

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

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: Sen. 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.

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. S.510 permits delegating some oversight responsibilities to the states. There should be a clear threshold where state and local public health and sanitation laws and authorities are sufficient.

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.

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S.510 COULD APPLY A SET OF FEDERAL GUIDELINES FOR GROWING AND HARVESTING OF PRODUCE TO DIRECT MARKET FARMERS

S.510 contemplates delegating enforcement of new federal rules governing farming and harvesting to state and local agencies, who will be implementing federal guidelines governing such things as animal exposure and soil amendments for certain commodities. It is over reaching to apply such federal guidelines to small direct market farmers selling only for local markets who are inherently transparent and accountable to their customers. Such rules also jeopardize the small diversified organic farms that produce animals and crops in complementary systems.

Additionally, care should be taken not to duplicate systems. Products that are already certified under other rigorous certification standards (e.g. organically certified, etc.) should be exempted.

SMALL HOME-BASED AND FARM-BASED LOCAL PROCESSING

In the final bill passed by the House (HR 2749) cottage processing was exempted from federal registration, fees and paperwork, so long as more than half of the finished products were being sold retail—directly to the customers (see “retail food establishments” in Sec. 101). Farms processing and adding value to their own produce were also exempted. S.510 has no such exemption.

IMPORTS NEED SUFFICIENT SCRUTINY TO ENSURE PUBLIC HEALTH IS NOT AT RISK

Increased scrutiny, inspection and enforcement of the safety of food imports is a good idea to protect public health. There needs to be a level playing field between U.S. farmers and global competitors. Despite sections in the bill that call for inspection of imports, free trade agreements, such as the North American Free Trade Agreement (NAFTA), may significantly restrict U.S. ability to oversee agricultural products coming in from trade partners whose standards and systems of inspection may be grossly inferior. S.510 attempts to tackle this complex problem and attempts to establish inspection of foreign facilities.

“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 added a definition for “retail food establishments” that allows for some cottage level processing without invoking FDA oversight and regulation. Over 50% of the product must be sold at retail to qualify. The amendments also inserted some exemptions in the registration and record-keeping sections of the bill for direct market farmers.
- ✓ **The Bad:** It continues to indicate there will be FDA standards set for growing and harvesting some types of produce, such as leafy greens, even for small, direct market farmers.
- ✓ **The Ugly:** The 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.

TAKE ACTION

- ✓ Contact your Congressman or 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.