

EDITORIAL

Raw milk vs. raw power? State agency goes too far

In the annals of overzealous government regulation, there surely must be a special place for the Massachusetts Department of Agricultural Resources and its handling of the case of Brigitte Ruthman.

Ruthman, as a story in this month's issue details, has a single milking cow at her farm in the southern Berkshires town of Sandisfield. The cow produces more milk than Ruthman can consume by herself, so she signed up three other people to buy "shares" of her cow, Daisy. In exchange, these part owners get regular shares of the cow's milk.

To the bureaucrats at the Department of Agricultural Resources, this means Ruthman is operating an unlicensed dairy and posing a threat to public health. The agency has ordered her to stop distributing Daisy's milk to anyone other than herself, and it's threatening legal action if Ruthman doesn't comply.

It doesn't matter that the Daisy's unpasteurized milk is only being given to a handful of people who are, in effect, the cow's co-owners. The state is taking the position that these shareholders are consumers who need to be "protected" every bit as much as people buying their milk from a supermarket fridge.

It's this kind of one-size-fits-all mentality that gives government agencies a bad name.

Without question, the public expects federal and state officials to be policing the safety of the industrial-scale farming and food distribution system that supplies our supermarkets. In just the past few years, thousands of people have been sickened by poor practices at large-scale egg, spinach and peanut butter producers around the country.

Spurred by these cases, Congress was moving in early December toward passage of a major overhaul of the nation's food safety system. The legislation has some flaws, and some fear it will impose too many burdens on small farmers. But the Senate version, which the House was expected to accept, exempts farms with \$500,000 or less in annual sales that distribute most of their food locally.

The U.S. Senate, at least, seems to understand the idea that the potential severity of any potential outbreak of food-borne illness becomes greater as the size of a food-producing operation increases. Too bad the Massachusetts agriculture agency doesn't seem to get it.



At a time when state resources are supposedly in short supply because of a recession, it's hard to fathom why a state agency would be devoting staff time to trolling the Internet in search of one-cow operations like Ruthman's – much less sending a staffer all the way out to Sandisfield to post a "cease and desist" order on her door.

The agency is defending its actions in the case by saying that, essentially, the law is the law – and it must be enforced. But actually, as in most states, Massachusetts law doesn't really say anything about cow-share or herd-share operations like Ruthman's. The agriculture agency is simply interpreting the law as giving itself jurisdiction over these operations.

That state's stance may turn out to be legally defensible. But most people will see it for what it is: an abuse of state power to "protect" a small group of consumers from their own free choices.