

# TELL CONGRESS: ONE SIZE DOES NOT FIT ALL WHEN CONSIDERING FOOD SAFETY BILLS

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**Local foods businesses are not the same as animal factories or mega-farms that sell products into industrial scale national and international markets.**

## **S.510 – FDA FOOD SAFETY MODERNIZATION ACT**

**Lead Sponsor: Senator Dick Durbin**

The U.S. Senate is working on S.510, the FDA Food Safety Modernization Act. It's an attempt to address the worst problems in U.S. agriculture, but as it stands the bill threatens to undermine the best things in U.S. agriculture – small farmers producing for local markets. S.510 is a well-meaning attempt to address the genuine problems of contamination from food-borne pathogens and complications in prevention and intervention caused by large, industrialized food distribution systems. All of the well-publicized incidents of contamination in recent years – spinach, peppers, peanuts, hamburger – occurred in industrialized food supply chains that span national and even international boundaries.

Food safety is a priority shared by all. It is not compromised by the growing trend toward healthy, fresh, locally sourced vegetables, meats, fruits, and small processing firms reinvigorating local food systems. The following priorities need to be incorporated to make food safety and healthy local food systems complementary. Local food systems are inherently safer and traceable.

## **S.510 DIRECTS FDA TO WRITE RULES GOVERNING SMALL FARMS PRODUCING FOR DIRECT SALES TO CONSUMERS. WORC WANTS TO REMOVE THEM FROM THIS BILL!**

S.510 seeks to address the incidence of pathogens in raw agricultural commodities that are commingled and shipped through warehouses and lengthy distribution chains. Direct market farms are inherently transparent and accountable to their customers and to the public.

It is over reaching to apply federal rules to small direct market farms selling only to local markets. This unnecessary red tape will jeopardize small farmers you buy from in farmers markets. **ASK YOUR SENATOR TO SUPPORT THIS AMENDMENT!**

## **FDA OVERSIGHT OF SMALL, LOCAL FOOD**

### **PROCESSORS IS OVERREACHING AND UNNECESSARY**

The size and extent of industrial processing (including multiple sourcing, etc.) should determine the level of inspection, record keeping, and traceability requirements mandated and overseen by the federal government. Small local processors selling into local markets do not need federal oversight appropriate for large, industrial, multi-sourced supply chains. State and local public health and sanitation laws and authorities are sufficient for these small processing facilities.



## HACCP UNDERMINED LOCAL AND REGIONAL MEAT PACKERS WHILE FAILING TO INCREASE INSPECTIONS

S.510 applies a complex and burdensome Hazard Analysis and Critical Control Point (HACCP) system to even the smallest local processors, without any definition or threshold that would connect this onerous paperwork and record-keeping to the size, scale and the extent of distribution of the facility. HACCP was instrumental in reducing the number of smaller regional and local meat packers, while failing to increase the number of independent, objective inspectors in giant meat slaughtering and packing facilities. Applying a HACCP system to newly emerging local foods facilities processing for local markets as well as to direct market farmers adding value to their products may undermine and extinguish these emerging small businesses attempting to bring fresh, local foods to the American table.

Under the Bioterrorism Act of 2002, all food facilities were required to register with the FDA, regardless of size and scope of product distribution. Thousands of small food businesses are now registered under this law. Now, S. 510 would superimpose a new and onerous burden on these facilities, many of which are very small and local.

This law will impact thousands of businesses in the WORC region, as follows:

Colorado – 2,284	Idaho – 1,157	Montana – 882	Oregon – 2,911
North Dakota – 1,005	South Dakota – 786	Wyoming – 392	

**WORC is proposing language that would remove small, direct market food facilities from this bill, so that new, local businesses processing local foods might flourish. ASK YOUR SENATOR TO SUPPORT THIS AMENDMENT.**

## THE GOOD, THE BAD AND THE UGLY

On July 30, the House passed by a wide margin its bill addressing food safety, the Food Safety Enhancement Act (HR 2749).

- ✓ **The Good:** The House attempted to clarify that “retail food establishments” are not subject to the extensive and burdensome regulations applied to all other food “facilities.” WORC’s proposed amendment to the Senate bill does this in a way that clearly includes farms adding value and selling direct to consumers, institutions or restaurants.
- ✓ **The Bad:** The House bill authorizes the FDA to establish rules over small direct market farmers, setting federal standards for growing and harvesting some types of produce, such as leafy greens.
- ✓ **The Ugly:** The House bill puts local facilities processing local foods for local markets under the same regulatory regime and registration fees as the major industrialized agribusinesses, like Dole or Del Monte. It also levies a \$500 annual registration fee on all facilities no matter how small.

## TAKE ACTION

- ✓ Contact your Senator and tell them your concerns about pending food safety legislation!
- ✓ Visit WORC’s website for more information or call Margie MacDonald, WORC’s Regional Organizer, at 406.252.9672 or [mmacdonald@worc.org](mailto:mmacdonald@worc.org).