5. Provide documentation to the commissioner verifying herds are tuberculosis free and
20 tested one time per year.
- 21 6. Provide documentation to the commissioner verifying herds are brucellosis free.
- 22 7. Create a risk analysis and management plan that addresses:
- 23 a. New animal risk introduction and risk mitigation;
- 24 b. Herd health;
- 25 c. Milk handling and management;
- 26 d. Environmental management;
- 27 e. Feed sources;
- 28 f. Human factors;
- 29 g. Nutritional management of dairy cow, goat, sheep, or other lactating mammals;
- 30 h. Management of freshened animals and new offspring;
- 31 i. Management of bulls;

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Legislative Assembly

- 1 j. The provision of testing procedures for indicator bacteria;
- 2 k. The creation and utilization of checklists to document annual, monthly, weekly,
- 3 and daily management practices; and
- 4 l. The development of protocols for action steps in the event of substandard
- 5 results.

Good morning Chairmen Thomas and members of the agriculture committee.

My name is Jennifer Holle and I am co-owner of Northern Lights Dairy which is a 5th generation dairy farm in Mandan, ND. I was lucky enough to marry into this industry. I always said I would marry a farmer, just didn't know the word "dairy" would be in front of that, and boy has it been an experience.

But this horse girl and Andrew met in college where he was studying dairy science and I was studying equine science. I have seen many changes in the industry, from number of farm dwindling, but that's not the reason I am here. The reason I am here is to talk about what I do on the farm. I do the Public Relations and marketing. We do weekly tours on the farm, we speak in schools, and also do the bi-annual Breakfast on the farm where this last summer we had over 3,500 guest on our farm learning where their dairy comes from. I am talking to the consumers, I hear their concern, I listen to what they want and I have seen a severe shift in how the dairy is perceived and almost weekly we received phone calls from the public asking to buy raw milk from us. Raw milk is here and we need to do this right, with the department of Agriculture, hand in hand, to offer dairy products to people that want it. We are a grade A facility at go through a lot of inspections and making sure our dairy stays in the standard that is Grade A, and we are very proud of it. But, if this need is growing so much, I would love to see where raw milk has their own license and standards set forth so that consumers know they have an awesome products.

COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
www.nd.gov/ndda

**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**
STATE CAPITOL
600 E BOULEVARD AVE DEPT 602
BISMARCK ND 58505-0020

**Testimony of Nathan Kroh
Dairy Coordinator
House Bill 1515
House Agriculture Committee
Room 327C
February 10, 2023**

Chairman Thomas and members of the House Agriculture, I am Nathan Kroh, the Dairy Coordinator, here on behalf of Agriculture Commissioner Doug Goehring. I am here to provide testimony in opposition of the House Bill 1515, relating to the sale of raw milk directly to the consumer.

Dairy farms already have access to distribute raw milk through the animal share agreement provision. Under that provision, the agriculture commissioner has no authority to regulate animal share agreements. This bill would require the commissioner to establish rules to protect the health and safety of the public, regulations for facilities, labeling, production, pathogen testing. This process is expensive and still will not guarantee the raw milk is safe, nor will it create much more opportunity that doesn't already exist. Dairies will continue to distribute raw milk through the animal share agreements provisions.

A Grade A farm permit requires inspections, monthly milk testing, and every single load of milk is screened for antibiotics. Screening equipment requires training and licensing by a Laboratory Evaluation Officer, to be considered official.

Current dairy regulation statute adopts the Grade A standards from the Pasteurized Milk Ordinance (PMO), which explicitly require bottle milk to be pasteurized, so raw milk cannot be bottled and sold under the provisions of the PMO, which conflicts with HB 1515. No matter how diligent the most careful producers are, raw milk is commonly contaminated by the pathogenic bacteria on the animal's skin and teats, dust and debris in the air, and biofilms develop on milking equipment, even high-quality stainless steel. The Grade A requirements do not and will never guarantee that the milk is safe to consume in absence of pasteurization.

Thank you for your consideration of HB 1515. I would be happy to answer any questions you may have.

Representative Thomas and House Agriculture Committee,

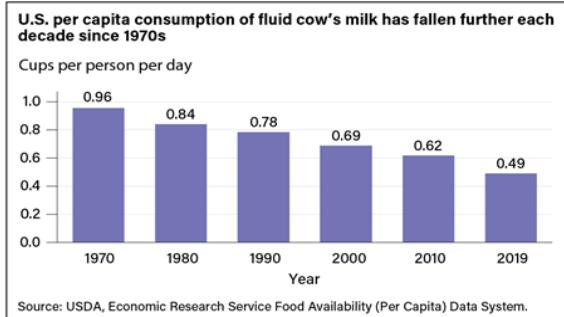
Greetings, I will be giving testimony in person but I thought I would link the citations of what I will be discussing.

In short, Please support this bill and amend it to make it possible for smaller, non commercial dairy farms to also raw dairy. The reason I am this is SO vital will be at the end of my talk.

As you know, dairy consumption has been on a decline for years. I want to explain one reason, and what we can do about it.

Fluid cow's milk has long been a grocery staple for most U.S. households. However, as dietary habits change, individuals are drinking less milk on average. The USDA, Economic

Research Service (ERS) Food Availability (Per Capita) Data System shows that U.S. daily per capita consumption of fluid milk decreased over each of the past seven decades. Between 1990 and 2000, it fell from 0.78 cup to 0.69 cup (an 11.5-percent decline). By 2010, it was down to 0.62 cup (10.1 percent lower than it had been in 2000). Compared with each of the previous six decades, U.S. daily per person fluid milk consumption fell at its fastest rate in the 2010s. In 2019, it was 0.49 cup (20.7 percent lower than in 2010).



Highlights:

- U.S. per capita fluid milk consumption has been trending downward for more than 70 years and fell at a faster rate during the 2010s than in each of the previous six decades.
- From 2003 to 2018, U.S. consumers of all ages drank less milk as a beverage, the primary way in which fluid milk is consumed.
- Plant-based milk alternatives explain only a small portion of the decline in U.S. fluid milk consumption.

<https://www.ers.usda.gov/amber-waves/2022/june/fluid-milk-consumption-continues-downward-trend-proving-difficult-to-reverse/#:~:text=However%20as%20dairy%20habits%20change,of%20the%20past%20seven%20decades.>

One of the reasons that is, is that at least 10% of people are allergic to dairy and its constituents. (This data is in reference to IgE allergies, not IgG reactivity, which are MUCH more common, to develop, which I will get to later.)

The screenshot shows the JAMA Network Open website. At the top, there's a navigation bar with 'JAMA Network' and 'JAMA Network Open'. Below it, a purple banner says 'This Issue' with stats: 'Views 111,072 | Citations 352 | Altmetric 1783 | Comments 2'. Underneath are buttons for 'Download PDF', social sharing ('More'), 'Cite This', and 'Permissions'. The main title 'Original Investigation | Allergy' is in pink. A lock icon indicates the article is locked. The date 'January 4, 2019' is shown. The main heading is 'Prevalence and Severity of Food Allergies Among US Adults'. Below the heading, authors are listed: Ruchi S. Gupta, MD, MPH^{1,2,3,4}; Christopher M. Warren, BA⁵; Bridget M. Smith, PhD^{1,6}; et al. There are links for 'Author Affiliations' and 'Article Information'. The DOI is JAMA Netw Open. 2019;2(1):e185630. doi:10.1001/jamanetworkopen.2018.5630.

