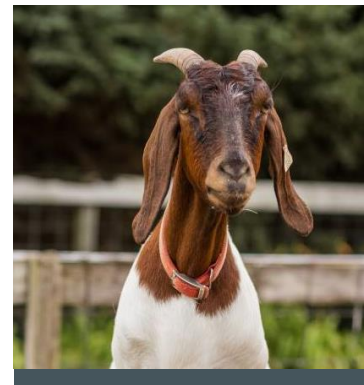
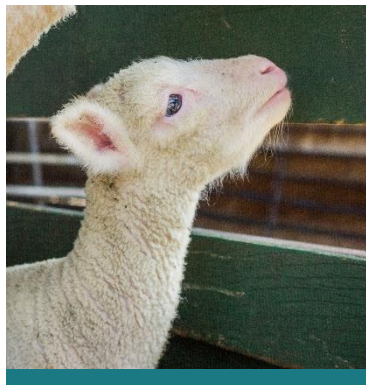




# Michigan's Approach to Raw Milk



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# History of Raw Milk in Michigan

- 1948 – Michigan became the first state to require pasteurization of dairy products
- 1987 – FDA banned interstate sale and distribution of unpasteurized milk
- 2013 – Michigan released Policy #1.41, Fresh Unprocessed Whole Milk





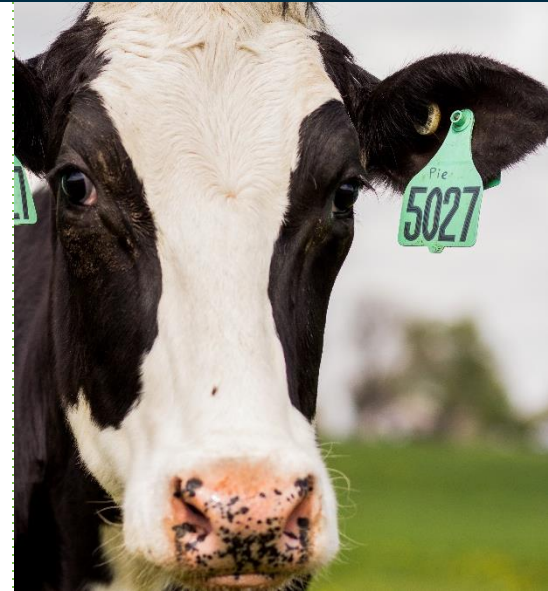
# What Michigan Law Says

- Grade a Milk Law of 2001, 288.538 Sec 68 (1) states “Only pasteurized milk and milk products shall be offered for sale or sold, directly or indirectly, to the final consumer or to the restaurants, grocery stores, or similar establishments.”
- Manufacturing Milk Law of 2001, 288.696 Sec 136 states “Only pasteurized milk and dairy products shall be offered for sale or sold, directly or indirectly, to the final consumer or to restaurant, grocery stores, or similar establishments except as specified in section 138”
  - 288.698 Sec 138 states “Unpasteurized milk may be used in the manufacture of cheese only as allowable in 21 C.F.R. part 133, incorporated by reference, and if the cheese has been cured or ripened (aged) for more than 60 days at a controlled temperature of not less than 35 degrees Fahrenheit, or as specified by FDA.”



# Raw Milk Sales in Michigan

- Sale of raw milk or raw dairy products is illegal in Michigan
  - Exception: Raw milk cheese (license required)
- MDARD exercises enforcement discretion through Policy #1.41, which allows herd share members to obtain milk from dairy farms





# Policy #1.41 – Fresh Unprocessed Whole Milk (FUW)

Michigan Department of Agriculture & Rural Development • Food & Dairy Division

## Food Safety & Inspection Program

SECTION: General  
Fresh Unprocessed Whole Milk

Policy # 01.41  
Date: 3-12-13

This policy is built upon the recommendations of the Fresh Unprocessed Whole Milk Workgroup. The workgroup agreed to use the term Fresh Unprocessed Whole (FUW) milk to describe the product intended for direct human consumption since "raw milk" is used to describe milk intended for pasteurization.

Michigan Dairy Laws state in MCL 288.538 and in MCL 288.696, "Only pasteurized milk and milk products shall be offered for sale or sold, directly or indirectly, to the final consumer or to restaurants, grocery stores, or similar establishments". The Food Law states in MCL 289.6140, "Only pasteurized ingredients from a department-approved source shall be used for milk and milk products manufactured, sold, served, or prepared at a retail food establishment."

In a herd share operation, consumers pay a farmer a fee for boarding their animal (or a share of an animal), caring for the animal and milking the animal. The herd share shareholder then obtains (but does not purchase) the raw milk from his or her own animal.

Herd share operations include the following elements.

- There should be a signed and dated written contract between a single herd share farmer and shareholder
- There must be a workable means of communication between the farmer and all of the households receiving milk
- Milk should be from a single farm and not co-mingled

### Key points

- The Michigan Department of Agriculture and Rural Development (MDARD) does not license or inspect the herd share portion of a dairy farm.
- Herd share programs are considered to include only FUW milk intended to be consumed by people.
- FUW milk is not for sale or resale.
- FUW milk cannot be distributed from a licensed food establishment.
- Products such as butter, yogurt, cheeses, etc. made from FUW milk were not included in the workgroup's discussions and are not considered by MDARD to be part of a herd share operation and therefore are subject to applicable MDARD laws and regulations.
- Advertising of herd shares is not regulated by MDARD.

The workgroup felt comfortable with these decisions based on the fact that there is a defined consumer pool, rapid traceback is possible and the farmer and shareholder are both responsible for maintaining the quality of the milk.



# Herd Share Requirements

- Consumer pays fee to farmer for boarding, caring for, and milking their animal. In exchange, herd share owner receives raw milk from their animal
- Signed/dated written contract between single herd share farmer and shareholder (member)
- Workable means of communication between the farmer and all households receiving milk
- Milk from single farm (no comingling)



# Herd Shares Requirements

- Herd shares are ***not*** required to:
  - Test for antibiotic residue
  - Test for pathogens of concern
  - Test for milk quality
  - Meet the same standards as Grade A or Manufacturing Dairy Farms



# Herd Share Challenges

- Cottage Food Law Confusion – what's included and what isn't?
- Additional resources required
- Inspector safety concerns
- Failure to stay within confines of herd share agreement
  - Processing raw dairy products
  - Refusal to cooperate with regulatory authority
  - Including other food product sales without necessary licenses





# Legal Challenges

- Increased staff time and resources:
  - Subpoenas
  - Hearings
  - Documenting events
  - Response to public
- Determining responsible party





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