



## Raw Milk in MA: Can Regulators Be Deterred from Their Crackdown?

by David E. Gumpert - May 31, 2010

One of the few bright spots in the national struggle over raw milk during the last four years has been Massachusetts. Until the first of this year, that is. Beginning in January, the Massachusetts Department of Agricultural Resources (MDAR) has issued four cease-and-desist orders against buying clubs serving consumers with raw milk delivered from Massachusetts raw dairies.

In early May, a couple hundred raw milk consumers rallied on Boston Common against the crackdown, and 50 then testified at an MDAR hearing on the subject, with 49 of the 50 supporting buying clubs and asking MDAR to back off. The buying clubs--really carpools and delivery services--aren't like conventional distributors, since they don't mark up the milk, and charge only a delivery fee.

The atmosphere in Massachusetts has thus done a 180-degree turnaround from what existed before 2010. A 2009 study by the Massachusetts chapter of the Northeast Organic Farming Association (NOFA/Mass.) found that not only has the number of raw-milk dairies increased sharply (from 10 in 2006 to 27 today), but that the revenues generated by the dairies tends to remain in local communities, since the milk is sold directly to consumers, without the economic spillage to out-of-state corporations like Dean Foods inherent in conventional distribution and retailing models. "It is worth noting that the money earned from the sale of raw milk, like all local products, has a lasting effect in the communities where it is sold. These farmers employ their neighbors, purchase products from their local stores, and contribute to the tax base of their towns." ([PDF Link](#))

The other encouraging aspect of the raw milk revival has been a complete absence of illnesses associated with raw milk, for well over a decade. By contrast, three people were killed and a pregnant woman lost her fetus thanks to tainted pasteurized milk from nearby Whittier Farms in 2007.

The problem with the MDAR's campaign is that, by shutting down the buying clubs and carpools, the agency threatens to put a crimp on the sales of many raw dairies. At the MDAR hearing in early May, consumers talked about how raw milk has improved the health of their families, and farmers talked about how business would be affected. Pam Robinson, an owner of Robinson Dairy in Hardwick, testified that the push to shut down the buying clubs could well put her farm out of business. That was in line with the finding of the NOFA/Mass. survey in which twelve raw dairies said such sales were vital to farm survival. When dairies sell to big processing companies that pasteurize milk, the farmers receive perhaps \$1.50 a gallon, while selling milk directly to consumers yields \$5 to \$8 a gallon.

Why is the MDAR disrupting the raw dairy business? It says on its website that milk delivery services must have a milk dealer's license, most commonly used by those in the pasteurized-milk business; indeed, MDAR's commissioner has acknowledged that there is no established process for the delivery services to obtain such a license. MDAR says on its website, "Despite any short term impact to our farms [from the crackdown], MDAR must enforce the laws of the Commonwealth as they currently exist." ([PDF Link](#))



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In reality, the MDAR seems to be acting at the behest of the Massachusetts Department of Public Health (MDPH). In early January, one of its administrators wrote to MDAR requesting the agency go after two buying clubs; and then in May, MDPH's commissioner, John Auerbach, wrote MDAR's commissioner, Scott Soares, requesting an even tougher crackdown on raw dairies, including a ban on herdshare arrangements, observing, "in an ideal world we would prefer that all milk sold in Massachusetts be pasteurized..."

Whatever the actual reason, the new official pressure against raw dairies seems a violation of the classic rule, "If it ain't broke, don't fix it." MDAR has promised a public inquiry into possible further regulation of the raw milk business in Massachusetts. Certainly state agriculture and public health regulators can find other real problems to focus on, as opposed to nonexistent ones. But as we know, when it comes to raw milk, regulators often lose all pretenses of objectivity.

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He is the author of *The Raw Milk Revolution: Behind America's Emerging Struggle Over Food Rights*. He also writes a popular blog, **The Complete Patient**, which over the last four years has aggressively covered a number of health and regulatory issues. His prior book was about his family's experiences during the Holocaust: *Inge: A Girl's Journey Through Nazi Europe*. He has also authored or co-authored seven books on various aspects of small business. Prior to his book-writing and entrepreneurship career, he spent nine years as a staff reporter with *The Wall Street Journal* and seven years as small business editor of the *Harvard Business Review*. He was also a senior editor of *Inc.* Magazine. His bachelor's degree is in political science from the University of Chicago, and a master's degree in journalism from Columbia University Graduate School of Journalism.

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### **HYPERLINKS for PDF version:**

**PDF Link** - NOFA/Mass, "Local, Fresh and Raw – Unpasteurized Milk in Massachusetts", June 2009 = <http://www.nofamass.org/programs/organicdairy/pdfs/RawMilkinMassachusetts.pdf>

**PDF Link** - MDAR, "FAQ's About Buying Raw Milk in Massachusett", May 2010 = [http://www.mass.gov/agr/docs/Raw\\_Milk\\_QA\\_May%2012\\_final.pdf](http://www.mass.gov/agr/docs/Raw_Milk_QA_May%2012_final.pdf)

**The Complete Patient** - blog by David Gumpert = [www.thecompletepatient.com](http://www.thecompletepatient.com)