



NEW YORK STATE SENATOR

Darrel J. Aubertine

## Aubertine Legislation Protects Rights of Dairy Farmers

DARREL J. AUBERTINE June 9, 2010

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Legislation would protect farmers' ability to market milk from coercion, conspiracy by milk dealers

ALBANY (June 9, 2010)—State Senate Agriculture Committee Chair Darrel J. Aubertine has introduced legislation to establish a “Bill of Rights” for New York’s dairy farmers. The legislation is intended to protect a dairy farmer’s right to join or remain in an association of producers, or operate independently, against unfair business practices by milk dealers.

“Dairy is the backbone of an agriculture industry that supports hundreds of thousands of jobs statewide,” Sen. Aubertine said. “Our farmers need to know their rights and be protected from actions that are already illegal in any other line of business. When you hear words like coercion, bribery and conspiracy, you expect there to be protection under the law for our farmers. Yet, this is what dairy farmers too often face if they try to find a better price for their product.”

The Senator’s legislation (S.8085) would build on the federal Agriculture Fair Practices Act, expanding and further defining the limits of a business relationship between a milk dealer and a farmer making it specifically unlawful to engage in coercions, breach of contract, bribery, refusal to deal, falsehood and conspiracy against the farmer. It also expands the list of those who could be considered guilty of violating the law to include any agent or employee, rather than just “officer or manager” as is now law.

Most importantly, it raises the penalty against the milk dealer who engages in these practices of coercion, breach of contract, bribery, refusal to deal, falsehood and conspiracy from an insignificant \$100 to the more substantial \$10,000.

“Farmers can’t store raw milk for weeks or even a few extra days to hold out for a better price,” Sen. Aubertine said. “They are already at a competitive disadvantage in selling their milk. These all too common practices can be devastating for the farmer. Our farmers deserve the right to market their milk independently or through a co-op or even create their own association. This legislation clearly defines and prohibits practices that violate this right and increases the fines to a level where they actually mean something.”

The Dairy Farmers’ Bill of Rights was approved unanimously by the Senate Agriculture Committee on June 8 and has been reported and committed to the Senate Codes Committee.