

TESTIMONY ON OREGON HB 2612
Allowing the Licensed Sale of Raw Butter

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Presented on behalf of
Weston A. Price Foundation
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My name is Pete Kennedy. I am an attorney with the Weston A. Price Foundation (WAPF), an international nonprofit whose primary mission is to restore nutrient-dense foods to the American diet through research, education and activism. A goal of WAPF is universal access to raw milk and raw milk products. I have worked on the drafting and development of legislation legalizing the sales or distribution of raw dairy products at the state and federal level over the past 12 years. I worked on the development of HB 2612.

House Bill 2612 would allow the commercial production and sale of butter made from unpasteurized (raw) cow milk by licensed dairy products plants. Licensed producers could sell within the state of Oregon to retail stores, restaurants, and direct to the final consumer. HB 2612 charges the state department of agriculture with promulgating rules to establish official state grades and standards of quality and identity for raw butter. Raw butter can then only be sold if it is in compliance with the grades and standards the department sets.

Passage of HB 2612 would increase revenues for the state's dairy industry, better enable dairy farmers to make a living, and help meet increasing consumer demand for locally produced foods and products like raw butter. It could help stem the decline in the number of Oregon dairy farms. In 1992 Oregon had 1,900 farms with dairy cows, according to USDA data; the latest figures from the Oregon Dairy Farmers Association show there are 194 dairy farms left in the state.

The sale of butter made from raw cow milk is currently legal in nine states.

- The sale of raw butter in retail stores is legal in Arizona, California, Idaho, Maine, Tennessee, and Utah.
- The sale of raw butter direct from producer to consumer is also legal in Kansas, New Hampshire, and Wyoming.
- The distribution of raw butter through herdshare agreements is legal in Idaho, North Carolina, North Dakota, Tennessee, Utah, and Wyoming.

Even though the definition of "butter" found in the Federal Food Drug and Cosmetic Act allows for it to be raw, there is a federal ban on raw dairy products (other than cheese aged at least 60 days) for human consumption in interstate commerce. There is currently litigation in federal district court challenging the ban on raw butter.

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Raw butter has an excellent track record for food safety. The Centers for Disease Control (CDC) has a database tracking foodborne illness outbreaks from 1998-2016; during that time, there has not been a single foodborne illness outbreak attributed to the consumption of commercially produced raw butter. Neither have there been any foodborne illness outbreaks linked to raw butter consumption since 2016.

There was one outbreak in 2007 in Utah that listed what appears to have been homemade butter along with raw milk and raw cheese as possible causes. Given raw butter's history of not being responsible for foodborne illness, it is more likely that either the milk or the cheese was the cause of the illnesses.

The commercial sale of raw butter has been legal in California for over 100 years. Those who have looked have not been able to find a single foodborne illness outbreak in the state attributed to raw butter consumption in the past 40 years which is as far back as they have been able to find records. The corporation Raw Farm (formerly Organic Pastures Dairy Company) located in Fresno, has sold over 2 million pounds of raw butter since 2001 without incident. Oregon residents travel to California to purchase raw butter costing the dairy industry revenue; FDA does not enforce the interstate ban against individuals crossing state lines to obtain raw dairy products.

To improve dairy farm prosperity, consumer choice, food safety, individual health, and self-sufficiency in food production locally and regionally as well as keeping more of the food dollar in the community, I urge you to vote for House Bill 2612.

Respectfully submitted,

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