

## ADVICE TO MINISTER

<p style="text-align: center;">CONFIDENTIAL ISSUES NOTE</p> <p>Ministry: Healthy Living and Sport Date: Jan. 6/10 Updated: Jan. 25/10 Minister Responsible: Ida Chong</p>	<p style="text-align: center;"><b>Raw Milk – Home on the Range Dairy</b></p>
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### ADVICE AND RECOMMENDED RESPONSE:

- The risk of disease from consuming unpasteurized milk products is high and can cause serious illness in people, especially young children, the elderly, and those with weakened immune systems.
- It is important that all British Columbians be aware of the serious health risks associated with consuming unpasteurized milk.
- There have been cases of illness caused by the consumption of raw milk in B.C., including in children who were given raw milk by well-intentioned parents.
- There is no credible or scientific evidence that raw milk produces any measurable health benefits over pasteurized dairy products.
  - No significant changes have been noted in calcium levels in raw and pasteurized milk;
  - Most vitamins are not affected by pasteurization. Vitamin C is lost in the largest amount, but milk is not a significant source of Vitamin C;
  - Proteins in the milk are generally not affected by pasteurization.
- Pasteurization of raw milk has prevented thousands of illnesses and deaths and is one of the great advances in public health of the twentieth century. It removes potentially harmful bacteria, while still retaining milk's nutritional qualities.
- There is no quality standard for raw milk, because the sale of unpasteurized dairy products is illegal in British Columbia.

### Specific to testing:

- Home on the Range Dairy distributed raw milk dairy products that had indications of fecal contamination which pose a public health risk.
  - *E. coli* was detected in samples tested at both the BCCDC Public Health

Labs and Siliker labs, an independent private laboratory. This means that these samples had evidence of fecal contamination.

- o *E.coli* are an indicator of public health risk in a food product. Coliforms, on the other hand, are indicators of quality (hygiene and sanitation) and indicate bacteria. If coliforms are at a high enough level they can cause illness. High levels can also be an indicator that pathogens are present.

#### KEY FACTS REGARDING THE ISSUE:

- Fraser Health legal counsel have scheduled an application for an injunction to stop Home on the Range from selling or distributing raw milk for February 1, 2010.
- In July 2008, health inspectors from Fraser Health issued an order directing Home on the Range operation to cease and desist distributing raw milk.
- A representative of the cow share group operating the farm appealed the order, but Home on the Range is obliged to respect it while waiting for the appeal to be heard.
- There are two outstanding appeals to B.C. Supreme Court from orders made under the Health Act in 2008 and 2009 related to raw milk cease and desist orders. These have been dormant.
- Fraser Health took no further action until investigation of a case of E -coli and Campylobacter in an 18-month-old child in December 2009 revealed that the family had consumed milk from Home on the Range.
- The farm was inspected again and found to be in violation of the order.
- Inspections were also carried out against a number of distribution depots and cease and desist orders were issued to the depots distributing the milk.
- On Jan. 5, 2010, the BC Centre for Disease Control (BCCDC) advised British Columbians to discard any unpasteurized dairy products from the Home on the Range raw dairy in Chilliwack.
- As part of an ongoing investigation by public health officials in Vancouver Coastal Health and Fraser Health, the BCCDC Public Health Labs recently tested products from this dairy including yogurt, cream, butter and cream cheese. Of these samples, five tested positive for fecal contamination meaning these dairy products were contaminated with germs from the bowels of animals or humans.
- On Jan. 7, 2010, an independent testing facility, Siliker, confirmed the same or higher levels of coliform and generic E. coli in five samples from the Home on the Range Dairy.
- Jan. 9, 2010 health inspectors from Fraser Health delivered test results to Home on the Range showing that samples of raw milk products from the dairy obtained at distribution depots tested positive for fecal contamination.
- The risk of disease from consuming these unpasteurized products is very high and can cause serious illness in people, especially young children, the elderly, and those with weakened immune systems.
- Locations where products were tested include Ethical Kitchen (North Vancouver); Controversial Kitchen (Vancouver); and Ayurveda (Vancouver). Home on the Range raw dairy also distributes products to; Ladybug Organics (Surrey/Langley); and Rockwell Farms (Abbotsford).
- Unpasteurized milk – often referred to as raw milk – is consumed directly from the cow, goat or sheep without any process to destroy disease-causing bacteria such as E. coli, Salmonella and Campylobacter. Its sale is illegal in Canada and there is no credible or scientific evidence that raw milk produces any measurable health benefits over pasteurized dairy products.
- The sale of raw milk products is legal in some US states, but it is important to note that laws and regulations in those states are stringent and are virtually identical to pasteurized products, which means producers must maintain scrupulous hygiene – obviously not present at this farm. Even with these standards, outbreaks due to raw milk products still occur in those States.
- Raw milk standards for coliforms in Washington and California state no more than 10cfu/ml -

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are allowable in raw milk. Samples from BC tested thousands of times higher than these standards.

- Raw milk can legally be used to produce unpasteurized milk cheese in BC. However, unpasteurized milk cheese must be aged for a minimum of 60 days under controlled, refrigerated conditions. The combination of high acidity, high salt and refrigerated conditions combine over the 60 day aging process to destroy any pathogens that may have been initially present in the raw milk. As well, these dairy plants are subject to regulatory oversight, inspection and rigorous standards.
- On January 21, 2010, an Ontario farmer who operates a raw milk co-op was found not guilty of 19 charges related to selling unpasteurized milk. It is very likely that the decision will be appealed. This decision was based on Ontario law; it's impact in BC will be reviewed by the Ministry of Attorney General.

### **BC's Dairy Inspection Program**

- BC does regulate dairy plants that produce pasteurized products with site visits to dairy plants to assess sanitary conditions and detect and mitigate risks. Dairy plants are also required to submit monthly finished product samples to independent labs for microbiological and chemical hazards.
- Follow up actions are based on severity of infraction and can range from a clean-up order and follow up inspection to suspension of the plant's dairy license.
- With raw milk there is no legal recourse<sup>[p3]</sup>.
- BC is home to forty-five licensed dairy processing plants – twenty-seven federally registered plants and eighteen provincially licensed plants.
- Authority to inspect dairy processing plants located in BC is granted under the BC Milk Industry Act and is the responsibility of the Minister of Healthy Living and Sport. Authority to inspect and approve dairy farms is the responsibility of the Minister of Agriculture and Lands under the BC Milk Industry Act.
- For dairy processing plants licensed only provincially, BCCDC Environmental Health Services – Food Protection Team operates an outcome and risk based inspection system on behalf of the Minister of Healthy Living and Sport.
- BCCDC Food Safety Specialists conduct on-site inspections at provincially licensed dairy processing plants to identify potentially high risk processes/situations, recommend mitigation strategies to any identified risky processes/situation, and to assess the sanitary conditions at each plant.
- All dairy plants in the province are required to submit monthly finished product samples to an independent laboratory for rigorous microbiological and chemical testing to ensure that relevant dairy product standards are met.
- If a finished product does not meet its relevant dairy product standard, follow up action by the BCCDC is initiated and, depending on the case, can range from ordering a plant cleanup and follow up inspection through to suspension of the dairy processing plant's license.
- The inspection of federally licensed dairy plants has been primarily delegated to the CFIA.
- In 2009, BCCDC conducted 37 inspections of provincially licensed dairy processing plants.

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