Results Surveys were completed by 40 443 adults (mean [SD] age, 46.6 [20.2] years), with a survey completion rate of 51.2% observed among AmeriSpeak panelists ($n=7210$) and 5.5% among SSI panelists ($n=33\,233$). Estimated convincing food allergy prevalence among US adults was 10.8% (95% CI, 10.4%-11.1%), although 19.0% (95% CI, 18.5%-19.5%) of adults self-reported a food allergy. The most common allergies were shellfish (2.9%; 95% CI, 2.7%-3.1%), milk (1.9%; 95% CI, 1.8%-2.1%), peanut (1.8%; 95% CI, 1.7%-1.9%), tree nut (1.2%; 95% CI, 1.1%-1.3%), and fin fish (0.9%; 95% CI,

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2720064>

Milk PROCESSING increases the allergenicity of cow's milk.:

The screenshot shows the CLINICAL & EXPERIMENTAL ALLERGY journal page. The header includes the journal name and 'TRUSTED EVIDENCE IN ALLERGY'. Below the header, it says 'ORIGINAL ARTICLE | Open Access | CC BY SA'. The main title is 'Milk processing increases the allergenicity of cow's milk—Preclinical evidence supported by a human proof-of-concept provocation pilot'. Authors listed are Suzanne Abbring, Daniel Kusche, Thomas C. Roos, Mara A. P. Diks, Gert Hols, Johan Garssen, Ton Baars, and Betty C. A. M. van Esch. The DOI is First published: 03 April 2019 | <https://doi.org/10.1111/cea.13399> | Citations: 31.

This study demonstrates that raw (unprocessed) cow's milk and native whey proteins have a lower allergenicity than their processed counterparts. The preclinical evidence in combination with the human proof-of-concept provocation pilot provides evidence that milk processing negatively influences the allergenicity of milk.

<https://onlinelibrary.wiley.com/doi/10.1111/cea.13399>

This isn't hard to understand when you understand the basic mechanisms of the digestive process, along with how food allergies develop.

RESEARCH PAPERS

Milk Enzymes: Their Role and Significance^{1,2}

K. M. SHAHANI

Department of Dairy Science, University of Nebraska, Lincoln

Abstract

Enzymes are delicate organic catalysts produced by living cells, either animal or plant, but work independently from the cells that produce them. They do not necessarily remain at the site of production but are often transported to the site of action through the circulatory systems. Enzymes can be differentiated from other catalysts on the basis of their specificity, chemical nature, and sensitivity. An important characteristic of an enzyme is a strict specificity of the reaction it can catalyze. Enzyme specificity is a vital biological phenomenon for metabolic order and for life itself since, without specificity, every enzyme would degrade haphazardly and indiscriminately every component of the life-giving cell material. Enzymes are proteins, and they function within a narrow pH and temperature range. In general, they are fairly sensitive to heat.

[https://www.journalofdairyscience.org/article/S0022-0302\(66\)87980-8/pdf](https://www.journalofdairyscience.org/article/S0022-0302(66)87980-8/pdf)



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Journal of Pain Research

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[J Pain Res](#) 2021; 14: 2359–2368

Published online 2021 Aug 5. doi: [10.2147/JPR.S316619](https://doi.org/10.2147/JPR.S316619)

PMCID: PMC8352645

PMID: [34385841](https://pubmed.ncbi.nlm.nih.gov/34385841/)

Association of Migraine with Its Comorbidities and Food Specific Immunoglobulin G Antibodies and Inflammatory Cytokines: Cross-Sectional Clinical Research

Zhiming Zhao,¹ Huiwen Jin,¹ Yang Yin,¹ Yanwei Hou,¹ Jingyan Wang,¹ Chunling Tang,² and Jun Fu,¹

► Author information ► Article notes ► Copyright and License information ► Disclaimer

Participants in the positive IgG group ($n = 67$) were more likely to have longer time elapsed since diagnosis, more frequent and severe migraine, a higher risk of developing anxiety and gastrointestinal symptoms, along with higher IL-6 and TNF- α . Subgroups with more food allergens generally had worse conditions as well. After adjusting for the inflammatory cytokines, the effect of IgG was reduced.

The development of allergic inflammation

Stephen J. Galli, Mindy Tsai & Adrian M. Piliponsky

[Nature](#) 454, 445–454 (2008) | [Cite this article](#)16k Accesses | 1201 Citations | 52 Altmetric | [Metrics](#)

Abstract

Allergic disorders, such as anaphylaxis, hay fever, eczema and asthma, now afflict roughly 25% of people in the developed world. In allergic subjects, persistent or repetitive exposure to allergens, which typically are intrinsically innocuous substances common in the environment, results in chronic allergic inflammation. This in turn produces long-term changes in the structure of the affected organs and substantial abnormalities in their function. It is therefore important to understand the characteristics and consequences of acute and chronic allergic inflammation, and in particular to explore how mast cells can contribute to several features of this maladaptive pattern of immunological reactivity.

<https://www.nature.com/articles/nature07204>



Bloodprint (110)

Patient Name:	Steven Nagel	Lab ID Code:	R-484468
Sex:	Male	Patient ID:	383611
Age:	39	Sample ID:	198762
Date of Birth:	08-18-1979	Spec. Coll. Date:	02-19-2019
		Testing Date:	02-22-2019

Reactive Test Results (Your blood serum reacted to these food antigens)

Almond +2	Crab +2	Mustard +1	Sesame +3
Barley +2	Egg, White +3	Pea +1	Shrimp +1
Bean, Garbanzo +4	Egg, Yolk +4	Peanut +1	Soybean +2
Casein +4	Ginger +1	Perch +2	Tuna +4
Cashew Nut +2	Kiwi +1	Pork +1	Turkey +1
Chicken +1	Lobster +4	Potato, White +1	Wheat +1
Coconut +1	Milk, Cow's +4	Seed, Chia +2	

Total number of IgG sensitivity reactions: 27

Non-Reactive Test Results (Your blood serum did not react to these food antigens)

Amaranth	Celery	Milk, Goat's	Rice, White
Apple	Cherry	Millet	Safflower
Artichoke	Cinnamon	Nut, Pistachio	Salmon
Asparagus	Cod	Nutmeg	Scallops
Avocado	Coffee	Oat	Seed, Hemp
Banana	Corn	Olive	Spinach
Basil	Cranberry	Onion	Strawberry
Bean, Green	Cucumber	Orange	Sugar, Cane
Bean, Pinto	Cumin	Oregano	Sunflower
Beef	Date	Peach	Tapioca
Beet	Flaxseed	Pear	Tea, Black
Blackberry	Garlic	Pecan	Tea, Green
Blueberry	Grape, White	Pepper, B/W	Tomato
Brazil Nut	Grapefruit	Pepper, Green	Vanilla
Broccoli	Kale	Pineapple	Venison
Brussels Sprouts	Lemon	Plum	Walnut, English
Cabbage	Lentil	Potato, Sweet	Watermelon
Cacao-Chocolate	Lettuce	Pumpkin	Yeast, Baker's
Cantaloupe	Lime	Quinoa	Yeast, Brewer's
Carrot	Mango	Rape Seed (Canola)	Zucchini
Cauliflower	Melon, Honeydew	Raspberry	

Scoring and Evaluation (Key) +1 +2 +3 +4 (Increasing levels of antibodies)

IgE-8 Food Allergy Assay

Patient Name: Steven Nagel
Sex: Male
Age: 39
Date of Birth: 08-18-1979

Lab ID Code: R-484431
Patient ID: 383611
Sample ID: 198762
Spec. Coll. Date: 02-19-2019
Testing Date: 02-22-2019

Physician:
Dr. Steven Nagel
2008 Twin City Dr.
Mandan, North Dakota 58554



Foods

Almond +1
Bean, Soy +1

Corn +2
Egg, Whole

Milk, Cow's
Peanut

Shrimp +3
Wheat

The total number of IgE allergic reactions is 4.

Why is it important for smaller farms to be able to sell raw dairy, because grass fed diary in many ways, is superior, including the bacteria content of the milk. Commercial grass fed dairy farms are rare.

Dr. Steve Nagel, DC, BSN

180 Health Solutions

Comments for the House Agriculture Committee to consider in relation to HB1515- sale of raw milk off of the farm.

