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November 20, 2015

The Honorable Thomas Massie
United States House of Representatives
541 Buttermilk Pike, Suite 208
Crescent Springs, Kentucky 41017

Re: H.R. 3563 and H.R. 3564

Dear Representative Massie:

This correspondence is to convey our concerns about H.R. 3563 Milk Freedom Act of 2015 and H.R. 3564 Interstate Milk Freedom Act of 2015. Specifically, existing evidence suggests these bills represent a significant risk to the health of children, mothers, and families. I tender this letter in my capacity as the Executive Director of the National Environmental Health Association, and its 5,000 members who are employed in the seven uniformed services, the nation's 2,800 local health departments, and over 1,000 companies in the private sector.

The association between raw milk with disease-carrying organisms is well documented. Contaminated raw milk can be a source of harmful disease-causing bacteria such as those that can cause undulant fever, dysentery, salmonellosis, listeriosis, campylobacteriosis, and tuberculosis. In the past, there were outbreaks of illness associated with raw milk all across the United States. Pasteurization made that a problem of the past. Today, milk-borne disease has been reduced greatly by the use of pasteurization. Prior to 1938, milk-borne illness represented 25 percent of all foodborne illness outbreaks. Today, milk-borne illness represents less than one percent of foodborne illness outbreaks.

H.R. 3563 Milk Freedom Act of 2015 and H.R. 3564 Interstate Milk Freedom Act of 2015 would authorize the interstate traffic of unpasteurized milk and milk products packaged for direct human consumption and prohibit interference from Federal agencies in such interstate traffic. Federal departments, agencies, or courts would not be able to take action that would prohibit, interfere with, regulate, or otherwise restrict the interstate traffic of milk or a milk product that is unpasteurized, adulterated, misbranded, or otherwise in violation of Federal law and packaged for direct human consumption. Moreover, these bills would also allow such interstate traffic even if the applicable laws of the states differed.

These bills would also eliminate the Federal mechanisms that help protect families from serious infections due to raw milk. Without the ability of Federal authorities to regulate the interstate traffic of raw milk, states would be burdened with regulating the sale of raw milk and its products from other states. Moreover, these bills strip the Federal government's ability to protect the public from additives or contaminants (whether chemical, biological or foreign matter) or take action against raw milk producers or distributors even in the case of adulterated or misbranded/mislabeled unpasteurized milk and milk products. Lastly, we are concerned that these bills would impede Federal resources or assistance with multi-state outbreak investigations and recalls that would occur.

The FDA has prohibited the distribution of raw milk across state lines for direct sale to consumers since 1987. This function has provided a layer of protection for all residents of the United States that helps ensure that we do not return to the high rates of infections associated with raw milk in our parents' and grandparents' generations. Regulating the interstate traffic of unpasteurized zed milk and milk products is good disease prevention.

Thank you for allowing me to share our concerns from a public health perspective. I believe it is important to continue to allow Federal agencies to carry out their statutory functions to protect the health and safety of all residents of the United States. These functions support our public health mission at the local level to reduce health threats, keep people healthy, and prevent outbreaks.

On behalf of our nation's children, mothers, and families, I respectfully ask that you reflect on the implications of HR 3563 & 3564, and the health of our most vulnerable citizens. I am at your service if you desire to discuss the legislation, or if I can be assistance to you in any matter related to your constituents' health.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'David T. Dyjack'.

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