



Farmers Market Coalition | Food Safety Position Statement November 2009

In the last several months, much warranted attention has been given to food safety, both in Congress and the public sphere. HR 2749, [The Food Safety Enhancement Act of 2009](#), passed by a large margin by the House in July. The Senate is now working on its version of the bill, S 510: [The Food Safety Modernization Act](#). Both of these bills require the Secretary of Health and Human Services to update the 1998 FDA Good Agricultural Practices (GAPs), and create new Federal Food, Drug, & Cosmetic Act (FFDCA) on-farm produce safety standards.

Legislation intended to solve problems with large food processing and distribution systems will have unintended consequences for local/regional food systems. Under current proposed legislation, small farmers will disproportionately bear the expense of the new laws.

Congress must focus the regulation on sectors of the food system with the greatest risk, remove the financial burden of the legislation from small direct-to-consumer producers, and make its food safety standards compatible with conservation practices, direct marketing, and organic farming.

In revising food safety legislation, FMC urges Congress to:

1. Require USDA/FDA to focus regulation on those sectors of the food system with the greatest risk profile, using evidence-based research and assessments developed by the CDC in cooperation with agricultural experts from Cooperative Extension.
2. Exempt from traceability requirements for farmers who sell their own fresh fruits and vegetables directly to consumers and limit traceability requirements for farmers who sell directly to restaurants and grocery stores to basic farm-gate 'one up, one down' record-keeping of sales and purchases.
3. Exempt from registration farms that would otherwise qualify as 'facilities' but who market at least 50% (in gross sales) directly to consumers, restaurants, or grocery stores. Such farms will be provided access to USDA and FDA funded training food safety training and education programs to assist farms develop food safety plans.
4. Direct FDA to narrow the kinds of farm activities subject to FDA control and to base those regulations on sound risk analysis. Current FDA rules assume, without any scientific evidence or risk analysis, that all farms which undertake any one of a long list of processing, labeling or packaging activities should be regulated.
5. Be consistent with conservation and environmental practice standards established by the USDA Natural Resource Conservation Service, promoting diverse cropping systems which mitigate the spread of pathogens. Require that all USDA and FDA practices and regulations be coordinated and consistent, as farmers cannot be forced to choose between irreconcilable directives from different agencies.

6. Keep Good Agricultural Practices (GAPs) voluntary, not mandatory, for direct-marketing producers, and provide practical, affordable GAPs certification options.
7. Ensure that local food safety educators and enforcers are adequately and consistently trained about how regulations do or do not apply to farmers markets.
8. Provide training and technical assistance for farmers and food facilities that fit the definition of a small business, to help them develop realistic site-specific plans to minimize microbial risks. The [Growing Safe Food Act \(S. 2758\)](#), recently proposed by Senator Debbie Stabenow (D-MI), would provide just such training, outreach, and technical assistance through USDA's NIFA.
9. Ensure that marketing agreements and orders are not used to regulate food safety.

No one—not the government, not cooks in their kitchens, not farmers, nor consumers themselves — can eliminate risk entirely from the food system. Minimizing risk is a shared responsibility, the most important feature of which is trust. Localized food systems, the keystones of which are farmers markets, are built upon actual face-to-face relationships and transparency, engendering trust and widening the flow of information between producer and consumer. These direct transactions minimize the number of links in the food chain, decreasing the number of entry points for contamination.

Can it be assumed that the risk mitigation mechanisms inherent in direct sales are enough to ensure food safety? Not necessarily. Farmers must understand all the areas throughout production, harvesting, and handling that may be vulnerable to microbial or chemical contamination, and take steps to minimize these vulnerabilities. FMC encourages farmers to develop simple and concise food safety plans outlining the practices in place in the field, in the packing shed, and at the market stand to minimize the likelihood of contamination.

The [National Good Agricultural Practices Program](#) is a good place to start, but state departments of health, departments of agriculture, and cooperative extension all have a role to play in helping translate sometimes esoteric microbial food safety lingo into simple, scale-sensitive, and site-specific checklists for diversified direct-marketing farms. At the point of sale, farmers can further “walk the walk” of traceability and trust by clearly displaying their business name and contact information at the point of sale.

In addition, FMC encourages farmers markets to develop and put in place guidelines for food sampling, cooking demonstrations, hand washing amenities, and live animals. Proactive measures to prevent contamination at the farm and market levels are good business, and help ensure the viability of farmers markets for generations to come.

Additional Resources:

[FMC's Resource Library](#), which contains several resources on [food safety at farmers markets](#), including recommendations for food storage, handling, and sampling.

FMC's [Information Marketplace](#) webinar series, featuring “Food Safety First” on August 18th, 2009. Visit www.farmersmarketcoalition.org/information-marketplace for details.

The Farmers Market Coalition is a 501(c)(3) dedicated to strengthening farmers markets for the benefit of farmers, consumers, and communities. Through education, networking, and advocacy, FMC helps build leadership and capacity in farmers markets and in the variety of organizations that support them.

