

WHAT'S happening with *Real Milk?*

The State of Colorado's Grade A Pasteurized Milk and Fluid Milk Products Regulations prohibit the sale of raw milk. The regulatory definition of sale does not include cowshare programs. The Board of Health, the rule-making body for the Department of Public Health and Environment, voted against a proposed regulation that would have extended the definition of sale to "the sale of undivided shares or interests in a cow or dairy herd."

In 2005, the Colorado General Assembly passed legislation codifying the exemption of cowshare programs from the definition of sale. Consumers can now acquire raw milk legally in the state if the following conditions are met:

1. "The milk is obtained pursuant to a cow share or goat share. The cow or goat share is an undivided interest in a cow, goat or herd of cows or goats" formed by a written contract between a consumer and a farmer that includes a legal bill of sale and a boarding contract.
2. The owner of the cow or goat share shall receive raw milk direct from the farm where the cow, goat or dairy herd is located and the farm is registered. The farmer complies with the state requirements for registration when he provides the Colorado Department of Public Health and Environment with a written statement containing:
 - a. The name of the farmer, farm or dairy;
 - b. A valid, current address of the farmer, farm or dairy; and
 - c. A statement that raw milk is being produced at the farm or dairy.
3. The milk containers the farmer provides to the consumer must have a label with the warning statement that the milk is not pasteurized.
4. The farmer must provide the consumer with information regarding:
 - a. Standards the farmer maintains with respect to herd health,
 - b. Standards the farmer maintains in the production of milk from the herd,
 - c. Results of testing done on cows or goats that produce the milk,
 - d. Results of testing done on the milk,
 - e. An explanation of the tests and test results.

The state prohibits the redistribution of any raw milk cow or goat share owners obtain.

Farmers running cowshare programs can only distribute unpasteurized "fluid milk products" legally. Under state regulatory definitions, this would include milk, cream, yogurt, and cottage cheese. This would not include butter and cheese. State regulations define butter and cheese as manufactured milk and dairy products. The state code prohibits any cowshare programs involving manufactured milk and dairy products.

Raw milk sales for animal consumption are legal if the farmer treats the milk with a dye approved by the Department of Public Health and Environment prior to sale.

History

Guidestone Farm was given clearance to operate a cow-share program by the Colorado health department in 1994. For eight years, they have operated quietly, without any problems, providing raw milk to more than 150 families. Now other farmers are becoming interested in offering cow-share programs - more and more people want access to raw milk - so naturally the state is trying to shut the program down. In a letter dated February 27, 2003, Dan Trimberger of the Consumer Protection Division announced proposed regulatory changes that would make cow-share programs illegal.

State officials recently met with consumers to discuss the proposed changes and were unprepared for the quality of the testimony they heard. Consumers argued for their right to freedom of choice, health professionals delineated the health benefits of raw milk, and two lawyers - one for Guidestone and one for the Colorado Farmers' Union - pointed out that legislation against cowshare programs would be unconstitutional. Officials left the meeting with their tails between their legs, stating that the current law would stand until further deliberations.

Update August 24, 2005

Raw milk lovers are celebrating the passage of a bill to legitimize cow-share programs in the state, signed into law by the governor on April 22. Says James Dean, the lawyer who guided this bill through many hurdles: "What a marvelous effort this was on the part of hundreds of people. It literally took the organized effort of hundreds. Without each of them, we might not have made it. . . . I often think that people do not realize the degree of effort it takes to turn government around. People often do not recognize the various ties to different interest groups which must be built and the compromises that must be reached for this kind of effort to be successful."

See <http://www.realmilk.com/happening.html#co> for more information about raw milk legislation throughout the country and abroad.