

***NATIONAL CONFERENCE  
ON INTERSTATE MILK SHIPMENTS***

“To Assure the Safest Possible Milk Supply for all the People”

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The Honorable Paul Ryan  
Speaker  
United States House of Representatives  
H-232, US Capitol Building  
Washington, D.C. 20515

The Honorable Nancy Pelosi  
Minority Leader  
United States House of Representatives  
H-204, US Capitol Building  
Washington, D.C. 20515

**RE: OPPOSE Amendment 30 of H.R. 2, allowing interstate sale of unpasteurized milk products**

Dear Speaker Ryan and Minority Leader Pelosi:

The National Conference on Interstate Milk Shipments (NCIMS) writes to respectfully urge you to **oppose Amendment 30 to H.R. 2**, the Agriculture and Nutrition Act of 2018, offered by Rep. Thomas Massie (KY-04) that would allow for the interstate traffic of unpasteurized milk and milk products for purposes of direct human consumption.

The NCIMS is a cooperative state-federal program for the certification of Interstate Milk Shippers that includes state milk regulatory agencies from all fifty (50) states, the District of Columbia, the U.S. Trust Territory of Puerto Rico, and the U.S. Food and Drug Administration (FDA). The official goal of NCIMS is to “*Assure the safest possible milk supply for all the people.*” This important public health mission is accomplished by the national uniform enforcement of the food safety standards and requirements of the *Grade “A” Pasteurized Milk Ordinance* (PMO) published biennially by FDA, and implemented through an active 1977 Memorandum of Understanding (MOU) between FDA and NCIMS. The NCIMS at its biennial conferences, held since 1950, recommends changes and modifications to the PMO, and other related technical documents, and thereby ensures that the PMO represents the most current science-based knowledge and experience concerning the safe production and processing of Grade “A” milk and milk products shipped in interstate commerce.

In this letter, we express our concerns and objections regarding the proposed Amendment to H.R. 2 that would allow the interstate distribution of raw milk and raw milk products that are currently required to be pasteurized to ensure food safety and prevent foodborne illness. The NCIMS respectfully submits the following:

- **The proposed amendment would put public health at risk by undermining the role of pasteurization as a critical step in protecting consumers from foodborne illness.**

According to a report by the U.S. Centers for Disease Control (Langer, et al., *Emerging Infectious Diseases*.2012; 18(3):385), there were 73 foodborne illness outbreaks resulting from unpasteurized dairy products between 1993 and 2006, causing 1,571 illnesses, 202 hospitalizations, and 2 deaths. The same report showed that outbreak illnesses caused by

unpasteurized dairy products disproportionately affected persons under 20 years of age and, importantly, that the incidence of outbreaks was higher in states that permitted the sale of unpasteurized dairy products than in states that prohibited such sale. Further, the Centers for Disease Control's report concluded that federal and state regulators should continue to enforce existing regulations to prevent distribution of unpasteurized dairy products to consumers.

The effectiveness of pasteurization in destroying harmful bacteria is well documented in the scientific literature, and proven by more than 100 years of public health regulatory experience and over 50 years of oversight by the states through enforcement of the PMO. The pasteurization requirements of the PMO for Grade-A milk products shipped in interstate commerce are based on proven scientific principles developed in detail by food safety and public health experts from all levels of government, as well as industry and academia. Legal pasteurization of milk and milk products is subject to highly specific time and temperature requirements using approved equipment of sanitary design, with safety controls inspected and set under seal by state regulatory agencies to ensure that every particle of milk is effectively heated to protect consumers from foodborne pathogens. Further, in many states, the operation of pasteurization equipment at milk products plants is conducted by persons licensed by state regulatory agencies to ensure technical competency for this critical public health safeguard. The handling and packaging of milk following pasteurization is also subject to strict requirements to prevent subsequent contamination. Without pasteurization, and the structured regulatory framework that assures its proper application to milk and milk products, consumers will be placed at significant risk—especially those most susceptible to foodborne illness including children, the elderly and people with compromised immune systems. It is imperative, therefore, that restrictions on interstate sale of unpasteurized milk products be maintained and that measures proven effective to protect consumers not be dismantled to reflect the uninformed and nascent regulatory environment of more than a century ago.

- **The proposed amendment would complicate or undermine the varied approaches by state agencies to regulate raw milk products.**

While NCIMS strongly supports the pasteurization of milk and milk products as a proven means of ensuring food safety and protecting public health, we also recognize that individual states govern the intrastate distribution of raw milk according to their own laws and regulations. The NCIMS submits that state laws governing distribution of raw milk and raw milk products are diverse, with differing levels of both regulatory allowances and oversight. State regulations regarding raw milk products vary widely concerning licensing, facility requirements, inspection frequency, regulatory testing, microbiological standards, dairy livestock health requirements, and product labeling. Many states prohibit the intrastate sale of raw milk entirely. The proposed amendment would allow raw milk to move freely across state borders, with products reaching consumers from diverse sources under varied regulatory standards. Such interstate movement would be extremely difficult and burdensome for individual states to control, and the food safety mandates of individual State Legislatures regarding governance of raw milk distribution would be significantly undermined as products originating under varied conditions would reach consumers within their respective regulatory jurisdictions. This would be true even for shipments between states that allow raw milk product sales within their own borders. Enforcement efforts in response

to the interstate movement of raw milk products in violation of state standards would also place a potentially significant resource and fiscal burden upon state agencies.

Unlike the regulation of raw milk, the NCIMS and the PMO constitute a unique and well proven food safety system, conducted in close cooperation with FDA, for the nationally uniform state regulatory oversight of Grade “A” milk products. This cooperative milk safety program among all 50 states and Puerto Rico, industry, academia, and FDA has been effective at protecting public health for over 60 years, and has strongly placed Grade “A” milk and milk products among the most closely regulated foods in the United States. Enforcement of pasteurization requirements under the nationally standardized regulatory framework of NCIMS has been a vital and underpinning component of ensuring the consistent safety of milk products sold to individual consumers and families across the country. Such a uniform national approach to regulating the safety and suitability of raw milk and raw milk products does not exist, and NCIMS opposes any proposed law that would roll back proven, science-based food safety measures while simultaneously hindering state-determined regulatory frameworks to protect both consumer choice and the health of citizens within their borders.

Finally, the NCIMS wishes to express its ongoing commitment to its official mission, **“To assure the safest possible milk supply for all the people”** and once again firmly supports the use of pasteurization under regulatory oversight as the most important means of ensuring the safety of Grade “A” milk and milk products shipped in interstate commerce. Pasteurization must be maintained as a requirement for milk products being distributed among the 50 states to consumers with highly varied health risks and susceptibilities to foodborne illness. We again strongly urge you to **oppose Amendment 30 to H.R. 2**, concerning the interstate movement of unpasteurized milk and milk products, thereby maintaining the integrity of national public health requirements of the Grade “A” milk safety regulatory system in the United States.

Respectfully submitted,



Stephen Beam, Ph.D.  
Chair  
National Conference on Interstate Milk Shipments