Nathan Kroh- Dairy Program Coordinator- Dept of Agriculture, 701-328-4767

Conflicts with State Laws:

a) Conflict with current dairy regulation:

4.1-25-30. Standards for grade A milk and milk products - Adoption of rules.

Only grade A milk may be sold as a fluid beverage for human consumption. The minimum standards for milk and milk products designated as grade A are the same as the minimum requirements of the pasteurized milk ordinance which includes provisions from the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey - Supplement 1 to the Grade A PMO". The commissioner may adopt rules imposing other standards in the interest of public safety, wholesomeness of product, consumer interest, sanitation, good supply, saleability, and promotion of grade A milk and milk products.

- HB1515 would need a carve out or exemption from requirements of 4.1-25-30, for the sale of raw milk to avoid conflicting with state law. PMO does not allow raw milk to be bottled, whether grade A or not.

b) Conflict with Health and Human Services- Food and Lodging Division Laws (NDCC 23-09 Food and Lodging Establishments and Assisted Living Facilities).

- Food and Lodging regulations require any facility that packages, stores, labels and sells any foods under their jurisdiction to be licensed and inspected by the Food and Lodging.
- Any law stating that raw milk may be sold as bottled and stored in a cooler without inspection, would conflict with DHHS laws and would conflict with food code regulations.
 - Contact Julie Wagendorf for Food and Lodging perspective 701-328-2523

Other concerns with from Dept of Health and Human Services- Food and Lodging:

NDCC Chapter 23-09.5 Cottage Food Production and Sales

Food and Lodging expressed concern that cottage food operators may decide source to use raw milk as an ingredient for Cottage Food production.

- Would the committee consider another clause or provision to limit the use of raw milk purchased to only personal use? Or amend the cottage foods act to prohibit raw milk from use in cottage foods?

Other State's Laws and Information:

Minnesota:

Minnesota Statutes 32D.20 Limitation on Sale of Milk:

"No milk or fluid milk products shall be sold, offered or exposed for sale... for the purpose of human consumption in fluid form in this state unless the milk or fluid milk product has been pasteurized... and cooled, provided that this section shall not apply to milk, cream or skim milk occasionally secured or purchased for personal use by a consumer at the place or farm where the milk is produced."

- MN does not regulate, register, or test
- MN does NOT allow milk to be bottled by the producer (this eliminates Health Dept licensing requirements for bottling, storing, and labeling facilities).
- <https://www.mda.state.mn.us/food-feed/what-raw-milk>

Montana:

MT Code § 50-49-203 (2021)

https://leg.mt.gov/bills/mca/title_0500/chapter_0490/part_0020/sections_index.html

Montana Local Food Choice Act:

- Small Dairies limitation: No more than 5 cows, 10 goats, 10 sheep are kept for producing milk
 - Producer **not subject** to labeling, licensure, inspection, sanitation, or other requirements of:
 - Commodity sales requirements (weights and measures)
 - Montana Food and Drug Act (health dept)
 - Title 81 Livestock Laws:
 - Disease controls
 - Slaughter
 - Dairy products
 - Manufacturing dairy products
 - Milk price controls
- Sales only to "informed end consumer"-
 - No licensing, no inspection
- Raw milk may NOT be donated to a traditional community social event
- Small Farms Shall:
 - Test for somatic cells, standard plate count, and coliform count every 6 months.
 - Test for brucellosis every lactating animal – every year.
 - Maintain records for 2 years and provide records to Dept of livestock if dept suspects foodborne illness outbreak.

South Dakota:**39-6-3.1. License and permit required to sell raw milk for human consumption.**

Any producer of milk who is selling raw milk for human consumption directly to the consumer shall obtain a license pursuant to the provisions of § 40-32-4 and a permit pursuant to the provisions of § 40-32-10.1.

- Shall be licensed as a producer and a licensed to specifically sell raw milk for consumption.

South Dakota Articles or Rules:

Permitting-

- pretest product (somatics, drug residue, and bacteria)- all at accredited laboratory
- Pathogen testing prior to permitting
- Water supply testing prior to permitting

Testing Requirements:

- Monthly somatics, coliform, bacteria and drug residues monthly- producer cost
- Monthly pathogenic bacteria (Salmonella, Listeria, Campylobacter, E.coli)- dept cost (\$225-\$300)
- Annual pesticide test – dept cost

Labeling Requirements:

- Farm identity
- "RAW MILK" or "RAW CREAM"
- Date of bottling

Farm records:

- 90 days of records for all consumer names, phone numbers, and dates of sales.

Farm Standards:

- Criteria for farm facility, equipment, and operation specific to raw milk for consumption

Enforcement Regulations:

- Inspection requirements and fees
- Violations and actions, permitting reinstatement, etc.

South Dakota carries most of regulations through rules. (Educational Guidance Booklet)

<https://danr.sd.gov/Agriculture/Livestock/DairyEggs/dairy.aspx>

- \$50 permit per farm annually
- \$50 inspection fee annually
- \$50 samplers annual license for farmers that sample their own milk
- Monthly testing costs for somatic, bacteria, drug residue

23.0745.01005
Title.02000

Adopted by the Agriculture Committee
February 16, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1515

Page 1, line 7, remove "dairy"

Page 1, line 7, remove ", producing and selling grade A raw milk under a grade A permit."

Page 1, line 8, replace "a" with "the end"

Page 1, line 8, remove "A sale under this section must occur at"

Page 1, line 9, remove "the location of the dairy farm."

Page 1, line 9, remove the second "dairy"

Page 1, line 10, remove "The commissioner may adopt rules imposing other"

Page 1, replace lines 11 through 13 with:

"The seller shall only sell milk within this state. The sale does not involve interstate commerce. Raw milk may not be donated."

Exemptions from regulations

A farm selling raw milk under the provisions of this section is not subject 4.1-05, 4.1-25, 4.1-26, 19-02.1, 23-9, or title 64."

Renumber accordingly

23.0745.01003

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1515

Introduced by

Representatives Holle, Christensen, Dakane, Henderson, Hoverson, Prichard, Rios, Toman, Tveit

Senators Myrdal, Schaible

1 A BILL for an Act to create and enact ~~a~~three new ~~section~~sections to chapter 4.1-25 of the North
2 Dakota Century Code, relating to the sale of raw milk directly to a consumer. raw milk safety
3 standards, and standards for raw milk farmers.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
6 and enacted as follows:

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

8 A dairy farm, producing and selling grade A raw milk under a grade A permit~~raw milk license~~
9 issued by the commissioner, may sell raw milk directly to a consumer for personal consumption.
10 A sale under this section must occur at the location of the dairy farm. A dairy farm may not sell
11 raw milk to a wholesaler or retail store for mass consumption under this chapter. The
12 commissioner may adopt rules imposing~~regarding the issuance of a raw milk license and may~~
13 impose other standards in the interest of public safety, wholesomeness of product, consumer
14 interest, sanitation, adequate supply, saleability, and labeling and promotion of raw milk for
15 personal consumption.

16 **SECTION 2.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Labeling, identity, and safety standards for raw milk.**

19 1. Raw milk and raw milk products must bear the following label:

20 WARNING: Raw (unpasteurized) milk and raw milk dairy products may contain
21 disease-causing micro-organisms. Individuals at highest risk of disease from
22 these organisms include newborns and infants; the elderly; pregnant women;

Sixty-eighth
Legislative Assembly

1 those taking corticosteroids, antibiotics or antacids; and those having chronic
2 illnesses or other conditions that weaken their immunity.

- 3 2. All individuals who come in contact with raw milk shall exercise scrupulous cleanliness;
4 and may not be afflicted with any communicable disease or be in a condition to
5 disseminate the germs of any communicable disease that may be conveyed by milk.

