



**House Public Health
Texas Medical Association and Texas Pediatric Society Testimony
House Bill 46 by Rep. Dan Flynn
Feb. 27, 2013**

Good morning, Chair Kolkhorst and the members of the committee. The Texas Medical Association (TMA) and the Texas Pediatric Society (TPS), representing 47,000 physicians and medical students, are here to express our concerns with House Bill 46 by Rep. Dan Flynn, which would expand the sale of raw milk in Texas. I am Edward Sherwood, MD, FACP. I have served on several task forces and committees for the state of Texas on public health topics, most recently as a member of the Department of State Health Services Health Care Associated Infections and Preventable Adverse Events Advisory Panel. I am board certified in infectious diseases and internal medicine, and a fellow in the American College of Physicians. I am here today representing TMA and TPS, and as a past chair of TMA's Committee on Infectious Diseases.

Pasteurization is one of the most effective public health practices put into place in the United States. Before pasteurization was widely in place, more than 25 percent of the outbreaks associated with food and water in the country were from consumption of milk. Today, our state's dairy farmers and processors follow uniform, scientifically proven food safety regulations and standards that eliminate bacterial and viral contamination. It is because of the success of pasteurization that most people don't know drinking raw milk or other unpasteurized dairy products can make some people sick.

Does unpasteurized milk improve health?

Physicians understand that many individuals believe consuming raw milk will help improve their health. However, no scientifically rigorous studies exist that show health benefits from drinking raw milk over pasteurized milk. But we are well aware of the most recent national study conducted by the Centers for Disease Control and Prevention that showed that 60 percent of the dairy-related disease outbreaks were related to unpasteurized products.¹ These outbreaks involved more than 1,500 cases and 200 hospitalizations. From 1993 to 2006, 75 percent of the dairy-related disease outbreaks occurred in states like Texas that allow the sale of unpasteurized milk products. This does not include the 2011 outbreak traced to a Plano dairy that sickened four patients, including at least one who was hospitalized. From 2000 to 2012, more than 70 milk-borne nationwide outbreaks were reported due to raw milk or raw milk products.

Unpasteurized raw milk can contain bacteria that cause gastrointestinal illnesses and serious sicknesses, such as hemorrhage from *E. coli* or septicemia from *listeria*. Raw milk presents a higher risk for pregnant women, infants, children, and anyone who has a weakened immune system — such as a person with cancer or HIV/AIDS, or who has had an organ transplant.

We are concerned with the threat of the contamination of raw milk through the unregulated transport of the milk. HB 46 provides no requirements for the transportation of milk to be sold away from the dairy farm. Other states have imposed minimum temperature and testing requirements. These are vital components that complement pasteurization and help ensure a safe milk supply. HB 46 also includes only minimal labeling of raw milk. We strongly urge this committee to consider adding language indicating that unpasteurized milk is in fact a health risk and a potential source of disease and illness in both adults and children.

Since the federal government prohibits the interstate sale of raw milk and raw milk products, the responsibility for raw milk sales falls on states, which are in the best position to consider the balance of allowing individuals to make choices and the risk to public health. I conclude my testimony by saying that there is no evidence that the presumed benefits of some having easier access to raw milk outweighs the risk of making potentially unsafe food more accessible. If HB 46 is implemented, more people may become ill from raw milk consumption — resulting in **greater costs to the state for investigation, inspection, and the care of those who will need to be hospitalized. These illnesses and hospitalizations are preventable.**

At the Public Health Coalition gathering earlier this month, Representative Kolkhorst challenged organizations to evaluate whether initiatives would 1) save the system dollars and 2) improve health.

Madam Chair, we do not believe the current proposal meets either of those standards. Please support the public health of Texas adults and children and oppose House Bill 46.

¹ Nonpasteurized Dairy Products, Disease Outbreaks, and State Laws — United States, 1993-2006, *Emerging Infectious Diseases*, Vol. 18, No. 3, March 2012, Centers for Disease Control and Prevention.