Got (raw) milk? Debate over potential benefits, dangers of unpasteurized milk sales spurs controversy and legislation in Midwestern states

By Kathryn Tormey [1]
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Demand for raw, unpasteurized milk is on the rise - and policymakers in the Midwest are debating the potential benefits and risks of allowing farmers to sell the product.

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This spring, eight people in Minnesota became infected with E. coli— a potentially life-threatening bacteria often linked to food poisoning. When the state Department of Health investigated the illnesses, patients named a common source: “raw,” unpasteurized milk from a Gibbons, Minn., farm.

In October, seven more illnesses — this time from bacteria Campylobacter jejuni and Cryptosporidium parvum— were linked to the same farm, leading the state to launch a campaign to inform the public about the risks associated with raw milk.

Raw milk has been lauded by consumers who believe that the product has health benefits. They believe that pasteurization decreases the nutritional value of milk and claim the raw version can cure everything from lactose intolerance to Crohn’s disease. Proponents of raw milk sales add that consumers should have the choice to purchase it — and that farmers should be able to serve this niche market.

But health experts, including the U.S. Food and Drug Administration, have long warned the public about the dangers of raw milk. They maintain that pasteurization, which was developed more than a century ago to help eliminate pathogens in food, has little or no effect on milk’s nutritional value. They add that by drinking raw milk, consumers run the risk of contracting bacteria and parasites that can pose serious health risks.

Children, pregnant women and the elderly are particularly vulnerable to the pathogens sometimes found in raw milk, which can cause a wide range of symptoms including fever, abdominal pain, malaise and vomiting that can last for weeks. According to the U.S. Centers for Disease Control and Prevention, about 1,500 illnesses were linked to the consumption of raw milk between 1993 and 2006.

The federal government prohibits the interstate sale of milk that is not pasteurized, but states can
determine whether sales are legal within their own borders. Nationwide, about half of the states allow sales of raw milk.

**Minnesota law difficult to enforce**

In addition to the outbreaks linked to that Minnesota farm, at least 47 other people in the state have gotten sick after drinking raw milk so far this year.

Minnesota is one of the six Midwestern states that allow farmers to sell raw, unpasteurized milk to the public (Illinois, Kansas, Nebraska, South Dakota and Wisconsin are the others). In most of these states, the milk must be sold directly to consumers by farmers; in South Dakota, home delivery is permitted. (States such as California, Washington and Vermont allow retail sales, but no Midwestern states permit them.)

In Minnesota, sales must only be “occasional” and producers cannot advertise.

But the vagueness of Minnesota’s law makes it more difficult to enforce, says Nicole Neeser, dairy inspection program manager for the Minnesota Department of Agriculture.

“[The law] has served us well for many years,” she says. “It has allowed neighbors or friends to go to each other and purchase raw milk.”

But with an uptick in the number of people searching for and purchasing raw milk, the state has struggled with a lack of resources to properly inspect facilities and ensure public health.

“We understand now more than ever that our law is a challenging one to enforce,” she says. “... A change in policy, in that sense, would not necessarily be bad if it outlined more clearly what the expectations are for both parties.”

Although she has heard talk of possible changes to the law, Neeser doesn’t know of any formal efforts to put them into effect.

**Wisconsin bill would allow milk sales**

Wisconsin has legislation in place regarding raw milk that is similar to Minnesota’s. But some policymakers in Wisconsin, including Democratic Rep. Chris Danou, are hoping to rework the 50-year-old law that bans most raw milk sales.

Danou would like to change state law to allow farmers, under certain guidelines, to regularly sell raw milk on the farm where it was produced.

Under legislation Danou introduced this year, farmers in the Dairy State would not be allowed to advertise the product and would have to label the product with warnings about its risks.

In addition, farmers would have to conduct monthly tests for pathogens.

Danou says that selling raw milk, which goes for a premium price of up to $10 a gallon, could be a lifeline for the state’s small farms.

“[The bill would have helped] smaller farmers who have been wanting to generate additional revenue,” says Danou, adding that they too often have to make one of two choices: “get big or get out.”

The Senate version of the bill ([SB 434](https://bit.ly/3JaeP62)) was approved by both legislative chambers. But it was
vetoed by Democratic Gov. Jim Doyle in May.

Doyle echoed concerns raised by a number of public health groups, including the Wisconsin Public Health Association and the Wisconsin Academy of Family Physicians.

Doyle said that other states, such as California, have stricter standards for milk testing than the requirements set out in SB 434.

Danou, who drank raw milk from a family friend’s farm as a child, says the health concerns are “overblown.” He points to studies that suggest food contamination is more of a concern in large, central dairy-processing facilities where illness can spread quickly through the supply chain.

While he agrees that raw milk has its risks, Danou believes that consumers should be able to purchase it if they wish. He likens raw milk to cigarettes: As long as consenting adults know the risks, he says, they should be able to make their own choices.

Danou plans to tackle the issue again next legislative session. He says he would like to work on parts of the legislation that would give farmers immunity if consumers get sick from their products. His goal is to protect farmers from frivolous lawsuits, while at the same time leaving a method for punishing negligent vendors.

**Ban in Iowa has been debated**

Iowa Sen. David Johnson says that — in theory — he, too, would like to see farmers be able to capitalize on a growing niche market.

“But not at taking the risk of being sued,” he says, “and certainly not at the cost of having health risks to the consumer.”

Iowa is one of the Midwestern states (in addition to Indiana, Michigan, North Dakota and Ohio) where it is illegal to directly sell unpasteurized milk for human consumption.

Legislation was introduced in Iowa earlier this year that would have repealed the state’s ban. The bill (HF 2044) never received a committee hearing.

Johnson is opposed to the measure. After working on a dairy farm for the past 15 years, Johnson says, he is well aware of the risks of raw milk sales — to the consumer and the farmer.

“In today’s litigious society, you just don’t know what’s going to happen,” he says. “You’d have to sell a lot of milk to make up your legal costs.”

Johnson expects the issue to come up again in the upcoming legislative session, but believes that public support is low. Earlier this year, a nationwide egg recall was traced back to at least two Iowa farms. With that health scare fresh in the minds of Iowans, he says, policymakers are unlikely to consider opening up raw milk sales in the state.

But despite states’ efforts to regulate raw milk sales, consumers are finding ways to get the product anyway. Some are taking part in “herd shares” — arrangements through which they pay farmers to care for cows in exchange for the rights to the milk the animals produce. In most cases, laws that regulate farm-to-consumer raw milk sales do not apply to herd shares.

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