6 **SECTION 3.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Standards for raw milk farmers.**

9 A raw milk producer in this state shall:

- 10 1. Test for coliform bacteria at least monthly.
11 2. Test for standard plate count at least monthly.
12 3. Ensure raw milk does not contain:
13 a. Salmonella spp.;
14 b. E. coli 0157:H7;
15 c. Campylobacter spp.; or
16 d. Listeria monocytogenes.
17 4. Sell raw milk for direct human consumption that is from that raw milk producer's farm
18 only.
19 5. Provide documentation to the commissioner verifying herds are tuberculosis free and
20 tested one time per year.
21 6. Provide documentation to the commissioner verifying herds are brucellosis free.
22 7. Create a risk analysis and management plan that addresses:
23 a. New animal risk introduction and risk mitigation;
24 b. Herd health;
25 c. Milk handling and management;
26 d. Environmental management;
27 e. Feed sources;
28 f. Human factors;
29 g. Nutritional management of dairy cow, goat, sheep, or other lactating mammals;
30 h. Management of freshened animals and new offspring;
31 i. Management of bulls;

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Legislative Assembly

- 1 j. The provision of testing procedures for indicator bacteria;
- 2 k. The creation and utilization of checklists to document annual, monthly, weekly,
- 3 and daily management practices; and
- 4 l. The development of protocols for action steps in the event of substandard
- 5 results.

23.0745.01000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1515

Introduced by

Representatives Holle, Christensen, Dakane, Henderson, Hoverson, Prichard, Rios, Toman,
Tveit

Senators Myrdal, Schaible

- 1 A BILL for an Act to create and enact a new section to chapter 4.1-25 of the North Dakota Century Code, relating to the sale of raw milk directly to a consumer.
- 2

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1.** A new section to chapter 4.1-25 of the North Dakota Century Code is created
- 5 and enacted as follows:

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

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

Good morning Chairman Luick, Vice Chairman Myrdal, Senator Hogan, Senator Lemm, Senator Weber, and Senator Weston.

My name is Christina Anderson, owner of Beaver Creek Jerseys. I am asking for a Do Pass of the bill 1515 in its current form.

I grew up on raw milk and a dairy farm. I never had any stomach issues, weight was never an issue, and I was rarely ill for the 13 years I was raised on milk straight from our cows. Prior to this past year, I was unable to consume pasteurized and homogenized dairy for the past 12 years. I would get severely ill. When I was pregnant with my youngest, 7 years ago, I was able to get access to raw milk and was able to consume it without becoming ill. After my daughter was born, she ended up being on goats milk due to not being able to tolerate any formula. I was unable to obtain raw milk as any smaller dairy had sold out. When she turned a year, our doctor recommended we try switching her to whole milk. She broke out in hives and cried almost non-stop for a full day after just (1) 6 ounce bottle. 2 years ago I found out I could go across the border into MN and purchase raw milk straight from the farm. Since then, my daughter and I have been consuming raw milk. I purchased my own small herd in October 2022. We have had no issue consuming raw dairy nor items we have made from the raw milk.

I ask that you Do Pass this bill in its current form so people who want raw milk, can access it in their own state, without having to purchase a herdshare.

Sincerely,
Christina Anderson
Beaver Creek Jerseys'
Sharon, ND

My name is Lisa Pulkrabek from District 31. Please DO PASS HB 1515.

I am writing to you today because I care about HB 1515 regarding the sale of raw milk.

I am in favor of the sale of safe, raw milk straight from the producer to the consumer. There are many well known health benefits of raw milk. I have included a few links to websites outlining many of these benefits.

<https://www.realmilk.com/>

<https://draxe.com/nutrition/raw-milk-benefits/>

<https://www.rawmilkinstitute.org/about-raw-milk/>

I am sure the state health dept. will be testifying against this bill citing the risks of foodborne illnesses contracted from drinking unpasteurized milk. The big milk borne disease outbreaks of the late 1800's early 1900's were due to horrible conditions of cows being housed in the middle of large cities, eating diseased food, getting sick and then the producers adding poisons such as formaldehyde and chalk to the milk to disguise it as fresh and safe. The stories of how many children died from back then are what fueled the "need" and acceptance of pasteurization. Had those cows been raised on safe and healthy pastures instead of crammed in a city eating the byproducts of , they would have been able to avoid those illnesses altogether. You can hear a bit about this in the short video below.

<https://www.youtube.com/watch?v=YC0MSSHOsHE>

I tried to look up the numbers of illnesses for the last few years in ND. The numbers are there but on the website below there is no indication of what the causes or suspected causes of the illnesses were. Since there are many different ways of coming into contact with these pathogens beyond just drinking raw dairy, we can make the case that not all of these illnesses are due to consumption of raw dairy. Those that choose to consume raw dairy products know the small risks they are taking, know what kind of illnesses to watch for and are generally inclined to treat those illnesses quickly, in the case that they present themselves.

<https://www.hhs.nd.gov/health/data>

<https://draxe.com/nutrition/9-myths-of-pasteurization-or-homogenization-better-options/>

Again I kindly ask that you recommend a DO PASS on HB 1515.

Thanks so much for your efforts and dedication to ND.

Lisa Pulkrabek

Hello Members of the Health and Human Services,

My name is Tiffany Ormonde and I reside in District 31. I am asking you to please render a Do Pass on house HB1515.

While I do not purchase raw milk myself, I see the health benefits and like the option. I don't drink a lot of cow's milk, and honestly it is because I know that the stuff I can easily buy at the store is junk....it has been pasteurized and that strips it of its benefits. Doing so destroys the beneficial bacteria, enzymes and nutrients. We should be allowed the option to purchase RAW milk. Just as we have the option to eat raw fish in sushi rolls or eat "tiger meat". We can weigh the risks vs the rewards for ourselves. Taking this option away is taking the option to reap the benefits of raw milk. In a country where so many people are sick and unhealthy because of eating food with no nutritional value, why would you take something away that actually does offer better nutrition? Why force people to have the stripped down version where all probiotic enzymes and nutrients have been destroyed?

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Tiffany Ormonde

Hello Members of the Health and Human Services,

My name is David Ormonde and I reside in District 31. I am asking you to please render a Do Pass on house HB1515.

Raw milk contains all of the beneficial probiotic bacteria, enzymes and nutrients. The process of pasteurization destroys these benefits. Honestly raw milk should be more available in the stores. We should be given the opportunity to decide if the risk is worth the reward. All we are offered are stripped down versions of foods, no wonder we are such a sick and unhealthy population. Our rice, our wheat, our milk, the list keep going. Everything is bleached, refined, pasteurized, modified....and we don't know why everyone is so unhealthy. Give us REAL, RAW foods like we were meant to eat. If you want to start banning things, start with all our processed garbage sitting on the grocery shelves.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

David Ormonde

My name is Debra Bolte reside in district 31. I am asking you to please render a DO PASS
On house bill 1515

As consumers, we should have the choice to choose the healthier option. The process of pasteurization destroys all beneficial probiotic bacteria, enzymes and nutrients. Our nation is sick and unhealthy because all of our foods are stripped of their nutrients. Our foods are overly processed, bleached, refined, modified, etc. If we choose a Raw healthy option, it should be our choice to weigh the risks vs the reward.

Thank you for your service on this important issue and for the State of ND

Debra Bolte

My name is Rocky Babel reside in district 32. I am asking you to please render a DO PASS
On house bill 1515

As consumers, we should have the choice to choose the healthier option. The process of pasteurization destroys all beneficial probiotic bacteria, enzymes and nutrients. Our nation is sick and unhealthy because all of our foods are stripped of their nutrients. Our foods are overly processed, bleached, refined, modified, etc. If we choose a Raw healthy option, it should be our choice to weigh the risks vs the reward.

