



November 12, 2013

Honorable Governor Steve Bullock
PO Box 200801
Helena, MT 59620-0801

Re: Board of Livestock – “Sell-By” Dating for Milk
Administrative Rule: 32.8.202/32.8.203

Dear Governor Bullock,

We are writing to express our concern regarding the above referenced administrative rule for the selling of milk in Montana. This particular rule has been the subject of much controversy for the last several years including legal challenges resulting in a state agency hearing conducted in 2011 by Helena lawyer, John Sullivan. At the conclusion of the three-day hearing, Mr. Sullivan recommended that the rule be repealed. His decision is attached.

The Board of Livestock refused to repeal or revise the rule and was subsequently sued by Core-Mark International Inc., a food distributor serving convenience stores and independent grocery stores. In August of this year, District Judge Mike Menahan ruled in favor of the Board of Livestock; we believe his decision was misguided. Core Mark has since appealed to the Supreme Court.


Our purpose in bringing this to your attention is to implore you as Governor to review this issue and encourage the Department to revise or repeal Administrative Rule: 32.8.202. Montana consumers are being negatively affected by the restrictions the rule places on sellers of milk both in choices of product, and competitive pricing. The rule affects our members negatively by limiting product they can offer their customers at competitive prices, often resulting in huge waste of perfectly good milk. Please keep in mind, in smaller communities the convenience store or small independent grocery store is the public's only access to certain food products.

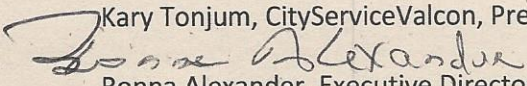
Montana's "Sell-By" milk dating is now gaining national attention; we believe we are the only state that still endorses such archaic thinking. Attached you will find an article from the Natural Resources Defense Council speaking about "The Dating Game" they conducted examining dating on our food. You may be interested in a study recently conducted by the Harvard Food & Law Policy Clinic that shows a 45% food waste in this country due to "freshness" expiration dates. It proves the average consumer is unaware, uninformed and confused about the difference in food safety and prime freshness.

Without going into more detail in this correspondence, there is much information to be obtained regarding the Montana "Sell-By" milk dating. We would be happy to assist in providing that and, willing

to meet with your office to discuss further. Also attached for your convenience is a copy of the rules and several newspaper articles written about Montana milk labeling.

Thank you for the opportunity to make these comments. Please do not hesitate to call on us if we can be of further assistance.


Kary Tonjum, CityServiceValcon, President


Ronna Alexander, Executive Director

cc: BOD