

# Protecting Local Farms

by Lynn Byczynski  
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The Food Project, MA, harvests its greens early in the morning and brings them to the farmers market that same day.

PHOTO ESSAY: The Food Project

When the spinach contamination epidemic was happening in the fall of 2006, and supermarkets were pulling spinach from their shelves under order from the FDA, many local produce growers experienced a sharp increase in sales. Customers didn't stop eating spinach and other leafy greens—instead, many went to their farmers' market to buy local.

"I was guessing it was going to really hurt us, but it was the complete opposite," said Pete Johnson of Pete's Greens in Craftsbury, Vermont, one of many growers who reported their sales went up or held steady during the E. coli scare. "People used it as a reason to not buy the California stuff. We sold double the usual amount of spinach for a couple of weeks there."

As the local food trend has gained momentum in recent years, it has become apparent that consumers want local food not just because it's fresher and tastes better, but because they believe it's safer and more wholesome than industrial food.

And so it is ironic and disturbing to know that the federal government's current push to improve food safety could threaten the viability of America's small farms. Farmers are in danger of being overwhelmed by recordkeeping, fees, inspections, and infrastructure requirements—unless Congress, the USDA, and the FDA pay attention to the least powerful (though most popular) members of our agriculture community: local farmers.

## What's pending

Right now, food safety legislation and regulation are whirling around Washington. Here are the big three initiatives that are occurring simultaneously:

1. In Congress, the House passed HR 2749, the Food Safety Enhancement Act of 2009. This legislation gives the

FDA much broader powers to inspect and regulate food facilities, including farms. The Senate is expected to take up its version of the bill this fall.

2. The Food and Drug Administration has released draft “guidances” for growing and handling tomatoes, leafy greens, and melons to prevent microbial contamination. The FDA says its documents represent the agency's current thinking on a topic, and are not binding. However, FDA Commissioner Margaret A. Hamburg said the guidances "will be followed within two years by enforceable standards for fresh produce."

3. The USDA has scheduled hearings on a national Leafy Greens Marketing Agreement, which would establish strict national standards for growing and handling about 20 vegetables and herbs, including arugula, cabbage, chard, cilantro, endive, escarole, kale, lettuce, parsley, raddichio, salad mix, and spinach. Although the standards are technically "voluntary," any grower who wants to sell wholesale is likely to have to comply with them.

All of this activity has occurred during the current growing season, when farmers are busy harvesting and selling. Many have no idea what is coming at them, and won't have time to assess the proposals until winter. But small-farm advocacy groups are alarmed about the direction of these food safety initiatives.

### Small vs. industrial scale



A customer eagerly picks up bunches of carrots at a farmers market.

Photo by John Wang for The Food Project  
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The first problem is that these regulations sweep small, direct-market farms into the same category as industrial food processors like Dole Foods. Visualize the typical small farm, where a farmer cuts salad mix with scissors and carries it in a basket to her packing shed to wash and box up for the next morning's farmers' market, after taking a bag to the house for her family's dinner. Then think about California's vast acreages of lettuce—harvested by machines, trucked to a factory for washing, cutting, and packaging, put on another truck and shipped to a warehouse, then to a supermarket, where it sits on a shelf until the expiration date arrives.

The small farmer would argue that her salad mix is not even the same product as the bagged supermarket stuff, known in the industry as “fresh cut.” Production at such a large, industrial scale introduces risks that aren't present at the local level, such as contaminants introduced by machinery and packaging, or the increased risk of cross-contamination when produce comes from multiple farms. Yet the Leafy Greens Marketing Agreement calls for burdensome regulation of all leafy greens, wherever they are grown and whether or not they are processed.

### Regulatory burdens

The second big problem with the regulatory approaches to food safety is that they don't accommodate differences in scale. They require a significant amount of recordkeeping for all growers and handlers, a burden that will make life harder for already overworked and underpaid vegetable farmers. Small, diversified growers may have dozens of crops in the field each year, many of them only a few hundred plants, but they would be required to conduct the same intensive recordkeeping as the corporation with hundreds of acres of a single crop.

The federal legislation, as passed by the House, exempts direct-market farmers who sell fresh produce. But if those farmers process their produce into a value-added product such as jams, salsas, or soup mixes, and sell more than 50 percent of their products wholesale, they will be required to pay the same fees and maintain the same records as, say, a potato chip factory. That provision is troubling to the National Sustainable Agriculture Coalition, which says it's unfair to charge a farm with \$1,000 in value-added sales the same fees as one with \$100 million in sales. Furthermore, small farms have to stay flexible about where they sell products, seizing whatever opportunities are open to them. The amount of produce they sell wholesale may fluctuate from one year to the next, creating a headache for both farmers and regulators.

One of the most troubling aspects of the food safety initiative is the frequent mention of keeping wildlife out of farm fields. In California, where growers are already required to meet the terms of that state's leafy greens marketing agreement, environmentalists are complaining that farmers are plowing grassed waterways and bulldozing riparian areas in an effort to deprive wildlife of habitat near their fields. They are erecting enormous fences to keep wildlife out of fields. Even if sustainable farmers agreed with this approach—and few do—it would be extremely expensive to keep wildlife out of production fields.

Growers are also apprehensive about testing requirements proposed by the various food safety regulations. Water, produce, maybe even seeds and soil amendments would have to be constantly tested for the presence of pathogenic microorganisms.

Growers in California have said that it costs them an average of \$18,000 a year to comply with the state's leafy greens marketing agreement. Needless to say, that's beyond the means of most small-scale farmers.

## A better solution



Two youth in the Food Project's summer program (Will and Jacob) making sure each bunch of greens is cleaned and prepped for the market.

Photo by John Wang for The Food Project  
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No one is more concerned about food safety than local farmers. They are not selling to some distant, faceless public but to people they know—their customers come to their farmers' market booth every week, or pick up a regular share of food at their farm. Farmers who sell to restaurants are likely to have their names on the menu. And, for the most part, small farmers eat the food they raise on the land where they live. Direct market farmers have a personal connection to their customers and a powerful incentive to make sure their food is clean and safe.

In fact, spending time and money complying with regulations designed for much larger growers makes it harder for small farms to focus on what they do best: maintaining a strong connection to their land, their produce, and their customers. Growers groups across the country are developing training and certification programs in Good Agricultural Practices—the same concepts that are used by corporate farms, but scaled down to be useful to small farms.

By supporting programs like these, the USDA and FDA are in a position to create a win-win situation for small farms and food safety. Small growers and beginning growers need to know the latest, research-based information about food safety and how to apply it to their own farms. Rather than asking small farmers to shoulder a disproportionate share of the costs of industrial-scale programs, the federal government should increase funding to programs that will make sure every farmer has access to the information and tools that will keep food safe and maintain the momentum of the local food movement.



Lynn Byczynski wrote this article for YES! Magazine. Lynn is editor of Growing for Market, a national magazine for local food producers. She has been market farming since 1988.

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