



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE



Testimony Regarding, House Bill No. 6312, *An Act Concerning the Sale of Adulterated Milk and Milk Products*, Before the Environment Committee, February 9th, 2009

Senator Meyer, Representative Roy, members of the Environment Committee, my name is F. Philip Prelli. Thank you for the opportunity to be before you today to testify. This bill is an initiative of the Department and we urge your support.

Before I begin, we would like the Committee to note that the intended version was not the version that was submitted to the Committee. The intent of Section 2 is to provide penalties for a violation of an order of the Commissioner. To rectify this we request the following change: *Sec. 2 subsection (e) line 120, delete, "any provision of this section" and insert in its place " any order issued pursuant to this section "*

Section 1.

This will add definitions for "adulterated" and "misbranded" as we have statutes that use these terms and they are not defined. The definitions we are using are standard and in use by FDA, USDA and the Connecticut Department of Consumer Protection. We also make some technical changes to the definition of safe and suitable ingredient to cite the Code of Federal Regulations correctly.

Section 2.

We asking the legislature to amend Sec. 22-129 to add some very modest penalties for failing to abide by an order of the commissioner and for operating without the necessary licenses.

We propose that the first violation of an order be an infraction and the second or subsequent violation of an order a class A misdemeanor.

We propose that operating a dairy farm, processing facility or other dairy business without a license be an infraction and the 2nd violation a misdemeanor.

As a practical matter anyone found operating without a license or selling adulterated product is given the opportunity for voluntary compliance before the Department takes any regulatory action. The Department would like to have some tools that could involve law enforcement for those instances where we need to take swift action such as shutting down an individual who was manufacturing "bathtub" cheese as we had to do in early 2008. The administrative civil penalty route is cumbersome and slow.

Section 3 makes it clear that milk dealers, stores, distributors and processor must abide by the sanitation rules of chapter 430.