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To: House Committee on Agriculture
Representative Ken Rahjes, Chair

From: Aaron M. Popelka, V.P. of Legal and Governmental Affairs, Kansas Livestock Association

Re: **SB 346 AN ACT concerning agriculture; relating to milk and dairy products; allowing on-farm retail sale of milk and milk products; extending certain milk and dairy license fees; authorizing the secretary of agriculture to declare an imminent health hazard; authorizing civil penalties for certain dairy law violations.**

Date: March 7, 2022

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Rahjes, and members of the Committee. The Kansas Livestock Association (KLA) opposes SB 346 because the original bill was amended to create an inadequate label to warn unknowing consumers of the risk of foodborne illness associated with raw milk. KLA policy supports legislation that requires raw milk to be conspicuously labeled with a food safety warning label, and requests the Committee amend the bill to restore the disclaimer language in the bill as it was introduced.

KLA believes it is necessary to warn consumers about the risks associated with the consumption of unpasteurized milk. Currently in Kansas, unpasteurized milk may not be sold in retail stores and is only allowed to be sold on the farm, but a recent court case lifted restrictions on raw milk advertisements. This development increases the reach of raw milk marketers and heightens the need to make sure consumers, who may not be as informed about raw milk, understand the risk of foodborne illness. A label is also important because if a foodborne illness occurs, the Kansas Department of Agriculture and Kansas Department of Health and Environment will be able to adequately distinguish the product and its source.

The bill, as it stands, would require that labels of unpasteurized milk state: "raw milk" or "unpasteurized". This will cause confusion among consumers. Some consumers may not understand that a label stating "raw milk" means the product is unpasteurized. Conversely, stating "unpasteurized" on the label of a product like cheese, that used raw milk as an ingredient, will not adequately inform the consumer as to the true nature and health risks associated with the ingredients.

KLA supports an amendment to restore the original disclaimer in the bill on page 2, lines 1 through 3, which states: "This product contains raw milk that is not pasteurized and could contain bacteria that may cause foodborne illness." If this amendment is adopted, KLA will support the bill. The language pertaining to foodborne illness mirrors the USDA label required for raw meat, 9 C.F.R. 317.2(l)(2). It is standard language that has been shown not to unduly burden food sales while adequately informing consumers of the potential risk. At a minimum, the committee must restore the first portion of the disclaimer "This product contains raw milk that is not pasteurized," to allow consumers to fully understand the product they are purchasing. In addition, on page 2, line 7, KLA asks the committee to strike "or" and reinstate the word "and".

It is important to understand pasteurized milk is a safe, wholesome, nutritional product packed with valuable nutrients essential to the human diet. Pasteurization was developed in the late 1800s during a time when millions of people became sick and died of tuberculosis, scarlet fever, typhoid fever, and other diseases that were transmitted through raw, unpasteurized milk. Such requirements have since prevented millions of people from becoming ill. As a result, pasteurization is important to avoid health risks associated with consumption of raw, unpasteurized milk. These risks warrant a disclaimer to enable consumers to have enough information to appreciate and understand the risk they are taking when consuming unpasteurized milk.

Unpasteurized milk can carry dangerous organisms, such as Brucella, Campylobacter, Cryptosporidium, E. coli, Listeria, and Salmonella, which can pose serious health risks. According to the Centers for Disease Control and Prevention (CDC), from 1993 through 2012, there were 127 food-borne illness outbreaks linked to unpasteurized milk.¹ The CDC states, “[t]hese outbreaks included 1,909 illnesses and 144 hospitalizations.” The CDC notes, “[a] large number of raw milk outbreaks involve children. At least one child younger than 5 was involved in 59% of the raw milk outbreaks reported to CDC from 2007 through 2012. Children aged 1 to 4 years accounted for 38% of Salmonella illnesses in these outbreaks and 28% of illnesses caused by Shiga toxin-producing E. coli, which can cause kidney failure and death.” CDC indicates “the risk of outbreaks linked to raw milk is at least 150 times greater than the risk of outbreaks linked to pasteurized milk”² A 2009 study indicated that 32.5 percent of raw milk samples contained at least one type of foodborne pathogen.³

In late 2018, the CDC confirmed a person in New York was infected with brucellosis from consuming raw, unpasteurized milk and traced the purchase of that milk to people in 19 other states.⁴ In 2017, a Texas resident was infected with brucellosis from consuming raw milk and the CDC traced the purchase of that milk to at least seven states.⁵ Unpasteurized milk was served at a private gathering in Kansas in 2011 and 17 cases of campylobacteriosis were either confirmed or probable by the Kansas Department of Health and Environment.⁶ In 2007, two campylobacteriosis outbreaks were reported in Kansas. One outbreak affected 25 individuals and was associated with the consumption of raw milk that was purchased from a dairy farm located in Reno County.⁷ The second outbreak was associated with using unpasteurized milk to make fresh soft cheese and affected 67 individuals.⁸

In addition to the labeling provisions previously discussed, KLA further supports any future amendments requiring all dairies to meet the same basic Grade A or Grade AA inspection standards as dairies that sell milk to a processor.

Thank you for this opportunity to present KLA’s position on SB 346. KLA respectfully requests the Committee not advance SB 346, unless KLA’s suggested amendments are adopted.

¹ <https://www.cdc.gov/foodsafety/rawmilk/raw-milk-questions-and-answers.html>

² See <https://www.cdc.gov/foodsafety/rawmilk/rawmilk-outbreaks.html#2007>, stating “73 outbreaks . . . were linked to raw milk, and 48 outbreaks . . . were linked to pasteurized milk. Probably no more than 1% of the milk consumed in the United States is raw, yet more outbreaks were linked to raw milk than by pasteurized milk.

³ Ronald D. Knutson, *et al.*, *Asymmetry in Raw Milk Safety Perceptions and Information: Implications for Risk in Fresh Produce Marketing and Policy*, September 2010, at 4, available at [file:///C:/Users/aaron/Downloads/8C-3 Knutson Currier.pdf](file:///C:/Users/aaron/Downloads/8C-3%20Knutson%20Currier.pdf).

⁴ <https://www.cdc.gov/media/releases/2019/s0211-brucellosis-raw-milk.html>

⁵ <https://www.cdc.gov/media/releases/2017/p0915-raw-milk-brucella.html#:~:text=Raw%20milk%20from%20the%20K,bacteria%20known%20as%20Brucella%20RB51.&text=Milk%20from%20K%20DBar%20dairy,been%20linked%20to%20the%20dairy.>

⁶ http://www.kdheks.gov/epi/download/Campy_Final_Report.pdf

⁷ *Id.*

⁸ *Id.*