Thank you for your service on this important issue and for the State of ND

Rocky Babel

3/14/2023

My name is Caitlin Anderson and I am writing in support of the bill for the sale of raw milk to the public. My children were both born in the state of Utah where raw milk sale is legal to the public. After my son was born in 2012, around six months of age he developed some severe gastrointestinal pain. My son cried for the next 2 years almost day and night. A few months after he turned 2 we were at the doctor's office and exhausted from little sleep and being emotionally drained. Our pediatrician recommended trying raw goat's milk to see if our son had any relief. I went to the farm my son's doctor recommended and picked up a half gallon willing to try anything to find my son some healing. Within the next 2 weeks a rash he had had for almost his whole life began to clear and his crying became less. He started to sleep more each night and his temperament improved dramatically. We left Utah when my son was around 3 years old and moved to New Jersey where raw milk sale was not available at all. We lived in New Jersey for the next 5 years. During that time we attempted regular milk again and my son developed acid reflux and was quickly prescribed medication for his discomfort. In lieu of medication we avoided milk and dairy altogether. We tried dairy alternatives, but they do not work as well for cooking and well, lets face it...do not taste like dairy. Allowing the public to purchase raw milk could provide relief and healing for so many kids and adults. Thank you for your consideration.



Health & Human Services

HB1515**Senate Agriculture and Veterans Affairs****March 16, 11:00 a.m.**

Good morning, Chairman Luick and members of the Senate Agriculture and Veterans Affairs Committee. My name is Michelle Dethloff, and I am the Infectious Diseases and Epidemiology Unit Director of the North Dakota Department of Health and Human Services Public Health Division, Disease Control and Forensic Pathology Section (Department). I am here today to oppose House Bill 1515.

Unpasteurized dairy products, such as raw milk, have contributed to the transmission of infectious diseases, which has been well documented. Before I provide information on the risks of consuming raw milk, I would first like to remind all of us about the history of pasteurization and public health. Before routine pasteurization of milk began in the 1920s, many people became sick and some died of diseases such as *tuberculosis*, *listeriosis*, *campylobacteriosis*, typhoid fever, *salmonellosis*, Shiga toxin-producing *E. coli* (STEC), *brucellosis* and other diseases spread through raw milk. Pasteurization, which is the process of heating milk to a high temperature for a long enough time to kill these bacteria, has been recognized as one of public health's most effective food safety interventions of the 20th century.

Raw milk has been recognized as a source of infection for over 100 years. Harmful pathogens such as *Campylobacter*, *E. coli*, *Salmonella*, and *Listeria* can contaminate milk and cause serious illness, hospitalization, or death. Common symptoms from these pathogens include diarrhea,

stomach cramping, and vomiting. Infection can also cause severe or long-term consequences such as Gillian-Barre' syndrome which can result in paralysis or hemolytic uremic syndrome (HUS) which can result in kidney failure. Infection is predominantly serious in those who are very young, adults 65 years and older, or those who have impaired immune systems.

Milk can become contaminated in many ways, including from an animal's fecal material, skin, germs in the environment, or if the animal has a disease such as *tuberculosis* or *brucellosis*. In 2019, a cow from Pennsylvania had *Brucella abortus* RB51, the *brucellosis* strain in the vaccine used by veterinarians, and infected one individual and exposed people from 19 states that consumed raw milk from the dairy. Because the risk of *brucellosis* infection is high after consuming raw milk potentially contaminated with RB51, those exposed needed to take antibiotics for 21 days to prevent infection. In some rare instances, vaccinated cows can shed RB51 in their milk. In this situation, pasteurization of the milk would have killed the RB51, along with other types of *Brucella*, and other disease-causing pathogens.

This bill would permit the sale of raw milk directly to an individual for personal consumption. Of primary concern is the consumption of unpasteurized milk by children, older adults, pregnant women, and those with compromised immune systems. These individuals are at greater risk for severe outcomes if infected. A study published in 2015 that reviewed outbreaks linked to raw milk in the United States from 2007-2012 found that 59% of outbreaks involved at least one child younger than five years¹. A similar study published in 2022 found that of the raw milk outbreaks reported (2013-2018), 48% involved at least one child younger than 19 years of age².

Several studies in the United States have compared the number of outbreaks and associated illnesses in those states where raw milk sales are legal to those states where it is not. One study found that in areas where raw milk was legally sold, there were 3.2 times more outbreaks than in areas where the sale of raw milk was illegal². Another study estimated that the risk of outbreaks linked to raw milk is at least 150 times greater than the risk of outbreaks linked to pasteurized milk³. These studies show that the increase in the availability of raw milk is associated with more illnesses and outbreaks.

Cows and other dairy animals often do not appear ill but can carry harmful pathogens. Furthermore, no matter how clean the farms and dairies are, disease-causing germs can still be in the milk. Testing one batch of raw milk does not assure that the subsequent batches are not contaminated with harmful germs. Additionally, tests may not always detect low levels of contamination. One cannot look at, smell, or taste raw milk to determine if it is safe to consume.

Pasteurization continues to be an important public health intervention that offers consumers safe dairy choices. Most of the nutritional benefits of drinking raw milk are available from pasteurized milk without the risk of disease-causing illness or serious long-term consequences.

This concludes my testimony. I am happy to answer any questions you may have.

- 1- [Mungai EA, Behravesh C, Gould L. Increased Outbreaks Associated with Nonpasteurized Milk, United States, 2007–2012. Emerging Infectious Diseases. 2015;21\(1\):119-122. doi:10.3201/eid2101.140447.](#)
- 2- [Koski L, Kisselburgh H, Landsman L, et al. Foodborne illness outbreaks linked to unpasteurised milk and relationship to changes in state laws – United States, 1998–2018. Epidemiology & Infection. 2022;150:e183. doi:10.1017/S0950268822001649](#)
- 3- [Langer AJ, Ayers T, Grass J, et al. Nonpasteurized Dairy Products, Disease Outbreaks, and State Laws—United States, 1993–2006. Emerging Infectious Diseases. 2012;18\(3\):385-391. doi:10.3201/eid1803.111370.](#)

Link to stories from individuals that demonstrate the risk of consuming raw milk. www.cdc.gov/foodsafety/rawmilk/raw-milk-videos.html

Hi, my name is Tiffany Rangeloff. My husband and I own and run Serenity Hill Ranch near Streeter ND and we are asking for a “Do Pass” on HB 1515 as it is currently written. We have a couple raw milk herdshare customers that have expressed their interest in buying our extra milk when we have overflow (along with our locals that would like a gallon of milk very rarely, not on a weekly share plan). Due to the current share laws, we cannot sell them a gallon, they need to buy another share to get more milk. By allowing the sale of raw milk as this bill proposes, I could sell that extra milk when I have it and not need to worry about mad shareholders when we don’t have extra. Dairy livestock do not produce the exact same amount of milk every day, and the longer their lactation is, their production goes down. This makes planning shares important to not oversell those shares, I try to keep my share holders milk as close to a gallon of production as I can. During the higher lactation times, we have extra milk (potential shares) on hand that we either use personally or we feed to our other livestock. HB 1515 would be another way we could make use of a healthy, natural food product for human use as it was intended to be. Not everyone will flock to buy raw milk. This bill would not force anyone to buy and drink raw milk that chose not to. Most will already be raw consumers, most will know their dairy farmers (as we have already found true with cottage food and meat sales), and those that don’t already, will grow a relationship with their dairy farmer and we can get back to knowing where more of our food comes from and it’s not a shelf at a grocery store. By sending this bill off with a “Do Pass” recommendation, we would allow consumers to choose their product of choice and not have to sign share contracts.

Thank you,
Tiffany Rangeloff
Serenity Hill Ranch
Streeter ND

#25022

Tuesday, March 14, 2023 5:45 PM

To Whom It May Concern,

I fully support passing Bill 1515 allowing consumers to buy raw milk without having to basically go through hoops to do so.

