



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
AGRICULTURE, FOOD & RURAL RESOURCES
28 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0028

Walter E. Whitcomb
COMMISSIONER

November 23, 2011

Ms. Katherine Ozer, Executive Director
National Family Farm Coalition
110 Maryland Avenue, NE
Suite 307
Washington, DC 20002

Dear Ms. Ozer:

We are in receipt of your letter dated November 21, 2011, advocating for the dismissal of the complaint filed against Dan Brown for his unlicensed sale of milk and other food products. I believe your position in this matter is misinformed. Contrary to your assertion that the Maine Department of Agriculture's action in bringing this complaint "flouts" the Department's goals, the Department has an overarching responsibility to protect the public health and welfare.

As noted in the complaint, laboratory testing of samples of Mr. Brown's raw milk, packaged in used, dented and unlabeled plastic fruit juice containers that were purchased from Mr. Brown's farm stand by inspectors on July 26, 2011, revealed a somatic cell count of 780,000 and a coliform count far in excess of 150 colony forming units per ml. The bacterial counts showed contamination levels 10 to 15 times greater than allowed by law.

We believe the products sold by Mr. Brown pose a significant health risk to consumers, demonstrating why regulation of the sale of these products through state licensing and inspection is so important. The state's licensing and inspection requirements are reasonable and do not impose an undue burden on Mr. Brown or others who wish to engage in the sale of raw milk and other food products.

Clearly you would not disagree that food safety and security is essential to the public health and welfare, although your endorsement of Mr. Brown's sale of

contaminated raw milk seems to be a contradiction. Contrary to information being conveyed by Mr. Brown and his supporters, he has been consistently informed of his responsibility to be licensed and inspected in accordance with Maine law. He has refused all offers of support from the State of Maine's raw milk licensing program to assist him with the licensure process and safety inspection steps such as water testing and T.B. testing.

Mr. Brown has refused to accept any form of guidance and assistance from the state for a significant period of time, including that period prior to the enactment of the Blue Hill food ordinance this past April. Adding to our concern is the fact that the communities that have passed local food sovereignty ordinances do not appear to have developed any plans for the regulation and inspection of food products offered in public markets for human consumption.

The Maine Department of Agriculture's statutory responsibility to protect public health fits very well in the marketing efforts of nearly 1200 small home food processors, artisan cheese makers and raw milk sellers who participate in Maine's license and support programs. The promotion of local food sales consistent with protection of the public health is much more likely to be successful if you and other persons supporting local food markets would make a better effort to understand all of the facts and why it is important for the state to have a role in the process.

Many ill informed individuals who have little understanding or concern regarding the hazards of food share your views.

Thank you,



Walter E. Whitcomb
Commissioner

cc: Senator Olympia J. Snowe
Senator Susan M. Collins
Representative Chellie Pingree
Representative Michael H. Michaud
Governor Paul R. LePage