

Wis. legalization of raw milk seen as benchmark

(Associated Press, WI)

By SCOTT BAUER

Proponents of unpasteurized milk hope a victory in "America's Dairyland" will encourage other states to legalize sales and make it more available nationwide.

Wisconsin Gov. Jim Doyle has indicated he will sign a bill the Legislature passed late last month allowing farms to sell raw milk directly to consumers through 2011. Although the bill is limited in scope, advocates who've worked for years promoting raw milk say legalization in Wisconsin could lead to broader acceptance nationwide.

"It's the best state this could have happened in for us," said Sally Fallon Morell, president of the Washington-based Weston A. Price Foundation, a nonprofit group that advocates drinking raw milk.

The federal government doesn't allow sales of raw milk because of concerns about food-borne illness, but states can allow them as long as the milk doesn't cross state lines. With Doyle's signature, Wisconsin would become the 20th state to allow direct sales of raw milk from dairy farmers to individuals. Another nine states allow retail sales.

Advocates had been hoping that number would grow this year as a half dozen states considered bills. South Dakota liberalized its raw milk to allow sales at farmers markets as well as farms, but bills in four other states to legalize or expand sales died, said Pete Kennedy, a lawyer with the Farm to Consumer Legal Defense Fund, which is affiliated with the Weston A. Price Foundation.

Even though Wisconsin is relatively late to the game in legalizing raw milk sales, and laws are more liberal in some other states, its acceptance of unpasteurized milk could ease consumers' fears and set an example for the remaining 30 states, Kennedy said.

"It's a foot in the door," he said.

Janet Brunner sold raw milk to roughly 600 customers from her farm in western Wisconsin until about two years ago when the state forced her to stop. She said she looks forward to resuming sales soon.

"We are the one that everybody's watching," said Brunner, who lives in Arkansaw, Wis., about 80 miles east of Minneapolis.

"My feeling is that when the governor signs this and this becomes law, it will set precedent for the other states out there fighting this," she added. "Any time a state becomes legal, other states are going to look at that and say, 'What are they doing?'"

The fight over raw milk usually comes down to health risks. Supporters say pasteurization — the process that kills harmful bacteria and extends shelf life — also destroys beneficial nutrients and enzymes. Public health officials and epidemiologists say unpasteurized milk can contain bacteria, including E. coli and salmonella, that causes sickness and even death.

Seattle attorney Bill Marler has represented children and families all over the country sickened by E. coli and other food contaminants. As raw milk sales become more common, an inevitable outbreak if illness will make legislators regret liberalizing the laws, he said.

"I've just seen too much illness and death due to bacterial contamination, and I frankly just think we ought to minimize it to the extent possible," Marler said. "When legislation is passed that unwinds 60 years of public health, you're going to have to deal with the consequences."

Both Marler and raw milk advocates agree that the more states like Wisconsin allow sales, the more likely it is that others will follow.

"My goal is for raw milk to be available to anyone who wants it, anywhere in the United States," Fallon Morell said.

The Wisconsin Dairy Business Association — which has 760 members, including dairy farmers, cheesemakers and others in the dairy business — opposed the legalization, fearing an outbreak of disease could damage the state's reputation for providing a healthy, good product, executive director Laurie Fischer said.

There were 1,614 reported illnesses, 187 hospitalizations and two deaths from consumption of raw milk between 1998 and 2008, according to the Food and Drug Administration. In March, the FDA confirmed 12 cases of illness in Michigan after consumers drank raw milk from an Indiana dairy farm.

Joe Plasterer, 44, of Madison, said he and his wife started buying raw milk seven years ago. He said he's lost weight since then, and he thinks his three children are healthier because of it. As raw milk becomes easier to buy, Plasterer said he expects acceptance to grow.

"We'll see an evolution of people trying it," Plasterer said. "I don't know that we're going to see a dam burst on this because not everybody's ready for it."

Just how many Wisconsin farms will sell raw milk remains unclear. A fiscal estimate prepared with the bill said it was impossible to estimate sales, and Fischer said she had no idea how many would do it.

Brunner, who has been advocating for raw milk sales for a decade, estimated between 100 and 200 of Wisconsin's roughly 13,000 dairy farmers would be interested.

It won't be easy. The farms will have to get state permits and undergo monthly inspections.

Marler, the attorney, said monthly tests are better than nothing but it's like finding a needle in a haystack given that cows are milked daily and contamination could occur at any time. 5-05-10