My family moved to North Dakota from Pennsylvania last summer. In Pennsylvania we had several options nearby to purchase raw milk without any issues or problems. I was able to purchase raw milk directly from a local dairy farm where they had a little store with raw milk, ice cream, eggs, cheeses, yogurts, etc made from their own cows on sight. We also were able to purchase raw milk at a local Amish store and farmers markets as well. I and my family found raw milk and products made from raw milk, so much easier to digest than milk that has been processed. I had become sensitive to milk as I got older but once I tried raw milk I didn't seem to have the tummy issues that I used to have with "regular" milk. I very much miss being able to just go and buy a gallon of raw milk when we need more. My fiance has been drinking raw milk for even longer than I have. He is the one who got me and my kids hooked on it. We have never had any issues drinking it and never knew anyone who had any issues either. We believe that milk in its "raw" state is exactly as we are supposed to drink it so we are getting the full amount and benefit of milk.

COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
www.nd.gov/ndda

**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**
STATE CAPITOL
600 E BOULEVARD AVE DEPT 602
BISMARCK ND 58505-0020

**Testimony of Nathan Kroh
Dairy Coordinator
House Bill 1515
Senate Agriculture and Veterans Affairs
Fort Union Room
March 16, 2023**

Chairman Luick and members of the Senate Agriculture Committee, I am Nathan Kroh, the Dairy Coordinator for the North Dakota Department of Agriculture (NDDA) here on behalf of Agriculture Commissioner Doug Goehring. I am here in opposition of the House Bill 1515, relating to the sale of raw milk directly to the consumer.

Disease outbreaks from milk has dropped from 25% of all foodborne and water diseases to less than 1%, only because of pasteurization. Contamination is impossible to prevent, and recent studies have shown that milk was contaminated 2.5-4.6% of the time with pathogens. Raw milk causes more than 800 times the illness rate and is 45 times more likely to lead to hospitalization on a per serving basis than pasteurized milk.

The contamination in raw milk an unknown array of bacteria from sources outside of the animal. A healthy udder typically does not contain much bacteria, which means the bacteria, yeasts and molds found in milk is from dust, manure and from inadequate cleaning of equipment. Raw milk is not self-protective either. Collectively, the individual antimicrobial components within milk,

are unable to prevent pathogen growth, as proven through outbreak studies, nor are they present in quantities to sufficient to provide significant beneficial antimicrobial functions. High levels of immunoglobins and lactoferrins in milk, would indicate the animal is fighting a bacterial infection and the milk shouldn't be consumed.

States that have legalized raw milk sales have incurred 75% of milk borne outbreaks. Since 2020, New York Department of Agriculture and Markets has issued 60 food safety alerts, and 11 of those alerts were issued due to pathogens found in raw milk or raw cheese products.

Raw milk is already accessible in North Dakota through the animal share agreements.

Thank you for listening to my testimony and on HB 1515 and I would be happy to stand for questions you may have.

Good morning, Chairman Luick and members of the Senate Agriculture and Veterans Affairs Committee. My name is Jeffrey Anderson. I ask for a DO pass on House Bill 1515 as it is currently written.

I have watched as my wife and my daughter have had issues consuming store bought dairy products. My daughter since birth had issues with formula. None of the doctors would listen to my wife. She went out on her own and got goats milk for our daughter to be on. There is nothing worse than listening to your child scream in agony and projectile vomit everything that has entered into her small body that is suppose to nourish it. However, once she was on the goats milk, it was a complete night and day difference. She was happy, slept, gained weight and best of all she grew. We got sleep. After she turned a year it was suggested she have whole milk. Against our better judgments, we did. Then came the rash accompanied by hives, stomach ache, and runny nose. This was just from one bottle.

My wife was dairy free for many years. When she was pregnant with our daughter, she was gifted a gallon of raw milk to try. For the first time in almost 12 years, she didn't get sick afterwards. She could no longer get milk from the farmer because they sold their cattle and got out of milking. 2 years ago she was able to find a farmer in Minnesota who she got raw milk from. She did wonderful as well as my daughter on it.

I grew up hearing horror stories about all the illnesses one could get from farm fresh eggs and raw dairy that I did not want to consume it. After seeing them thrive on the raw milk, I decided to give it a try. It was delicious! When my wife asked to purchase a dairy cow in October, I told her to go ahead and even encouraged her to get 2 extra jerseys. My daughter is thriving on the raw milk and my wife is making dairy products for us to consume at home.

My wife started offering herdshares. One thing she has voiced is there are people who want raw milk but because of their fixed income and with inflation of everything else, several are unable to pay the initial \$30 herdshare cost plus weekly of \$8 for boarding/feeding/milking just so individuals can access 1 gallon of milk while the cow is lactating. Also, if the owner wants more milk, they are required to purchase additional shares. So a family drinking 3 gallons a week would have to come up with \$98 for the first initial week.

My wife has had many owners comment on how they are finally able to have dairy or how their children are able to consume dairy when previously they were drinking soy/almond milk. Living on the eastern part of the state, there are only 2 large grade A dairy's. She is contacted weekly by people from Grand Forks and Fargo seeking raw milk. There is a high demand of raw milk and living close to MN, SD and even MT borders, many people who can't access a herdshare know they can find someone in one of those states to purchase raw milk from.

I see the work that goes into these animals on a small dairy herd. I see how she will gladly dump a bucket of milk from a cow if she's afraid there are some issues until she gets testing back. She like many others have their names tied to the milk.

I think this would be a wonderful opportunity, if given, to allow the sale of raw milk sales as a commodity in North Dakota.

Thank you for taking the time to read this and I ask you to consider a YES on HB1515.

Thank you,
Jeffrey Anderson
Sharon, ND

Carrington, March 11, 2023

Re: HB1515

Good morning Chairman and members of the Senate Agriculture and Veteran Affairs Committee,

My name is Conny van Bedaf. Together with my husband, our children and their spouses, I own and operate a dairy farm and creamery in Carrington. I also serve as the president of the Milk Producers Association of North Dakota.

I am writing to express my opposition and that of the Milk Producers Association of ND, to the latest version of HB1515, which prioritizes Food Freedom over Food Safety.

Dairy farmers of the USA went through great lengths to promote and educate the safety of milk. I don't want our State to adopt a law that could possibly hurt our efforts.

I would strongly encourage you to read an investigative article in the Daily Montanan, for which I included a link below.

A short summary of this article:

In 2021, the same year Montana adopted their latest raw milk legislation, contaminated milk from a small dairy caused severe illness in three consumers. The producer was devastated because of the illness his milk had caused but also because he didn't have the knowledge to locate the problem on his farm. The legislation had left both the department of agriculture and the department of health without authority to investigate and correct unsanitary conditions and warn other consumers.

Mark McAfee, the president of the Raw Milk Institute was quoted regarding this incident: "This dairy's problems are exactly what can happen when laws are passed in the name of freedom without any regulation and/or education. Not only are there no rules, but it hamstrings the State from implementing some reasonable safety precautions, which raw milk producers generally support. Montana's law contains NO standards. The outcome of this incident was totally predictable."

<https://dailymontanan.com/2022/04/18/montana-sees-10-cases-of-raw-milk-illness-in-past-two-years/#:~:text=An%20investigation%20by%20the%20Daily%20Montanan%20has%20found,to%20a%20P,ark%20County%20dairy%20late%20in%202021.>

HB 1515 Testimony – In Favor

Mr. Chairman and members of the Senate Agriculture and Veterans Affairs Committee,

My name is Andrew Bornemann, I am a farmer and small ag-business owner from Kintyre, ND, and I am here to testify in support of House Bill 1515.

I would like to start by directing your attention to the origins of pasteurization, and the reasons that mandatory pasteurization became the norm. To find these origins, we have to look all the way back to the mid 18th century, when Louis Pasteur first developed the germ theory. First applied to wine, as a method of extending its shelf life, Pasteur's process of heat treatment was eventually applied to beer, and by 1886, to bottled milk. By 1892, the new process had made its way to New York City, where a severe epidemic of Tuberculosis was raging, and it was found to curb the spread of this terrible disease through the milk supply. By 1909, Chicago had mandated the pasteurization of milk sold in the city, and New York City followed the following year.

