

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.

H.R. 2749 – Food Safety Enhancement Act of 2009

Lead Sponsor: Rep. John Dingell

The House of Representatives is working on H.R. 2749, the Food Safety Enhancement Act of 2009. 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. H.R. 2749 is a well-meaning attempt to address the genuine problems of contamination from foodborne 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.

Record keeping should not strangle small producers selling into local markets

- Record keeping and traceability are essential in long industrialized supply chains. For direct market produce growers, elaborate reporting and record keeping requirements, including mandatory electronic filing, do not make sense, as the buyer knows where the food comes from. For sales to local retailers and restaurants, records should be kept to a minimum, and should be flexible – on file on paper or electronically.
- Under the legislation, FDA will develop rules for record-keeping. The bill should add language to ensure that direct market produce growers be consulted and included as a unique category of business in the rulemaking process.

Registration and fee structures should recognize small home-based and farm-based local processing

- Farms that sell directly to the consumer or to a retail outlet or restaurant are exempt from registering with the FDA. However, if a farm makes jams and sells them it would need to register with the FDA and pay a \$500 annual fee, same as food giants like Del Monte.

FDA oversight of small, local food processors is overreaching and unnecessary

- The size and extent of industrial processing (including multiple sourcing, etc.) should play a significant role in determining the

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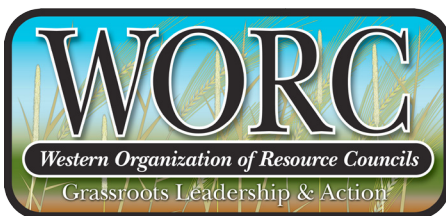
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level of inspection, record keeping, and traceability requirements mandated and overseen by the federal government. Small local processors selling into local markets do not need federal oversight appropriate for large, industrial, multi-sourced supply chains. The legislation 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.

- All facilities subject to registration under the Act, including those only engaged in intrastate commerce, are subject to federal inspection. The large recalls during the last several years have all involved facilities that shipped interstate. The Act should set a jurisdictional threshold based on scale and extent of distribution. Since foodsheds often span a state-line, these may be most appropriately defined as a mileage radius.
- Any facilities that process raw products of animal origins – mobile processors or small meat packing plants for local markets - would be defined as high risk facilities and subject to frequent federal inspections.

HACCP undermined local and regional meat packers while failing to increase inspections and safety of large industrial meat processors

- For meat processors, the Hazard Analysis and Critical Control Point (HACCP) system adopted by the U.S. Department of Agriculture in the 1990's effectively reduced the number of small regional packers by creating a maze of paperwork and red tape that many were unable to manage, while failing to reduce the increasing incidence of food borne pathogens in the large industrialized meat packers. The HACCP system all but eliminated the number of independent inspections of the large industrial slaughterhouses. It is critical that Congress not replicate the ineffective systems that failed in the meat industry.
- H.R. 2749 extends HACCP type models to produce, with potentially disastrous consequences for small producers.

Imports need sufficient scrutiny to ensure public health is not at risk

- Increased scrutiny, inspection and enforcement of 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. H.R. 2749 adds some labeling and inspections of imports, but it needs to be stronger to protect public health. Free trade agreements, such as the North American Free Trade Agreement (NAFTA), give carte blanche to agricultural products coming in from trade partners whose standards and systems of inspection may be grossly inferior. H.R. 2749 needs to go further to study imported foods and ensure they are held to the same standards as U.S. products.

FDA will establish standards for safe growing, harvesting, packing, sorting, transporting and holding of raw agricultural commodities

- It is over-reaching to establish federal farming standards for produce that is not going into interstate commerce.
- 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.

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.