

Dear Governor Gianforte:

We urge you to delay or stop the passage of SB199 from becoming law in its current form. We understand you can accomplish this through a veto or an amendatory veto and exhort you to take such action.

As offered to you for signature SB199, the “Montana Local Food Choice Act”, ignores and overrides existing state laws and federal regulations designed to protect Montana consumers from unsafe food, including labeling for ingredients and common allergens. This absence of regulation will put Montana consumers’ health at risk and harm Montana’s burgeoning local food economy by eroding consumer confidence in local/cottage food businesses and venues.

Montana already has an effective home food production law for products sold directly to consumers, the MCA 50-50-101-403 Statue for Retail Food, Temporary Event Permitting, and Cottage Foods, known as Montana’s Cottage Food Law. The MT Legislature signed Montana Food Policy Modernization Act into law in 2015 with unanimous bipartisan support. We believe the unanimous support was because the bill presented had been vetted through a two-year public process that brought consensus and support from food safety agencies, consumers and potential cottage food producers.

Montana cottage food operators submit recipes to DPHHS and label all products, two actions that provide critical transparency for building consumer confidence. Allowable cottage food products must be non-potentially hazardous and [not contain dietary supplements](#). DPHHS has authority to allow products on a case-by-case basis and is currently working to expand the [list of allowable foods](#) through rule-making.

Today, over 300 Montanans operate cottage food businesses, producing more than 6,000 food products from their home kitchens that are sold directly to consumers without a food license. With growing consumer confidence in cottage food products, Montana’s local food business sector is expanding and improving Montana’s local economy.

SB199 threatens this success. **The bill presented to you has not been vetted by food safety agencies or a public process and allows for the sale of any type of food made at home, in any quantity, without regulation.** This includes food items that are particularly susceptible to bacterial contamination. There is no labeling requirement to inform consumers of common allergen ingredients, nor of regulated additives. Of notable concern is the permissibility under SB199 for unlicensed catering events and even the sale of prepared and frozen foods of any quantity without adequate cooking, hot holding, and cooling capacity for safe service. When consumers are inevitably hurt by unregulated contaminated food under SB 199, consumers will lose all confidence. **Loss of consumer confidence signals the death of Montana’s local food industry, its local food economies, and our statewide food security.**

We understand a strong interest driving the bill’s introduction is the desire to sell raw milk, a potentially hazardous product. We believe the wisest course of action is to explore another means for including raw milk, and continue to work in collaboration with DPHHS, cottage food operators, and consumers to expand allowable products within the existing cottage food program, rather than eliminate all regulation.

Please protect Montana consumers and our economy and stop SB 199 from becoming law.

Sincerely,



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