While there is no dispute that pasteurization DID indeed help curb not only the tuberculosis epidemic in New York, but also helped massively drop the infant mortality rate in the same, and other large cities, the question remains, why? There is a lot more to this story...

First off, near the turn of the century, the entire concept of germs and the transmission of disease was in its infancy, and if even known, there was little understanding of the importance of keeping foods and utensils clean. Milk was often delivered in large horse drawn wagons, with customers containers filled directly from milk cans in the streets. Contamination was not just possible, it was the norm.

Second, the concept and technology of refrigeration was in its infancy, and not yet widely used. The best option available was the icebox, and while effective, ice in large quantities in the summertime was prohibitively expensive. Thus, milk was often delivered and stored poorly cooled, if at all.

Third, the problems arising from raw milk in the late 1800s were almost exclusively found in the large cities, where the consumer was farther removed from the producer, and the issues of contamination and lack of cooling combined to form a hazardous situation. Raw milk continued to be used in the rural areas, where they had better access to fresh, clean supplies, with little to no ill effects.

Thankfully, both of these major contributors to food borne illnesses have been all but eliminated today. Chlorinated cleaners and contained milking systems have drastically cut down on the chances for contamination, and the universal use of refrigeration, both commercially and in the home, has probably been the single most important advancement in eliminating food borne illnesses.

The times have changed, and technology has advanced drastically in the last 120 years. It's time to join our neighboring states and many others in leaving the requirements of yester year's big cities behind, and allowing the citizens of our state access to raw milk again.

I grew up on a farm, consuming raw goat's and cow's milk, and would gladly purchase raw milk from one of my neighbors who is now milking a dairy cow. This bill, as you have it before you, opens the doors to once again purchasing raw milk for those who may wish or need to. I was intolerant to cow's milk as an infant, and at the time the only option for us was to purchase and milk goats, in order for me to get a healthy amount of dairy in my diet. While this was not a huge difficulty for us, as we already lived in the country and had other livestock, for those who live in town and are faced with a similar situation, this bill would provide some much needed options.

On behalf of my family and many others I know who appreciate the value of raw milk, I respectfully request a Do Pass recommendation from your committee.

Thank you for your time. I would be glad to answer any questions you may have for me.

March 15, 2023

MEMORANDUM FOR ND SENATE AGRICULTURE COMMITTEE
 FROM: Julie Goeres – Pretty Rock Farm – Raw Milk Producer
 SUBJECT: HB1515 – DO PASS



To the Honorable Chair and members of the Senate Agriculture Committee,

My name is Julie Goeres, and I, with my family, own and operate a farm in Pretty Rock Township in Grant County, North Dakota. We currently offer raw goat milk under Herdshare agreements.

I would like to offer my testimony on House Bill 1515, relating to the sale of raw milk directly to the consumer.

I drink raw milk and have had no incident of illness. Just the opposite, my health has improved. I have had allergies since I was a child. Every summer, hay fever would start, and I would be miserable. Upon drinking raw milk consistently, I have not had the dreaded itchy eyes, runny nose and scratchy throat that would afflict me while putting up hay to feed our goats.

Regarding the safety of raw milk, raw milk obtained from healthy animals within sanitary conditions, cooled quickly and stored in 35-39-degree Fahrenheit conditions is a low-risk, nutrient-dense and delicious food. In its unadulterated and full-fat form, raw milk has pro-biotics, enzymes and vitamins that have not been altered by pasteurization which the body can then easily digest and receive the full nutritional value of the milk.

I have several customers who receive milk from me every two weeks. They use this milk to feed their families, including babies and small children. They understand the nature of raw milk. There has been no incidence of illness due to raw milk reported by my customers.

If the Committee wishes to dig further, there is more research and information on the safety and value of raw milk provided by the Raw Milk Institute at www.rawmilkinstitute.com.

Our farm has invested in a facility on our property for producing raw goat milk. It has been designed to ensure sanitary conditions are maintained before, during and after the milk has been harvested. All milking goats have their udder inspected and temperature taken before milk collection starts at every milking. If their temperature is outside the health standards or their udder feels hot or hard, that milk is kept separate and does not go to humans. Our herd is tested annually by a licensed veterinarian for zoonotic diseases, and we test our milk monthly for Coliforms, bacteria count, and antibiotics. We keep our milking goats separate from other animals and any sick goats are removed to a separate facility away from the milking facility. We ensure that the milk is stored between 35-39-degrees. Our cleaning procedures and equipment used allow us to see and touch all areas where milk has been.

All this is done without any government oversight or requirement. We do this, because it is what is needed to produce the best product for our customers. We did not need a government agency to regulate how to produce low-risk raw milk.

Our farm is highly invested in the quality of our milk as we see our customers every two weeks and will know right away if our milk is not meeting their expectations or causing them issues. We have sought out and received training on dairy goat husbandry, milk collection and handling procedures without government inducement.

Our customers can contact me directly if any issues arise. We enjoy feeding our community and helping them to achieve good health. Our customers want access to local food, and we want to serve them directly with a low-risk, premium product.

I am in favor of HB 1515 as raw milk can be produced in a safe manner; I will be able to serve more customers that did not wish to purchase ownership in our herd to obtain raw milk; and our small farm will be able to produce additional income due to increased market access.

I greatly appreciate the time and attention this Committee and its members are giving to the raw milk issue and recommend a DO PASS on HB 1515.

Respectfully,

Julie N Goeres
Pretty Rock Farm
Elgin, ND



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Dawson Holle

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COMMITTEES:

Human Services
Political Subdivisions

2/10/2023

Good Morning Chairman Thomas, and members of the Agriculture committee,

For the record my name is Dawson Holle, and I am honored to serve the great people of District 31. Today I come here to introduce HB 1515 which legalizes the sale of raw milk directly to a consumer on a farm.

Why legalize the sale of raw milk direct from farm to consumers? We've heard the numbers; 37 dairy farms is all that's left in North Dakota and I recently heard that one of the larger farms in the northern part of the state will be no longer milking this upcoming fall, that means we will be down to 36, maybe lower. The year that I was born, according to the USDA there was approximately 400 licensed dairy herds across the state. Over the years I have seen a trend that actually hurts my heart and that the high financial cost, very hard manual labor with lots of hours, severe weather that all farmers have endured over the years, market trends, and many, many other factors that have led to the dairy farmer numbers continuing to decline. The saying in the dairy farm industry that I have heard over the years is you either have to get big or get out, but dairy farmers physically can't pay their bills with 40 cows anymore like they could 20 years ago. What does that mean? Back in 1977, the price of Class 3 milk per hundred weights (which is how dairy farmers are paid) was \$9.70. The year I was born it was \$12.10 a hundred weight, today it is \$19.43 according to the USDA. If we take into account the increasing rise of inflation of 3.51% per year since 1977, todays dairy farms should be making at least \$62.54 a hundred weight just to keep up with inflation. But the sad reality is that the highest price that dairy farmers have seen in the last 50 years is \$25.21 per hundred weight. Some years, it is sad, but a farmer actually doesn't get paid for milking their cows, they go backwards and into debt. Our personal farm has gone through many growing phases over the years, and sometimes still at the end of the year, it doesn't pencil out, so farmers have had to get creative and subsized their incomes. We started a custom chopping operation so that not only our corn silage gets harvested at the correct time for the cows nutrition, but it is a to off-set negative balance sheets, hopefully, at the end of the year.

So this conversation is not a new one. We have all seen the trends, we have all seen the decline, and I think we can all safely say that most of us want to see a regeneration of dairy in the state of ND.

