

RAW MILK AND RAW MILK PRODUCTS PRODUCTION AND SALES (18 AAC 32.070)

Frequently Asked Questions

1. Why are these changes being proposed?

“The most critical concern Alaskans hold for the future of food is the security of its food supply,” read a [2014 study on food security](#) commissioned by the Alaska Department of Health and Social Services. The supply chain disruptions that Alaskans have observed during the COVID-19 pandemic have further highlighted Alaska’s need to enhance the security of our in-state food supply.

Governor Dunleavy sees making raw milk and raw milk products more available to consumers as a step toward improving Alaska’s food security. And the overwhelming bipartisan support for [HB22](#), which allowed consumers to obtain raw milk and raw milk products through herd share agreements, made it clear that there are Alaskans who are interested in consuming raw milk.

Based on these considerations, the Department proactively chose to consider amending milk and milk product regulations to allow for the sale of raw milk and raw milk products. After researching the issue, including looking at the regulatory structure used by other states that allow these sales, DEC has drafted proposed amendments to 18 AAC 32 to allow for the sale of raw milk and raw milk products.

2. What are the main changes I should be aware of and how will the changes impact raw milk sales?

The amendment proposes changes to 18 AAC 32, Milk and Milk Products, by adding a new section, 18 AAC 32.070, Raw Milk and Raw Milk Products Production and Sales, and to make conforming edits. The revisions include:

- Changing 18 AAC 32.060 by adding new language under (3) that allows the sale of raw milk and raw milk products under 18 AAC 32.070.
- Changing 18 AAC 32 by adding a new section, 18 AAC 32.070 Raw Milk and Raw Milk Products Production and Sales, including provisions regarding:
 - (a) identifying that raw sheep, goat, or cow milk producers are not subject to all other provisions of the Milk and Milk Products Chapter except as identified in 18 AAC 32.070;
 - (b) facility requirements;
 - (c) container requirements;
 - (d) operating requirements;
 - (e) absence of drug residue requirements;
 - (f) transfer requirements;
 - (g) sale limitations;
 - (h) routine screening requirements;
 - (i) healthy animal requirements;

- (j) voluntary testing of raw milk and raw milk products provisions;
- (k) record retention requirements;
- (l) inspection and audit authority;
- (m) detention procedures;
- (n) compliance with other statutes and regulations; and,
- (o) definitions.

3. What are raw milk and raw milk products?

Raw milk is milk that has not been pasteurized (heat treated) to remove potentially harmful bacteria and other pathogens. Raw milk products are products made from raw milk, and would be limited under these regulations to yogurt, kefir, cheese, ice cream, cream, and butter.

4. What is a “veterinarian-client-patient relationship”?

A veterinarian-client-patient relationship (VCPR) exists when a veterinarian has assumed responsibility for making clinical judgements for the health of the patient (the animal) and the need for medical therapy, has instructed the client on a course of therapy appropriate to the circumstance, and the client has agreed to follow the veterinarian’s recommendations. The veterinarian must have seen the patient for a physical examination within the last 12 months, or is personally acquainted with the keeping and care of the patient through medically appropriate visits to the premises where the patient has been located for the last 12 months. (Pending 12 AAC 68.215).

5. What are the risks associated with consuming raw milk and raw milk products?

Consuming raw whole milk and raw milk products increases the risk of consuming harmful bacteria and other pathogens that may result in foodborne illness. If pathogenic bacteria are present, milk can promote the growth of those bacteria. Raw milk does not have the safeguard of pasteurization (heat treatment), which provides a kill step to ensure that no pathogenic bacteria are in the final product. Raw whole milk is not sterile as it is produced in the udder where certain bacteria may be present even in healthy animals. Contamination may occur through many means including infection of the udder, animal feces, bacteria that live on the skin of the animal, or cross contamination during bottling and handling, and processing into raw milk products. Proper sanitation, cleanliness, and animal care (overseen by a veterinarian) decrease the risk of contamination and foodborne illness.

The Center for Disease Control (CDC) and Federal Drug Administration (FDA) do not recommend consuming raw milk. However, consumers would be able to make an informed decision for themselves regarding the risk of consuming raw milk or raw milk products if the proposed regulation changes are implemented.

<https://www.cdc.gov/foodsafety/rawmilk/raw-milk-questions-and-answers.html>

<https://www.fda.gov/food/buy-store-serve-safe-food/dangers-raw-milk-unpasteurized-milk-can-pose-serious-health-risk>

6. How can raw milk contamination occur and how can the risks be reduced?

According to the CDC, FDA, and veterinary authorities, milk contamination may occur in these ways:

- Bacteria is present in the udder prior to milking
- Animal feces coming into direct contact with the milk

- Infection of the udder (mastitis)
- Cow diseases (for example, bovine tuberculosis)
- Bacteria that lives on the skin of animals
- Environment (for example, feces, dirt, and processing equipment)
- Insects, rodents, and other animal vectors
- Unsanitary conditions in milk processing
- Cross-contamination from dairy workers, such as contact with dirty clothing or boots.

While pasteurization is the most effective way to kill pathogenic or disease-causing bacteria in milk, proper sanitation, temperature controls, and separate facilities for animal housing, milking, and processing, as proposed in these draft regulations, can help reduce the risk.

7. Will I be able to operate under a “herd share” agreement under AS 17.20.015 and sell raw whole milk to end consumers under 18 AAC 32.070?

Yes. You may operate under a “herd share” agreement (under AS 17.20.015) and/or sell raw milk (18 AAC 32.070) provided you meet the requirements outlined in the regulations.

8. How should a producer retain records?

Records may be kept as written documents in a binder or other means that allow for easy access to the consumer purchasing the product and available upon request by the department. This allows the consumer to be better informed when deciding whether to purchase the product.

9. When will these changes take effect?

If after the public comment period the department decides to proceed with the proposed changes, the regulation package will be reviewed by the Department of Law and delivered to the Lt. Governor for review and finalization. If changes are approved, they will take effect 30 days after Lt. Governor signs the updated regulation package, which is anticipated to be spring 2022.

10. How do I submit comments on these proposed regulations?

Comments from the public and the regulated industry on the proposed regulation changes may be submitted in several ways, but the preferred method is online:

Preferred Online Method: [Submit Comments](#)

If you are unable to submit comments via the online method, you may also submit comments through the following:

Mail: Shannon Miller, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501

Email: Shannon.Miller@alaska.gov

Fax: 907-269-7654

Comments must be received not later than 11:59pm on February 22, 2022.

The department does not respond individually to comments on proposed regulations changes. The department will review written comments received and consider them in deciding what changes (if any) to make to the regulations. The department will prepare a summary of the comments and responses to them, which will be sent to everyone who submits a timely written comment on the proposed changes and provides a return email or mailing address.

If you are a person with a disability who needs an accommodation in order to participate in this process, please contact DEC HR Manager Brian Blessington at (907) 269-6272 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than February 11, 2022 to ensure that any necessary accommodations can be provided.

11. What if I have another question that is not answered here?

The department will respond to questions that are relevant to the proposed changes if the questions are received in writing at least ten days before the end of the public comment period. If questions are submitted after that, the department may, but is not required to, respond to those questions. The questions and answers will be available on the Department of Environmental Conservation's website at <https://dec.alaska.gov/eh/vet/regulations/raw-milk-and-products/>. One consolidated answer may be provided for a group of questions that are similar, as appropriate.