

# Raw milk decision could head to Pierre

By Bob Mercer  
State Capitol Bureau

The battle is moving to the Legislature over stronger sanitation standards for raw milk in South Dakota and health-warning messages on the bottles of it sold to consumers.

The state Department of Agriculture received clearance from the Legislature's rules review committee Tuesday for the regulatory changes.

But the 4-0 vote was about whether the department followed the process set forth in state law, rather than whether legislators on the panel agreed or disagreed with the new rules.

The department should be mindful of a state law that allows a department or agency to suspend a new rule for 90 days if someone formally petitions for the hold, said Rep. Timothy Johns, R-Lead. He is the rules review committee's chairman.

Johns made his comments in the wake of a promise by Sen. Phil Jensen, R-Rapid City, to seek the suspension and delay the new rules until the Legislature can consider the matter.

"This is a freedom issue," Jensen said.

He spoke of "fanaticism and extremism that permeates the Department of Ag" and said the new regulations would run raw-milk dairies out of business while limiting food choices for thousands of South Dakotans.

Jensen and Rep. Scott Craig, R-Rapid City, testified against the new rules. They don't serve on the review committee.

Craig said cancer patients including his wife have been specifically told by their doctors to drink raw milk

because of the health benefits.

"I discourage further regulation," Craig said. "It's just ever increasing. I think it's unnecessary here." He added, "The temperature here (Rapid City) is very much in favor of raw milk production and of it being unregulated."

Agriculture Secretary Lucas Lentsch said the purpose behind the additional regulations is to protect children from illnesses sometimes caused by drinking raw milk.

Raw milk already must be labeled as such. The new labeling requirements call for the identity of farm that produced it, the date of bottling and a warning label that says the product hasn't been pasteurized and may contain harmful bacteria.

State Health Secretary Doneen Hollingsworth, accompanied by state epidemiologist Lon Kightlinger who tracks diseases in South Dakota, appeared in support of the rules.

Hollingsworth said raw milk does cause disease and she cited recent South Dakota statistics of 30 instances of illnesses including five hospitalizations that were linked with raw milk. She said raw milk was the only known risk factor in 13 of those cases.

"The scientific literature is clear. Historic data is clear," Hollingsworth said. "We should be doing everything we can to prevent this."

Iowa, North Dakota, Montana and Wyoming are among the 20 states that prohibit sales of raw milk for consumer use, according to Rep. Peggy Gibson, D-Huron.

Many of the opponents viewed the labeling and testing regulations as an attempt to shut down the

raw-milk trade and an attack on their freedom to choose their food. At times some opponents criticized the department and some personnel by name.

The rules committee spent two hours on the topic. The department has held three public hearings trying to find rules acceptable to the committee.

"To have the notion we're trying to regulate this out of existence, couldn't be farther from the truth," Lentsch said.

Johns found noteworthy that consumers were speaking against rules meant to protect them. "I see it as a matter of philosophy," he said.

State law since at least 1955 has allowed for raw milk including goat milk to be sold at a licensed place of production.

Johns, a retired circuit judge, said licensing implies there will be rules or regulations and state laws give the department the authority to set rules on raw milk including on labeling.

Johns said he expects the 2014 session of the Legislature will see the issue. He asked the department to consider the 90-day suspension petition.

"There would be sufficient time for the Legislature to consider this," he said.

State law lets the department decide whether to allow the suspension. Sen. Mike Vehle, R-Mitchell, presided over the testimony Tuesday.

"This has been a long hearing. I wanted to make sure everyone was heard. I think we did that," Vehle said.

# Denver sweeps USD, Kritenbrink passes milestone

Three Denver Pioneers recorded 10 kills to push past the University of South Dakota volleyball team 25-21, 25-18, 25-19 on Saturday night in Hamilton Gymnasium.

Sarah Schmid, Nola Basey and Moni Corrujedo all recorded 10 kills while Brea Muhle added nine kills for the Pioneers (14-11, 8-4). Kate Acker led Denver in digs with eight and Tori Moons had 37 assists.

USD (18-10, 9-3) was led by Kendall Kritenbrink, who recorded 17 kills and

moved into fourth on USD's all-time kills list with 1,338 for her career. She passed Kristen Miller (2002-05) for fifth at 1,324 and Lindsey Soukup for fourth at 1,331.

Kritenbrink also led USD in digs with 10 for her 13th double-double of the season.

Outside of Kritenbrink, Tori Kroll tallied 34 assists, Natalie Walseth added seven kills and Audrey Reeg had six digs.

USD led just once in the match, taking a 12-11 lead in the third set

off a setting error. The Coyotes had 10 service errors while Denver recorded 7 service aces and were outkilled 44-39.

South Dakota is still tied for first in the Summit League standings after IUPUI was swept by Fort Wayne on Saturday.

Denver is one game back while Fort Wayne is two games behind the lead.

The Coyotes will play at Omaha on Friday at 7 p.m.

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