

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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### MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES, DIVISION OF ANIMAL HEALTH REGULATION INTERPRETATION REGARDING COW SHARE OR HERD SHARE AGREEMENTS AND APPLICATION OF 330 CMR 27

#### Interpretation 2010-1

Under the authority granted in Massachusetts General Law Chapter 94, Section 13, in part to ensure adherence to the aseptic processing, standards, and sanitization requirements for raw milk for retail sale, the Department's Division of Animal Health promulgated regulation 330 CMR 27, "Standards and Sanitation Requirements For Grade A Raw Milk". Section 27.11(A)(1) states, "No person shall sell or offer or expose milk for sale produced on a dairy farm for use or disposal elsewhere than on such farm, unless as to such farm a Certificate of Registration has been issued by the Commissioner." Section 27.10(C) authorizes the Department to issue written interpretations of these regulations "...to promote the uniform application of 330 CMR 27."

Under that authority, the Department has issued the following written interpretation to ensure a fair and consistent approach to partial-ownership agreements including but not limited to cow share or herd share agreements that may be established between raw milk producers and raw milk consumers:

The terms "sell", "offer", and "expose milk for sale" apply to partial-ownership agreements that exchange one-time purchase payments and/or monthly maintenance fees for any volume of milk. Partial-ownership agreements that the Department reviewed show the receipt of milk to be the primary or sole benefit to the partial-owner. Even when additional products, such as manure, hides, and meat, are offered to the partial-owner, the transfer of any amount of milk is a "sale" for purposes of the regulation. As such, any dairy farm employing partial-ownership agreements to sell milk may only do so provided they hold a Certificate of Registration.

Date: November 15, 2010

A handwritten signature in blue ink, appearing to read "Scott J. Soares".

Scott J. Soares, Commissioner

A handwritten signature in blue ink, appearing to read "Michael Cahill".

Michael Cahill, Director  
Division of Animal Health