

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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### 330 CMR 27 HEARING UPDATE:

#### MDAR IS REMOVING LANGUAGE FROM PROPOSED REVISIONS TO 330 CMR 27

#### MDAR IS ANNOUNCING IT WILL BE CONDUCTING FURTHER INQUIRY INTO THE MILK MARKET

The Massachusetts Department of Agricultural Resources (MDAR) is removing that portion of the proposed revision of 330 CMR 27.00 Standards and Sanitation Requirements for Grade "A" Raw Milk relative to specific prohibition of the purchase of raw milk anywhere but on the farm and processing of milk. All such changes are located within Section 27.08 of the proposed regulations. MDAR's reason for doing so is so that it may conduct a broader inquiry into the milk market as it relates to raw milk pursuant to Chapter 94A of the Massachusetts General Laws. The passion and concern on all sides of the raw milk debate have led MDAR to plan for a broader look at issues associated with raw milk. While MDAR expects that there are many ways that raw milk can impact the milk market, further investigation into all aspects of this issue is needed. This does not constitute an official notice of a hearing, examination or investigation for such an inquiry; such notice will be made prior to any MDAR action requiring it.

MDAR has received comments on two simultaneous but different efforts to address sanitation requirements for milk through a regulatory change as provided under Chapter 94 of the Massachusetts General Laws and to address violations of the Milk Dealer licensing requirements of the Milk Control Laws under Chapter 94A of the Massachusetts General Laws.

MDAR's decision to modify the proposed regulations has been made in an effort to address the issue more broadly through an inquiry as provided for under the Milk Control Laws and recognition that since the middle of the last century it has been a requirement for anyone acting as a Milk Dealer to be properly licensed by MDAR. A Milk Dealer is defined within the Milk Control Laws as anyone in the business of receiving, purchasing, pasteurizing, bottling, processing, distributing or otherwise handling milk. This is still the case, and MDAR will take such steps to enforce violations as they become aware of them.

MDAR continues to strongly encourage the different marketing opportunities for dairy farmers which include the on farm sales of raw milk.

The hearing on May 10<sup>th</sup>, 2010, will still go forward to address all other proposed regulatory changes to the Standards and Sanitation Requirements for Grade A Raw Milk contained in 330 CMR 27.00. Comments are invited on these proposed changes, but testimony will be limited to the draft of the regulations reflecting the removal of the aforesaid text. The full modified text of the proposed changes will be available at the hearing on May 10<sup>th</sup> and will be posted on MDAR's website.

More information on the scope and nature of the inquiry into the milk market including initial hearing dates will follow within the next thirty (30) days.

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