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To: Senate Committee on Agriculture and Natural Resources
Senator Dan Kerschen, 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: January 20, 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, Mr. Chairman, and members of the Committee. The Kansas Livestock Association (KLA) supports SB 346 because the bill supports the accurate labeling of raw unpasteurized milk.

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, know the risks. A label is also important because if a foodborne illness occurs, the Kansas Department of Agriculture will be able to adequately distinguish the product and its source.

The bill, as it stands, would require that labels of unpasteurized milk state: "This product contains raw milk that is not pasteurized and could contain bacteria that may cause foodborne illness." The language pertaining to foodborne illness mirrors the USDA label required for raw meat, 9 C.F.R. 317.2(i)(2). It is standard language that has been shown not to unduly burden food sales while adequately informing consumers of the potential risk.

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.”

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.² 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.³ 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.⁴ 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.⁵ The second outbreak was associated with using unpasteurized milk to make fresh soft cheese and affected 67 individuals.⁶

In addition to the labeling provisions already provided with SB 346, 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 supporting SB 346. KLA respectfully requests the committee to pass SB 346.

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

² <https://www.cdc.gov/media/releases/2019/s0211-brucellosis-raw-milk.html>

³ <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.>

⁴ http://www.kdheks.gov/epi/download/Campy_Final_Report.pdf

⁵ *Id.*

⁶ *Id.*