Post Covid, there has been a revival of direct farm to consumer businesses. Pride of Dakota is an awesome avenue for the people of ND to make homegrown, homemade goods and sell them directly to consumers. During Covid, something called Farm to Table in not only the state of North Dakota took off, but around the country. Consumers were in lock down and didn't have their usual access to products. Currently there are 34,000 members of the ND Farm to Table and it keeps growing. If you go on their social media, you can find plenty of posts from not only farmers advertising their products directly from their farms, but also consumers looking for farm products in their area. Enter raw milk. There has been a severe shift in the market and demand for raw milk directly from the farm. Now, there is a cow share program already in the state of ND, so this bill is not competing with that, but only creating another avenue to strengthen dairy in our state.

Lets look at other states in the country that have already legalized the sale of raw milk. There are 11 states that have legal raw milk sales in retail stores and 17 states that allow direct farm to consumer sales. Take for instance California, which is the highest producing dairy state in the country both in herd numbers and also milk pounds, you can readily find raw milk in refrigerators of retail stores. But, this bill is focusing on direct sales from farm to consumer so lets talk about a state that is similar to this bill. Kansas allows on-farm sales of raw milk with a label identifying the product as unpasteurized. Kansas currently has 45 raw milk farms. 45 raw milk farms! Can you imagine? That is more raw milk farms then we have dairy farms in our state! What would another 45 milk farms do to our states economy? My main focus and drive is to support ND farmers and allow them to do what they do best, farm and make a living off of their products. Some farms don't want to milk 700 milk cows 3 times a day, such as our family farm and sometimes I am not even sure that I want to milk 700 cows 3 times a day LOL. There is huge amount of responsibility that comes with a farm that size. There is positive and negatives with having a large farm and for some farmers, that may not be what they want. They want to focus on a smaller herd, utilize the current market trends, and meet consumer demands for niche markets that for example are 1.Grain fed 2.Organic 3.GMO-free 4. A2 milk (which is a new trend that is variety of cow's milk that lacks a beta-casein protein in milk). How great would it be to pass this bill and farms that have been struggling to either make their farm profitable, or maybe they don't have a processor, or they don't want to expand their farm, and all they want to do is milk cows and sell their product. I am not saying that passing this bill is a magic wand and all of the sudden the number of dairies in ND is going to double, but why not create this avenue and allow farmers the freedom to sell their healthy, high-quality, nutritious product that is certified and licensed from the ND Department of Agriculture so that we do this the right way. Since the first thought of this bill, I started reaching out to other farmers, organizations, and we are all on the consensus that we all want to support ND Agriculture and raw milk, however my initial bill did not address some of their concerns so I listened to them and added amendments that you can see before you. Most of the amendments that I added address safety standards and concerns such as labeling, testing, providing documentation for transparency, and creating a risk analysis and management plan that addresses 10 key issues.

If you want to do your own research, there is a website called realmilk.com where all the raw milk farms are listed. You can go on and click on the individual farms, read their mission statements, see their products and pricing, tour their farms, and even meet their families.

I think one of the best thing about being an American is the amount of freedom we have. We should have freedom for what food we eat and drink. Raw milk is a product, that if it has the proper safety measures in place I can really see it making a difference not only on small farms but to revive the North Dakota Dairy Industry.

Thank you and now I will stand for questions.



Senate Agriculture Committee - HB 1515

Emmery Mehlhoff, NDFB Public Policy Liaison

March 16, 2023

Chairman Luick and members of the committee,

My name is Emmery Mehlhoff and I represent the North Dakota Farm Bureau.

NDFB stands in support of HB 1515. Our policy urges our legislators to reduce regulations to allow for as much local products as possible. - ID#: 2437/21

Twenty-eight states currently have less restrictive raw milk laws than North Dakota. Ten states currently allow raw milk to be sold in retail stores. Eighteen states including our surrounding neighbors (Montana, South Dakota, and Minnesota) allow for farm to consumer sales.

NDFB respectfully requests a "Do Pass" recommendation on HB 1515.

Fargo

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Bismarck

4900 Ottawa St. | PO Box 2793, Bismarck, ND 58502-2793

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To Whom it may concern:

I grew up milking cows as a young girl. We had fresh real milk available to us children all the time. While I went to public school we could get white milk or chocolate milk. I stopped drinking milk when I went to school because it was sour (this was pasteurized milk). We sold our dairy cattle when I hit 7th grade all the high school, 20s, 30s, & now into my 40s I've never drank milk since because of that experience. I do however love pretty much every type of cheese, ice creams, cottage cheese, sour cream, real yogurt, & cream cheese. Many times with ice creams I get sick to my stomach because of the product being used. Over the last couple months I've been part of a herd share. I absolutely love the milk & cream I get. I can now have many wonderful dairy items I remember as a child. The taste is bar none to fresh homemade butter, homemade whipped cream, homemade chocolate pudding. And the list goes on.

It's absurd to think it's illegal to just "purchase" real true untouched milk. Do you realize that pasteurized milk has killed off all the good bacteria that are beneficial to gut health? Do you realized pasteurized milk will mold but the "real" milk or raw milk sours but you can still use it as a form of buttermilk to make many wonderful items such as banana bread, cakes, Alfredo sauce, buttermilk pancakes, etc etc....

If we can buy raw vegetables, eggs, fish, chicken, beef from grocery stores why can we not purchase raw milk from suppliers?

I can go to a restaurant where someone else is touching my raw food not knowing how is been stored & I can eat raw fish, but I can't buy raw milk from my friend for my consumption, preposterous. It's stupid to think this is even outlawed to -not be able I purchase raw milk. This needs to pass & we need to be supporting our ranchers with this by moving from the fad of thinking raw milk is bad for humans.

Sincerely

Juanita Johnson

Sam Wagner
Ag and Food Field Organizer
Dakota Resource Council
1720 Burnt Boat Dr. Ste 104
Bismarck ND 58503
Testimony in support for HB1515

To the Honorable Chair and members of the Senate Ag Committee,

Mr. Chair,

The Dakota Resource Council would like to change their stance from oppose to supporting this bill now that the requirement for the grade A permit and the sale from the farm requirement have been removed. We would once again like to thank Representative Holle for being kind enough to work with us and others that sought that change.

Our primary concern for this bill is if there is language in our state or federal regulations that would have a requirement for a warning label for these products. We understand that raw milk has both good and bad qualities to it and that pasteurization was invented for a reason. However, with that being said we believe that the consumers should be able to make that choice. We would like to see the process of buying raw milk be similar to other establishments that serve raw or undercooked food, like sushi for example. These businesses usually have some sort of warning at their establishment that states eating raw foods can pose health risks. If no such laws exist it may be prudent for the committee to add language requiring a sign or warning at the point of sale informing consumers that the product they are purchasing poses a health risk if handled improperly.

We recommend DO PASS.

Chairman Luick and members of the Senate Agriculture and Veterans Affairs Committee.

My name is Alan Qual and I dairy farm with my brother and our sons at Lisbon, North Dakota. I am opposed to HB1515.

I also serve as the Secretary of the Milk Producers Association of North Dakota (MPA). The MPA Board of Directors voted on February 23rd, 2023 to oppose HB1515 as it passed the N.D. House.

The current form of the HB1515 for Raw Milk has no standards or oversight by the N.D Health Department or N.D. Agriculture Commissioner.

Grade A milk meets many minimum standards for safety before it can be sold off the farm for pasteurization. Pasteurization kills the bacteria and pathogens in milk. This bill allows the sale to the consumers of North Dakota with no consideration given for their safety.

I do respect an individual's freedom to choose what they consume, but feel the health of children and immune compromised North Dakota citizens must be protected.

The previously proposed amendments to HB1515 would have provided safety requirements similar to South Dakota's enacted raw milk law. The amendments were not included when the bill came out of the House Committee hearing.

North Dakota has guidelines for other foods sold directly to the consumers and this bill exempts raw milk sold to North Dakota consumers from everything. This is an unsafe plan.

Please send HB1515 to the Senate with a do not pass recommendation as it is currently written.

Alan Qual
Qual Dairy
Lisbon, N.D.
(701)-680-1210