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Small farms exempt from new federal food safety regulations

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SOUTH DEERFIELD - President Obama's signing of legislation last week aimed at protecting the nation's food supply is being seen locally as a victory for small-scale farming, which would be granted exemptions from a sweeping expansion of Food and Drug Administration authority.

The Food Safety Modernization Act would protect consumers by requiring more frequent inspections of food facilities, giving the agency authority to order recalls of potentially contaminated food, set standards for produce safety and require food manufacturers to have plans to prevent contaminated food from reaching consumers. It would also set standards for imported food, to prevent producers' dumping unsafe food in this country.

Farming advocates around the region, including Community Involved in Sustaining Agriculture and the New England Farmers Union, worked to exempt smaller farms like those in the Pioneer Valley from the bill's requirements.

The amendment exempts farmers who sell more than half of their product to consumers at the farm, a farm stand or farmers markets. Those farmers don't have to register with FDA. The law provides a less costly safety control alternative for farmers who sell more than half their products directly to consumers, stores or restaurants, and have under \$500,000 in gross sales, and sell to consumers, stores, or restaurants within 275 miles.

Supporters of the amendment said the original legislation would have been burdensome to small farms and bankrupt those that don't have the means to comply with its new standards.

"The Tester Amendment goes a long way toward recognizing that the real problems in food safety come from industrial agriculture, and from industrial food systems - essentially, food that goes through a lot of steps between field and table," said Winton Pitcoff, assistant director of Shelburne Falls-based New England Farmers Union. "We're pleased that got attached at the end."

But given the Republican-controlled Congress' belt-tightening stance and the estimated \$1.4 billion price tag of implementing the new provisions, Pitcoff said, the jury is still out on what will happen during the appropriations and FDA rulemaking processes. "We're watchful and somewhat wary," he said. "We will be very active during the rulemaking phase to make sure the FDA stays true to what Sen. Tester was trying to do. This is where farmers really have to be engaged."

For example, FDA was given mandatory recall authority, with no exemptions for small farmers, so the specifics will be spelled out during the rulemaking phase. And maple syrup producers - whom Pitcoff deals with as Massachusetts Maple Producers Association - could be saddled with additional paperwork, safety plans and fees, if they sell in bulk or sell their products elsewhere around the country, depending on what the rulemaking spells out.

"Will producers have to keep track of every quart of syrup? Will they have to prove that every jug is sold within 275 miles?" he asked.

Sen. Dick Durbin, D-Ill., who helped draft the original legislation after the 1993 death of a 6-year-old boy who died after eating a hamburger contaminated with bacteria, said in a statement, "We've seen major recalls of peanut butter spiked with salmonella, spinach laced with E. coli and chili loaded with botulism. These are not isolated incidents. They are the result of an outdated, under-funded and overwhelmed food safety system."

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