

MODIFICATION #2 TO REGULATORY PROPOSAL REGARDING RAW MILK:

The EXEMPTION in section 6 of the proposed regulation should be modified as follows:

- (1) (a) Insertion of “SUBSTANTIALLY” before “MEET” in the first line of the second paragraph, and (b) deletion of the third paragraph of the exemption.
- (2) Deletion of a required statement:

THERE IS NO SCIENTIFIC EVIDENCE SUPPORTING ANY HEALTH BENEFITS ASSOCIATED WITH THE CONSUMPTION OF RAW MILK.

Or, alternatively, amendment of a required statement as follows (addition shown by **Bold** faced type):

IT IS THE POSITION OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THAT THERE IS NO SCIENTIFIC EVIDENCE SUPPORTING ANY HEALTH BENEFITS ASSOCIATED WITH THE CONSUMPTION OF RAW MILK.

Reasons:

- (1) The third paragraph of the exemption states the exemption is not transferable and also causes the exemption to terminate if there is virtually any change in the Guidestone operation.

Neither of these provisions is founded on any reasonable basis. The provisions rather appear to be a means for permitting the Department to terminate the exemption in the future.

Neither of the provisions has any basis in health, safety or welfare considerations. If the Guidestone operation is conducted in a proper manner in accordance with the guidelines contained in the Attachment to the proposed regulation, there should be no concern over the ownership, location or other aspects of the Guidestone Farm which do not relate specifically to how it is operated on a day to day basis.

In addition, prohibition of any change in the operation even if required by law or for scientific reasons flies in the face of common sense and applicable legal principals that regulation must bear some relationship to the matter being regulated. For example, the Sunrise Dairy Operating Standards contained in the Attachment to the proposed regulation requires the use of stainless steel vessels for some purposes. If at some time in the future, stainless steel would be found to be harmful as is currently being asserted about aluminum

containers, should Guidestone not be able to use different containers as a matter of health and safety without losing the exemption? Also, Guidestone operates on leased land. If its lease were not renewed, should it matter to where Guidestone relocates if it operates in the same fashion in which it currently operates?

- (2) The statement regarding “no scientific evidence” is simply untrue. While the scientific community may be divided on the subject of benefits of raw milk, there is adequate scientific data supporting the belief of many persons in the benefits of raw milk to make the statement being required wrong. The Consumer Protection Division has only been willing to examine scientific information from the organizations listed in the last bulleted item of the required disclaimer. These organizations are not the only organizations who make credible statements in the field of health, nutrition and medicine. Raw milk has been shown to have benefits in scientific tests conducted throughout the world. The fact that those tests are not recognized by the organizations listed does not make the tests “unscientific.” While Guidestone is prepared to include all of the other statements in disclaimers to be obtained from its members, it does not desire to ask its members to sign an untrue statement.

Guidestone does offer an alternative to a total deletion of the requested statement which is to attribute the statement to the Department as regarding the Department’s belief about the lack of scientific support for the benefits of raw milk.